

8th Asian Regional Human Rights Defenders Forum

Bali Declaration 26-28 September 2018

We, 152 human rights defenders (HRDs)¹ from 26 countries across Asia and beyond, participating in the 8th Asian Regional Human Rights Defenders Forum held in Bali, Indonesia from 26-28 September 2018, adopt this declaration:

Asserting our identity as HRDs, and our indispensable role in the consolidation and promotion of democracy as well as in protection of vital resources such as land and environment based on the foundation of the rule of law and internationally recognised human rights standards;;

Standing in solidarity with all HRDs at risk and their family members, as well as the HRDs who have lost their lives in asserting their own as well as others' human rights;

Reaffirming our commitment to work for the realisation of the human rights for all peoples and to attain justice for all those that have had their human rights violated;

Recognising the contribution of the mandate of the UN Special Rapporteur on the situation of human rights defenders, other UN Special Procedure Mandate Holders, and other national, regional and international movements and processes in legitimising and protecting the work of HRDs;

Appreciating recommendations from reports of previous UN Special Rapporteur on the situation of HRDs as well as resolutions and commitments made at previous Asian Regional Human Rights Defenders Forums;

Expressing concern that HRDs in Asia continue to face threats and challenges, including, but not limited to: killings; enforced disappearances; torture and degrading treatment; arbitrary arrests and detention; gender, sexual and other identity-based violence; surveillance; administrative and judicial harassment and criminalisation; forced-displacement; travel bans and other forms of restriction of movement; cancellation of registration licenses; funding restrictions; smear campaigns and the labeling of HRDs as traitors, foreign agents, terrorists or enemies of states; online, psychosocial and other kinds of harassment; and that the civic space for HRDs to safely operate is increasingly and actively shrinking and, in some contexts, being closed;

Alarmed at the increasing trend of the enforcement of repressive laws and acts aimed at delegitimising, restricting, and attacking the work of HRDs, non-governmental and community organizations, as well as media workers;

Noting that, despite some positive developments in some Asian countries, governments, judiciaries,

¹ According to the United Nations Office of the High Commissioner for Human Rights: "[...] human rights defenders can be any person or group of persons working to promote human rights, ranging from intergovernmental organizations based in the world's largest cities to individuals working within their local communities. Defenders can be of any gender, of varying ages, from any part of the world and from all sorts of professional or other backgrounds. In particular, it is important to note that human rights defenders are not only found within NGOs and intergovernmental organizations but might also, in some instances, be government officials, civil servants or members of the private sector." "[...] common to most defenders are a commitment to helping others, a commitment to international human rights standards, a belief in equality and in non-discrimination, determination and, in many instances, tremendous courage." Special attention should be given to vulnerable groups of defenders such as WHRDs, LGBTIQ defenders, land and environment defenders as well as minority rights defenders.

National Human Rights Institutions and other state institutions in many other countries are still failing to protect HRDs by denying or delaying interventions due to a lack of mandate, power and political will; or due to harassments against them for defending human rights;

Concerned about increase in human rights violations against HRDs – the nature of these violations being gross and extreme – perpetrated by non-state actors including, but not limited to, businesses entities and extremist groups;

Worried about the pervasive culture of impunity within state and non-state agencies, and the resultant lack of accountability in the way these agencies respond to the work of HRDs;

Extremely troubled by the lack of political will by states to set up effective protection mechanisms for HRDs and their family members, as well as other monitoring mechanisms to ensure states' compliance to international human rights obligations;

Noting with concern the on-going human rights violations throughout Asia, despite the year 2018 marking the 70th anniversary of the Universal Declaration of Human Rights, the 25th anniversary of the Vienna Declaration, the 25th anniversary of the Paris Principles and the 20th anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (the Declaration on Human Rights Defenders); and,

Committed to the establishment and strengthening of local, national, and regional level network of HRDs to consolidate and enhance protection measures as well as advocacy efforts by HRDs;

We call on Governments to:

- a) Respect their obligations under international human rights treaties and standards, particularly the UN Declaration on Human Rights Defenders, by respecting fully the freedoms of all people working to defend human rights;
- b) Ensure that laws comply with international human rights standards, and that there is public participation in national legislations processes;
- c) Repeal all repressive laws and legal provisions that criminalise and restrict the work of HRDs;
- d) Undertake measures to: prevent HRDs from being harmed by creating an enabling environment for them to carry out their legitimate work; protect HRDs from harm by, for instance, creating national legal framework for protection of HRD; and provide HRDs with effective remedies when they are at risk or their rights are violated;
- e) Investigate human rights abuses and violation against HRDs, particularly against those most vulnerable, and hold perpetrators accountable for their actions;
- f) Ensure that state, (in particular law enforcement agencies), and non-state actors (such as national and transnational companies, International Financial Institutions (IFIs), armed groups, religious and other extremist groups) are held fully accountable for human rights violations and abuses they have committed individually or in cooperation with one another, and that the victims of violence have access to redress and justice;
- g) Immediately release all arbitrarily and unlawfully detained HRDs, and provide access to justice for them;
- h) Ensure that judicial processes remain just, open, and transparent through judicial reform or policy reform, and ensure that the judiciary implements international human rights standards in conducting their work;
- i) Provide the public with access to information that informs them fully about their human rights, the rights of HRDs and the importance of their work;

- j) Welcome HRDs at risk from other countries and facilitate their stay, particularly through flexible visa regimes, financial support and through other initiatives by various cities and local governments;
- k) Issue invitations to the UN Special Rapporteur on the situation of HRDs, and standing invitation to Special Procedures Mandate Holders working closely with HRDs on the ground for country visits or facilitate academic visit in case of official visit is not possible;
- l) Respond promptly and substantively to all of the Special Rapporteur's communications and give due consideration to recommendations made in the Special Rapporteur's reports;
- m) Respect the independence of national human rights institutions and other national human rights bodies that work to protect human rights and HRDs, and ensure that they have adequate funding and resources to undertake their mandate as independent bodies.

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

- a) Review the existing communications system so that appeals and press releases about HRDs are disseminated efficiently and in a timely manner;
- b) Take all the necessary action to expand civil society organisations (CSOs) space within UN mechanisms and refrain from hindering CSOs to engage with UN mechanisms ;
- c) Ensure that UN resident coordinators and other UN country offices mainstream the protection of HRDs in their work and promote it within UN mechanisms;
- d) Improve co-ordination between the Security Council, UN Special Procedure Mandate Holders, and other UN agencies to better address the situation of HRDs on the ground.

We call on all NHRIs in Asia to:

- a) Put in place specific mechanisms for the protection of human rights HRDs at risk through, among others: 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 the submission of complaints to regional and/or international human rights bodies;
- b) Actively consider reviewing, or where necessary strengthening, their protection mandates to ensure they remain independent and in full compliance with the United Nations Paris Principles;
- c) Proactively implement all recommendations contained in the Annual Report of Secretary General to the General Assembly, UN Doc A/HRC/27/39, in particular the recommendation *"to continue to develop, and advocate for the development of, protective measures and mechanisms for human rights defenders [...]"*;
- d) Collaborate and engage closely and regularly with CSOs in the promotion and protection of HRDs, by institutionalising CSOs engagement;
- e) Work co-operatively with the Asia Pacific Forum (APF) and other NHRIs within the region on the protection of HRDs.

We call on Parliaments in Asia to:

- a) Abide by international human rights norms and standards in conducting their functions of law-making, to enhance their contribution to the promotion and protection of human rights and HRDs more specifically;
- b) Proactively use their legislative power to enact legislation that protect the work of HRDs (e.g. HRD protection law, strategic lawsuit against public participation) as well as scrutinise bills and laws that are not consistent with international human rights laws and standards;
- c) Ratify and/or adopt all remaining international human rights treaties and conventions that are related to human rights and allocate the necessary resources to implement them.

We call on national and transnational corporations to:

- a) 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 by:
 - Respecting international human rights laws and standards, and refraining from causing and committing human rights violations, including abuses against HRDs who are fighting for justice against human rights violations committed by business and development projects, and who demand corporate accountability, especially women human rights defenders and Indigenous people’s (IP) defenders;
 - Constructively engaging with CSOs and HRDs in the negotiation of a binding treaty on TNCs together with states;
 - Providing mechanisms through which remedy can be sought by victims of human rights violations, including HRDs;
- b) Strictly refrain from engaging in any form of harassment against HRDs and constructively engage with them in preventing further violations such as online harassment, cyber-attack against HRDs in social media platforms particularly for women human rights defenders, LGBTI defenders and land rights and environmental defenders and minority rights defenders; and,
- c) Cease the use of private security agencies to harass and attack HRDs on the ground.

We call on donors and IFIs to:

- a) Increase support (e.g. funding resources, capacity building and technical support for HRD protection) to HRDs working on the ground particularly for women leaders and activists within land and environmental rights movements;
- b) Respect the independence, and the missions and visions of organisations and HRDs that are being funded;
- c) Support HRDs and their networks, including their family members, to establish and operate local and national protection mechanisms in compliance with international human rights standards;
- d) Provide transparency about the origin of funding provided to CSOs and HRDs;
- e) Cease funding projects that contribute to and/or commit violations of the human rights of all peoples, and of HRDs specifically;
- f) Ensure that funding to states are contingent on the human rights records of the recipient country, with special consideration of their treatment towards HRDs on the ground;
- g) Develop a deeper understanding of the hostile political climate around the world, and an openness and creativity to protect HRDs in such a climate;
- h) Ensure flexibility with their requirements towards CSOs and HRDs, and pursue a more creative approach to support them, and their demands.

We call on members of Association of Southeast Asian Nations (ASEAN) to:

- a) Review the ASEAN Intergovernmental Commission on Human Rights (AICHR)’s ToR as requested by the AICHR in the 49th AMM in 2016, as well as reiterated by the Minister of Foreign Affairs Malaysia statement in the 51st annual interface with the ASEAN Foreign Ministers' Meeting (AMM) in 2018. The review should include the adoption of the mandate for the creation and implementation of extensive human rights protection strategies and measures, based on the international human rights treaties and other instruments which include a protection mechanism for HRDs within the region;
- b) Urge AICHR to highlight the protection of HRDs as the key priority issue in the 2019-2020 work plan. Additionally, create a regional study, capacity building and workshop on the plethora of HRD protection aspects engaging various sectoral bodies, the three pillars of

ASEAN communities as well as stakeholders at the regional and national level in every ASEAN Member States (AMS)

- c) Encourage ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) to include the protection of WHRD and its relevant activities as part of the ACWC 2019-2020 implementation plan as a starting point to consider, and deliberate on the possibility of having a complaint mechanism similar to that existing at the international level under Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and Committee on the Rights of the Child (CRC) as part of ACWC function as stated in paragraph 5.12 of the Terms of Reference (ToR), to propose and promote appropriate measures, mechanisms and strategies for the prevention and elimination of all forms of violations of the rights of women and children, including the protection of victims.

We demand HRDs, CSOs and social movements in Asia to:

- a) Fully support, promote, strengthen, and protect each other at local, national, regional and international levels;
- b) Build holistic protection mechanisms at local, national, regional and international levels particularly for WHRDs and other vulnerable groups of HRDs;
- c) Fortify the networks between HRDs and CSOs at the local, national, regional and international levels in order to have solidarity with one another, and to have full cooperation and collaboration for the complementation of work;
- d) Ensure that the solidarity networks of HRDs and CSOs remain strong in Asia in order to combat against shrinking civic space, and build alliances with new stakeholders;
- e) Develop joint-learning activities and exchange between HRDs on human rights-related advocacy works and education including human rights education for the public;
- f) Safeguard our independence, impartiality, transparency and accountability within our organisations and to the people whom we serve, and strive for ethical behaviour when carrying human rights work;
- g) Continue to monitor, document and submit reports about human rights violations, recognising this to be integral for addressing on human rights violations;
- h) Raise awareness in the community level about human rights and HRDs by developing mechanisms to popularise the work of HRDs, ensuring their translation into local languages and disseminating them widely;
- i) Educate, and develop or strengthen engagement with sectors that serve as allies to the cause of human rights, such as politicians and parliamentarians;
- j) Develop internal accountability within CSOs and within the HRD movement to ensure proper use of funding and of human rights mechanisms;
- k) Recognise that HRDs can exist as refugees and migrant workers and that their status as a refugee or migrant worker should not disqualify them for recognition as HRDs.