

# Business and human rights defenders in Asia-Pacific

Human rights defenders (HRDs) across the globe are protecting our rights, natural resources and shared planet. Their work highlighting risks in company operations and supply chains and advocating for responsible business practices is vital to support a just transition to green economies and a more sustainable future for all. Human rights defenders in Asia-Pacific [investigate river pollution](#), [report on corruption and illegal mining](#), [advocate for workers' rights](#) and [protect forests](#) – to give just a few examples.

Despite this critical work, HRDs in Asia-Pacific often experience high levels of risk and [strong backlash by both State and non-State actors](#). They face myriad challenges, including the weaponisation of laws to prevent and silence their work such as [restrictive legislation](#) on NGO registration and laws limiting receipt of international funding; smear campaigns labelling them as anti-development, terrorists or communists as a means to discredit their human rights work; judicial harassment; death threats; and [killings](#).

Since the start of the COVID-19 pandemic, some governments in the region have [abused the crisis to further curtail civil rights](#) to participate in public decision-making and peaceful protests, imposing fines or imprisonment for breaches of emergency measures. State and non-State actors also used the pandemic to slash environmental and labour protections and fast-track approval of development projects, framing these as “essential” economic activities.

Since Myanmar’s military illegally seized power in February 2021 – overthrowing the democratically elected government – the country has seen a significant deterioration of civic freedoms, including heavy restrictions on freedom of association and increasing repression of HRDs. This has included [killings and arrests of garment workers](#) – who are mostly women – and trade union activists who have been on the front line of Myanmar’s Civil Disobedience Movement.

## State of attacks in Asia-Pacific

Since 2015, the Business & Human Rights Resource Centre (the Resource Centre) [tracked more than 4,100 attacks on HRDs raising concerns about business-related human rights abuses](#). As this tracking is based on publicly available information and many attacks go unreported, the problem is even more severe than these figures indicate.

During this seven-year period, Asia-Pacific and Latin America have consistently been the two most dangerous regions for HRDs focused on business, with Asia-Pacific slightly surpassing Latin America for the first time in 2021, with **247** attacks in that year alone. In 2021, the highest number of attacks globally occurred in **India (49)**, followed by **Mexico (47)** and the **Philippines (44)**.

### Philippines: Environmental and land defenders killed

[Ariel and Ana Marie “Chai” Lemita-Evangelista](#) were members of UMALPAS KA, an organisation fighting against mining, land-grabbing and climate change in the Philippines. They were killed on 7 March 2021 with at least seven other activists during police and military raids, just two days after former President Duterte ordered government forces to “kill” and “finish off” communist rebels in the country. An OHCHR spokesperson [expressed concern](#) that these killings “indicate an escalation in violence, intimidation, harassment and ‘Red-tagging’ of human rights defenders.”

The raids followed a deadly year in the Philippines, which included the killing of nine [Tumandok Indigenous leaders](#) at the end of December 2020 related to their opposition to the Jalaur Mega Dam project, financed through the Export-Import Bank of Korea. In a [response to the Resource Centre](#) in February 2021, the Bank said “linking JRMP-II to the reported incidents is misleading” and “the majority of the IP community members affected by the project are supportive of the project.”

Attacks recorded in Asia-Pacific include killings, death threats, beatings, arbitrary arrests and detention, and strategic lawsuits against public participation (SLAPPs) brought or initiated by companies. Between January 2015 and December 2021, **three in five attacks** recorded in the region were against **land, environmental, and climate defenders**, and nearly **one quarter of attacks** were against **women HRDs**. While HRDs of all genders experience similar types of attacks, deeply-rooted patriarchal structures and norms mean women often face additional **gender-specific threats and violence**, including stigmatisation, higher levels of sexual violence and a greater incidence of threats against their family members.

## At a glance:

Attacks against HRDs focused on business in Asia-Pacific (January 2015 - December 2021)

**1,201** attacks

recorded in [our database](#)

**Philippines, India, Cambodia and Indonesia**

were the countries where most attacks were recorded

**60%**

of recorded cases were against land, environmental and climate defenders

Nearly **one quarter**

of attacks were on women human rights defenders

**3 in 5**

attacks constituted judicial harassment

Due to longstanding racism and discrimination, **Indigenous defenders** experience a disproportionately high level of attacks and continue to be excluded from meaningful consultation and decision-making by business actors and governments across the region. Indigenous peoples hold rights over and protect 25% of the earth’s land surface and 80% of remaining biodiversity. Where [they have developed and implemented their own autonomous governments and protocols](#) for free, prior and informed consent processes, they have successfully laid the foundations for rights-based engagement with states and companies.

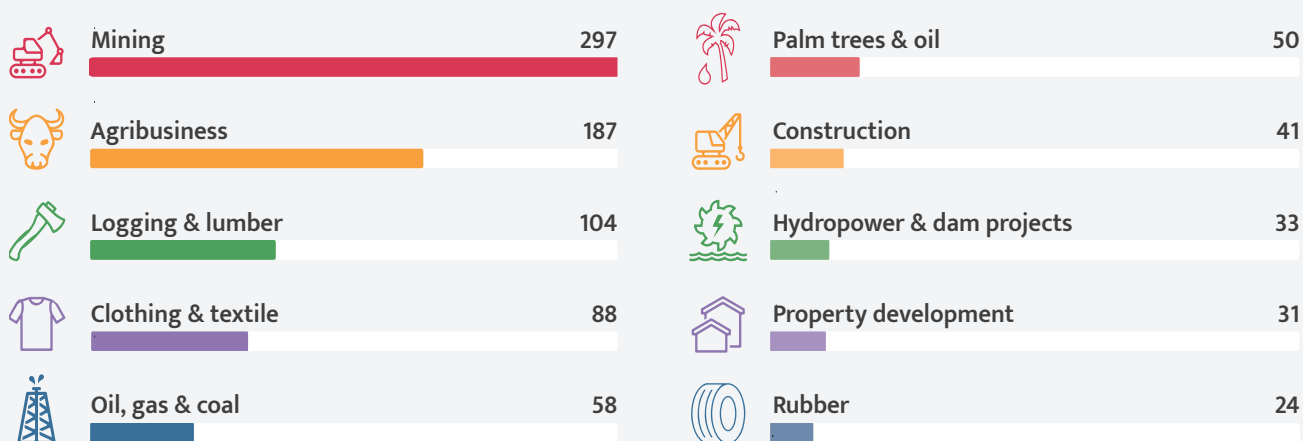
**Judicial harassment** - including arbitrary detention, criminalisation, and SLAPPs - is the most common type of attack against HRDs in Asia-Pacific, as it is globally. Judicial harassment comprised **three in five attacks** recorded in the region between January 2015 and December 2021. Over 100 of these attacks were [lawsuits bearing the hallmarks of SLAPPs](#).

### Mongolia: Woman human rights defender facing arrest

[Sukhgerel Dugersuren](#) is an internationally-renowned human rights defender and Executive Director of Mongolian organisations Oyu Tolgoi Watch and Rivers without Boundaries Mongolia. For many years she has exposed human rights abuses and defended the rights of [herder and rural communities](#) in Mongolia. According to an [urgent appeal](#) issued by [Front Line Defenders](#), in August 2022, the General Intelligence Agency of Mongolia informed Sukhgerel that she is under investigation for committing crimes under the Mongolian Criminal Code Article 19.4, which prohibits “illegal cooperation with foreign intelligence agency, agent.” Sukhgerel is also facing an online smear campaign. On 18 August 2022, 128 human rights organisations [published a joint letter](#) condemning the smear campaign and criminalisation of Sukhgerel, stating they consider these accusations false and baseless and urging the Mongolian government to ensure all charges against Sukhgerel are dismissed, and she can safely defend human rights without fear of reprisals.

Attacks in Asia-Pacific from 2015 to 2021 were related to almost every business sector. The top three most dangerous sectors (mining, agribusiness, and logging and lumber) are all **natural resource** sectors.

#### Ten most dangerous sectors for HRDs in Asia-Pacific (2015-2021)



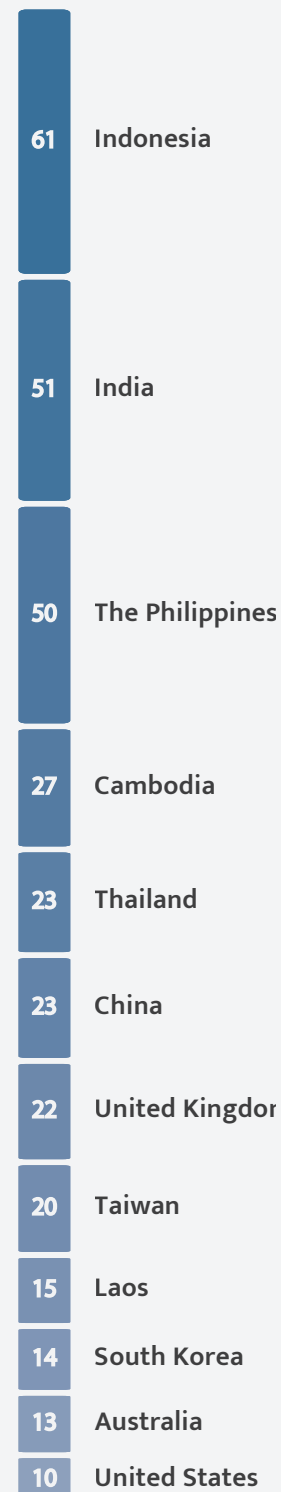
It can be challenging to identify perpetrators of attacks and there is often collusion among a range of powerful actors including state authorities, police and military forces, companies, and in some cases, organised criminal groups. Among the cases the Resource Centre has tracked in Asia-Pacific where information was available about company involvement (about 28% of cases), available data shows the majority of attacks between 2015 and 2021 were linked to companies headquartered in Asia-Pacific. In addition, since the launch of China’s Belt and Road Initiative (BRI) in 2013, the footprint of Chinese enterprises has expanded across the region. As Chinese businesses continue to venture abroad, civil society groups and media outlets have [reported an increase in social, environmental and human rights violations](#), including attacks on HRDs, especially in Myanmar, Peru, Ecuador, Laos, Cambodia and Indonesia.

Under the [UN Guiding Principles on Business and Human Rights](#) (UNGPs), companies and investors have a responsibility to conduct human rights due diligence, which includes assessing whether they are causing, contributing to, or are linked to human rights abuses (including risks to HRDs) and taking action to prevent, mitigate or remediate such risks or abuses. The UN Working Group on Business and Human Rights [also notes businesses](#) need to engage proactively with HRDs as part of this due diligence and that “defenders have a key role as a voice for affected stakeholders and communities, as watchdogs, advocates and often providers of early warnings of human rights risks and adverse impacts”. Despite this, the scale of attacks against HRDs in Asia-Pacific and their occurrence in almost every business sector indicate a stark absence of effective due diligence in the region by many companies and investors.

Even in cases where there are no apparent direct links between companies or investors and attacks, businesses with operations, supply chains, business relationships and/or investments are [expected to proactively use their leverage](#) to promote respect for HRDs and civic freedoms, even when they are not causing, contributing to, or linked to the impacts in question.

## Where are companies headquartered?

Headquarter locations of companies linked to attacks against HRDs in Asia-Pacific, 2015 - 2021



In addition, while the duty for protecting HRDs lies with the state, [few countries are monitoring the situation adequately](#), if at all. Of the 162 countries that have submitted Voluntary National Reviews<sup>1</sup> since 2015 as part of their monitoring of progress towards the SDGs, only three – less than 2% – indicated at least one HRD had been killed or attacked. This incomplete monitoring paints a picture which contradicts widely-documented killings and attacks recorded by civil society all over the world, including the Resource Centre’s own data on attacks against HRDs.

## India: Climate activists arrested

In February 2021, environmental and climate change activist [Disha Ravi and other activists from Fridays for Future in India](#) were arrested after editing a Google document created by the Swedish youth leader Greta Thunberg. The arrest came after Delhi Police obtained user information and activity logs from Google and other technology companies. This intrusion is not an isolated case as authorities worldwide increasingly make use of surveillance technology and hacking software to control the activities of human rights activists, journalists and lawyers. In February 2021, the [Resource Centre invited Google to respond](#); it did not.

<sup>1</sup> Sustainable Development Goal (SDG) 16 aims to promote peaceful and inclusive societies and target 16.10 aims to protect fundamental freedoms. Indicator 16.10.1, which records killings and attacks on HRDs, including journalists and trade unionists, is the primary indicator of global enjoyment of these fundamental freedoms in the SDG framework. VNRs, which form part of the Agenda 2030 follow-up and review mechanism, are a key opportunity for states to report on violence against HRDs, trade unionists and journalists. In this process, states are encouraged to conduct “regular, inclusive reviews of progress at the national level and sub-national level, which are country-led and country-driven”.



# Recommendations

## Governments in Asia-Pacific

- ➔ Pass and implement legislation recognising the vital role of HRDs in promoting human rights, sustainable development and a healthy environment, and committing to [zero-tolerance](#) for attacks. This must include legal recognition of the specific rights of Indigenous peoples (more detailed recommendations [available here](#)).
- ➔ Pass national laws to implement the UNGPs and ensure the inclusion of the protection of HRDs in National Action Plans on Business and Human Rights (NAPs). Legislation should mandate ongoing safe and effective consultation with workers, HRDs, community members and others affected by company operations or business relationships (more detailed recommendations [available here](#)).
- ➔ Adopt specific regulations which prevent killings, threats and other forms of violence against HRDs, including collecting and reporting data on attacks to inform more effective protection mechanisms and passing anti-SLAPP legislation to prevent companies silencing HRDs (more detailed recommendations [available here](#)).
- ➔ Ensure effective remedy for violations when they occur, including by strengthening judicial systems and improving accessibility to National Human Rights Institutions (NHRIs) and other State-based mechanisms to hold businesses accountable for acts of retaliation against HRDs, and actively participating in investigation and prosecution of those responsible.

## Companies with operations and/or business relationships in Asia-Pacific

- ➔ Adopt and implement policy commitments which recognise the valuable role of HRDs and the risks they face; ensure effective consultation with HRDs at all stages of the due diligence process and commit to zero-tolerance for reprisals throughout the company's operations, supply chains and business relationships.
- ➔ Engage in robust human rights and environmental due diligence and ensure effective access to remedy for those harmed by business activity, in accordance with the UNGPs and the UN Working Group on Business and Human Rights' [guidance on ensuring respect for HRDs](#).
- ➔ Respect Indigenous peoples' land and forest rights and right to FPIC, including their right to define the process by which FPIC is achieved and to withhold consent (more detailed recommendations [available here](#)).

## Investors supporting companies with operations and/or business relationships in Asia-Pacific

- ➔ Publish a public human rights policy which recognises the valuable role of HRDs in identifying risks associated with business activities and commits to a zero-tolerance approach to attacks against HRDs. Clearly communicate the human rights expectations included in this policy to portfolio companies, including that companies:
  - ➔ disclose human rights and environment-related risks;
  - ➔ engage in ongoing consultation with communities, workers and HRDs;
  - ➔ have policies and processes to respect Indigenous peoples' rights;
  - ➔ respect the rights of HRDs; and
  - ➔ ensure effective access to remedy when harm occurs.
- ➔ Undertake human rights and environmental due diligence and review potential investees for any past involvement with retaliation, including within their supply chains or business relationships. Avoid investing in companies with this track record.
- ➔ Use leverage with investee companies which cause, contribute to, or are directly linked to human rights and environmental harms to ensure the company mitigates negative impacts and provides access to remedy to those affected.