

23rd Regular Session of the UN Human Rights Council
Item 3: Interactive Dialogue with the Working Group on the Issue of Human Rights and Transnational Corporations and Other Business Enterprises and the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association

**Oral Statement Delivered by Mr. Sayeed Ahmad on Behalf of
Asian Forum for Human Rights and Development (FORUM-ASIA)**

Friday, 31 May 2013

Thank you Mr. President. FORUM-ASIA appreciates the Special Rapporteur's annual report (A/HRC/23/39), which has arrived at a timely juncture given the ground realities in many Asian States where there is an increasing tendency of governments to place undue legislative restrictions on access to funding and other resources for civil society organizations. In India, the Ministry of Home Affairs has used the Foreign Contribution Regulation Act 2010 to block funding for over 4,000 Indian CSOs and harass organizations that have exercised their legitimate rights to criticize or question government policies and practices. Bangladesh seeks to bring in legislation installing a cumbersome registration and approval process of projects for CSOs receiving foreign funding, and excessively bureaucratic procedures to inspect, monitor, assess and even administer the activities of CSOs.¹ Meanwhile, the Indonesian Parliament introduced the Bill on Mass Organizations, which, if enacted, can easily be exploited by the authorities to dramatically shrink the space for CSOs to carry out their work and also to impose unduly prescriptive rules on registration.² As stated by the Special Rapporteur, "the ability of CSOs to access funding and other resources from domestic, foreign and international sources is an integral part of the right to freedom of association". We stress to Asian States that domestic law and practices must be geared towards facilitating the independent and effective work of CSOs rather than imposing onerous barriers. Furthermore, we value the detailed observations put forward to each State by the Special Rapporteur on the communications transmitted to governments (A/HRC/23/39/Add.2), however regret the low level of responses by Asian States.

Mr. President, we appreciate the attention of both the Special Rapporteur and the Working Group on the criminalization and repression of those who seek to address the ill effects of business activities. Recently in Burma/Myanmar, ten villagers from the affected community opposing the Shwe Gas pipeline project in Arakan State were arrested and charged under the Peaceful Assembly and Peaceful Procession Law. Following the Special Rapporteur's urgent appeal to the government of Burma/Myanmar dated 30 November 2012, which remained unresponded to, we regret that three of the protestors attempting to reclaim lands arbitrarily confiscated for a copper mine project in Letpadaung are currently believed to be held incommunicado, with their whereabouts unknown, since their arrests on 25 April 2013.³ We request the Special Rapporteur to follow up with the government on these cases immediately. We also encourage the Special Rapporteur to address these concerns directly with the responsible companies, as has been practiced by some Special Procedures mandate holders in dealing with cases involving TNCs.

Finally Mr. President, FORUM-ASIA welcomes the Working Group's report on its visit to Mongolia. We urge the government to ensure a conducive legal environment for human rights defenders and victims of corporate abuses. In particular, it must take measures to guarantee access to effective remedy by establishing open standing for public interest litigation and removing obstacles for public interest lawyers to represent affected persons and communities.⁴ Thank you Mr. President.

¹ FORUM-ASIA, CHRI & CIVICUS, Press Release, "More Transparency and Less Control Needed in Bangladesh's Foreign Donations Bill", <http://www.forum-asia.org/?p=15640>

² FORUM-ASIA, Open Letter, "Restrictive draft Ormas law must be rejected at upcoming Parliamentary sitting", <http://www.forum-asia.org/?p=16227>

³ FORUM-ASIA, HREIB & Burma Partnership, "Burma: Human Rights Groups Condemn Ongoing Crackdown on Protests and Peaceful Assemblies", <http://www.forum-asia.org/?p=16201>

⁴ FORUM-ASIA & CHRD, Executive Summary, "Mongolia: The Situation of Human Rights Defenders Working on Mining Issues", International Fact-finding Mission, 30 July-5 August 2012, <http://www.forum-asia.org/?p=15662>