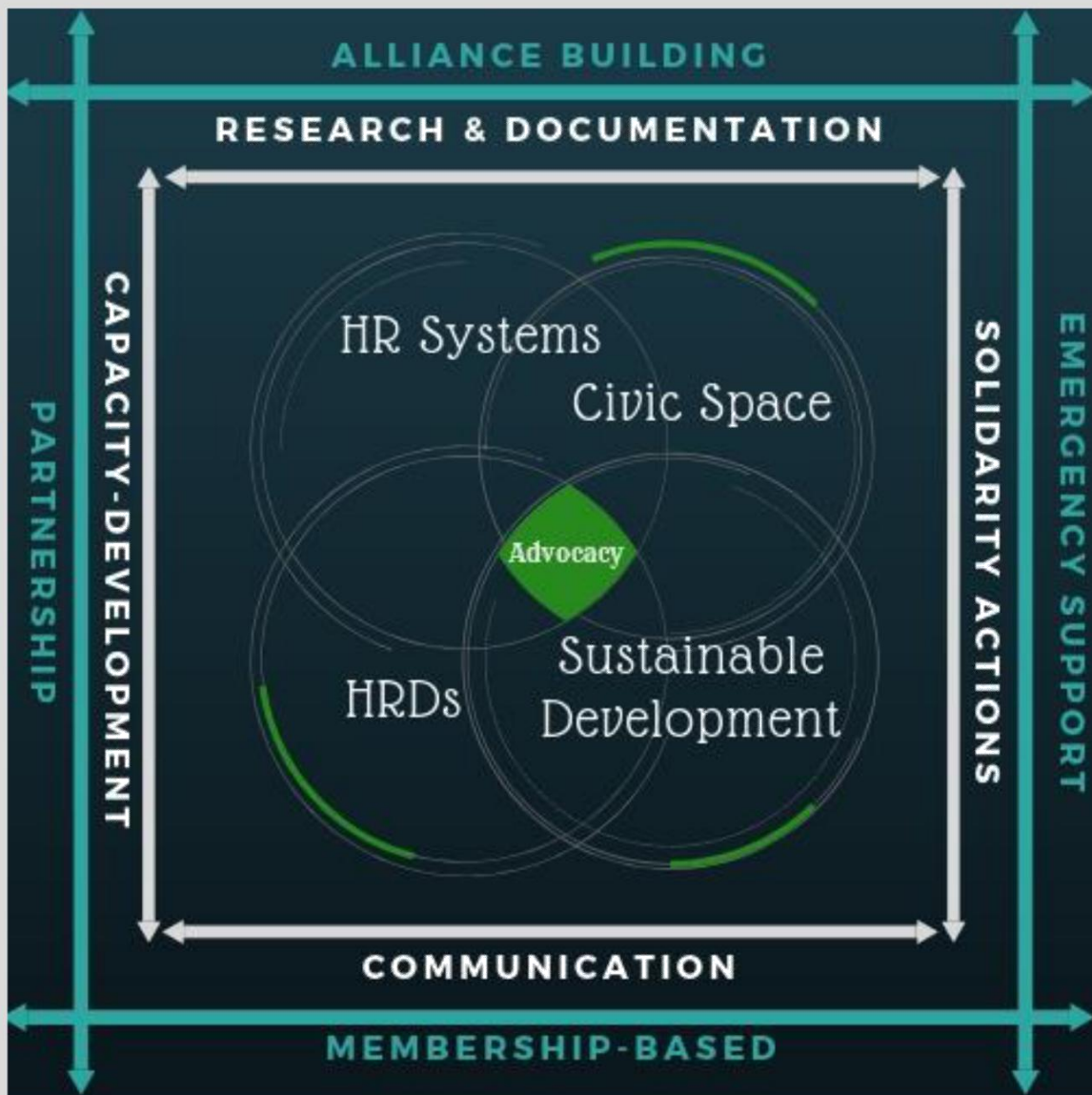




# Strategic Plan (2016-2022)



## **Table of Contents**

<b>Acronyms and Abbreviations .....</b>	<b>1</b>
<b>I. Introduction .....</b>	<b>2</b>
<b>II. Basic Premises and Values.....</b>	<b>3</b>
<b>III. Human Rights and Democracy in Asia: Context, Challenges and Opportunities.....</b>	<b>4</b>
<b>IV. Thematic Priorities .....</b>	<b>5</b>
<b>V. Intervention Strategies .....</b>	<b>10</b>
<b>VI. Organisation Development and Governance .....</b>	<b>12</b>
<b>VII. Operational Plan.....</b>	<b>14</b>
<b>Annex 1: Concerns and Challenges .....</b>	<b>16</b>
<b>Annex 2: Opportunities .....</b>	<b>20</b>

## Acronyms and Abbreviations

ACMW	ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers
ACWC	ASEAN Commission for the Protection of the Rights of Women and Children
AICHR	ASEAN Intergovernmental Commission on Human Rights
ANNI	Asian NGO Network on National Human Rights Institutions
APF	Asia Pacific Forum of National Human Rights Institutions
ASEAN	Association of Southeast Asian Nations
CSO	Civil Society Organisation
FORUM-ASIA	Asian Forum for Human Rights and Development
FRCA	Foreign Contribution Regulations Act
HRC-Net	Informal Network of NGOs Engaging with UN Human Rights Council
HRD	Human Rights Defender
ICC	International Criminal Court
ICC-NHRI	International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights
ICT	Information and Communications Technology
LANGO	Law on Associations and Non-Governmental Organisations
LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex and Queer
NGO	Non-governmental Organisation
NHRI	National Human Rights Institution
OHCHR	Office of the High Commissioner on Human Rights
OIC	Organisation of the Islamic Conference
PME	Planning, Monitoring and Evaluation
R2P	Responsibility to Protect
RISHRM	Regional Initiative for South Asia Human Rights Mechanisms
SA	South Asia
SAARC	South Asian Association for Regional Cooperation
SDG	Sustainable Development Goal
TFAHR	SAPA Task Force on ASEAN and Human Rights
UN	United Nations
UNHRC	United Nations Human Rights Council
UPR	Universal Periodic Review
WHRD	Women Human Rights Defender

## I. Introduction

The Asian Forum for Human Rights and Development (FORUM-ASIA) envisions societies in Asia and beyond which are democratic, just, equitable and sustainable, where all human rights of all individuals, groups, and peoples are fully realised, in accordance with international human rights standards and norms.

Guided by its vision, FORUM-ASIA's mission is to strengthen movements for human rights and sustainable development through advocacy, capacity-development and solidarity actions with human rights defenders (HRDs) and civil society organisations (CSOs). FORUM-ASIA aims to achieve this mission by creating an enabling environment for peace, gender justice, human rights, democracy and sustainable development together with its members and in partnership with national and international organisations.

As a membership-based organisation, FORUM-ASIA has developed this strategic vision, mission and priorities through a consultative process amongst its members and partners.<sup>1</sup> This Strategic Plan for 2016-2022 is expected to provide a clear direction, to address human rights and development challenges in Asia and beyond. With a multi-stakeholder approach, FORUM-ASIA will work with its constituencies to prevent human rights violations and abuses.

FORUM-ASIA will address strategic priorities through specific approaches;

- (a) Strengthen the capacity of civil society organisations and human rights defenders for the promotion and protection of all human rights;
- (b) Advocating for inclusive and participatory policymaking in relation to human rights, democratic governance and sustainable development at all levels, in particular with human rights mechanisms, systems and policies at national, regional and international levels;
- (c) Respond to human rights challenges in Asian countries through advocacy, solidarity actions and emergency assistance; and
- (d) Further strengthen FORUM-ASIA's institutional and operational capacity in order to better serve and effectively represent its constituencies at the national, regional and global levels.

The Strategic Plan will serve as the principal guideline for developing annual work plans and budgets.

---

<sup>1</sup> The Strategic Plan has been developed with inputs from all FORUM-ASIA members and its key stakeholders. Inputs from members were collected through sub-regional members' meetings held respectively in Kathmandu on 5 November 2015 amongst South Asian members, and in Bangkok on 6 December amongst Southeast and Northeast Asian members. It was further debated during the 8<sup>th</sup> General Assembly held in Bangkok on 6-7 January 2016, and was adopted unanimously.

## **II. Basic Premises and Values**

The basic premises and values of FORUM-ASIA are driven by core values of human rights such as: dignity, universality, indivisibility, participation, accountability, transparency non-discrimination and rule of law. More specifically, FORUM-ASIA follows the subsequent principles to achieve its objectives:

1. FORUM-ASIA shall adopt a human rights based approach in addressing all its work. It promotes all human rights for all including civil, political, economic, social and cultural rights as well as the right to development.
2. FORUM-ASIA shall promote democratic values. FORUM-ASIA believes that democracy provides an enabling environment for the promotion and protection of human rights.
3. FORUM-ASIA shall strictly enforce a policy on zero tolerance against discrimination on the ground of gender, religion or belief, race or ethnicity, preferential treatment, or any other form of discrimination in its engagements with all concerned individuals and groups. Bribery, corruption and abuse of authority are considered and treated as serious criminal offence.
4. FORUM-ASIA shall embrace diversity in all areas of engagement and work.
5. FORUM-ASIA shall promote gender equality and women's rights as a crosscutting issue and theme in all its work.
6. FORUM-ASIA shall recognise the right to a healthy and sustainable environment, and support climate justice.
7. FORUM-ASIA shall be guided by the conviction that protection of all human rights, peace and human security, including freedom from fear and from want, are all constituting and mutually reinforcing elements of sustainable development.
8. FORUM-ASIA shall foster peaceful societies that are just, inclusive, and free from fear and violence.

### **III. Human Rights and Democracy in Asia: Context, Challenges and Opportunities**

The context of the Strategic Plan relates to Asia's rising geopolitical importance in the world. Its geostrategic location and size, rapid technological advancement and size of population make the continent central to international politics. Of the ten largest economies in the world, four are in Asia: China (second largest), India (third), Japan (fourth) and Indonesia (tenth). In the coming years, the global economic share is likely to grow further with the rise of South Korea, Taiwan, Indonesia and other Southeast Asian nations as new economic powerhouses.

At the same time some of these neo-economic powers have also become regional bullies to its smaller neighbours, which has serious geo-political implications. Asia also face challenges from authoritarian governments, which are attacking the rights of the people acquired through prolonged struggles, such as in Bangladesh, Myanmar, Cambodia and the Philippines.

Home to some 60 percent of the global population, Asia is a continent of stark diversity both within and across. Almost every Asian state is home to people of multiple ethnic origins, with diverse religions, belief systems, languages and socio-cultural practices. The region also varies starkly in terms of the level of economic development, political organisations and systems of government.

Economic advancement contributes to promotion of some human rights, such as the right to education and health, by way of increased social sector spending. However, market-led economic development has also adversely impacts the human rights situation in the region. Violation of core rights including labour rights, freedoms of expression, association and peaceful assembly, inhuman treatment of migrant workers and refugees, displacement of communities for the sake of so-called development projects, and forced corporatisation of natural resources (on which the livelihood and survival of many indigenous communities depend) have risen exponentially in the recent past. Sadly, these features continue to manifest in the economic development of Asia, particularly with the ASEAN Post 2015 Economic Agenda.

These challenges make it critical for civil society to take advantage of all potential opportunities to advance human rights and democracy in Asia. Taking into account future prospects, this strategy paper identified a number of challenges to human rights and development in Asia. However, the Asian region also offer new opportunities for the promotion and protection of human rights and the achievement of sustainable development. Some of these challenges and opportunities are listed and detailed in Annex 1 & 2.

## **IV. Thematic Priorities**

### **1. Protection of Civic Space**

A vibrant civil society ensures an effective promotion and protection of human rights, democracy and the rule of law. Yet, civic space is increasingly shrinking across the world. Asia is no exception, as abuses of power and implementation of repressive laws curtail fundamental freedoms, such as expression, peaceful assembly and association. Often in violation to states' international commitments and obligations, these draconian laws criminalise dissent and affect the capacity of civil society organisations to advocate for the promotion and protection of all human rights. As a result, the very existence of free media and civil society is threatened, while the vulnerable and marginalised are increasingly exposed to threats and abuses from state and non-state actors. In this context, FORUM-ASIA with its members and partners can play a strategic role in supporting and advocating for an enabling environment for civil society. To support civic space, FORUM-ASIA's plan is to:

- Undertake solidarity actions to promote and protect fundamental freedoms;
- Strengthen civil society leadership, in particular women, youth and those from marginalised and vulnerable communities, including indigenous people;
- Conduct research to support evidence-based policy advocacy;
- Adopt a multi-stakeholder approach, which includes the UN, media, and academic institutions amongst others, to create an enabling environment for civil society to sustain democracy and defend human rights, in particular the rights to freedom expression, assembly, association and religion or belief.

### **2. Promoting a human rights-based approach to sustainable development**

The 1986 Declaration on Human Rights to Development and the Vienna Declaration and Programme of Action, the outcome document of the World Conference on human rights, provide a clear framework for a human rights-based approach to sustainable development. The 2030 Agenda for sustainable development also stress on human rights and freedom for all with a promise to "Leave no one behind". This agenda for sustainable development passed by all member States of the United Nations on 25 September 2015 and aiming to take action for the people, the planet, prosperity, peace and partnership, with its 17 goals and 169 targets, provide a more comprehensive framework for all countries. Additionally, economic, social and cultural rights provide a clear foundation for human rights to development. Hence, FORUM-ASIA will promote a human rights-based approach to development which stresses on: promoting economic, social and cultural rights; advocacy for accountability; transparency and participation of marginalised people; and youth and women in the policy-making process. In doing so, FORUM-ASIA will adopt a multi-stakeholder approach in advocacy to work with media, academia,

knowledge network, policy-makers and civil society to promote a human rights based-approach to Sustainable Development Goals.

Based on a strategic commitment and mission to promote sustainable development informed by human rights, FORUM-ASIA will focus on the following specific objectives and areas of action:

- Strengthen the advocacy for SDGs with a strong stress on economic, social and cultural rights and human rights based-approach to development.
- Promote the understanding of human rights in the context of business and economic development through research, documentation and knowledge network on issues related to rights of workers, particularly migrant workers, protection of the environment and the rights of marginalised communities.
- Advocate for corporate accountability and transparency in relation to the rights of the workers and people, and protection of the environment.
- Work in alliance and solidarity with media and academic institutions to promote women's rights, gender equality and reducing social and economic inequalities
- Promote the participation of youth and strengthen youth leadership to renew the leadership of human rights to development.
- Work in solidarity with environmental organisations and defenders to protect the environment and deliver climate justice.
- Strengthen the capacity of youth, civil society and human rights organisations to do effective public policy analysis and evidence-based advocacy for human rights, sustainable development and democratic governance.

### **3. Protection of Human Rights Defenders**

Human rights defenders are the forefront of the struggles to promote and protect democracy, human rights and the rule of law. They challenge injustice, support victims, expose abuses, and hold state and non-state actors to account, playing a crucial role in creating a more just and sustainable world. Because of their work, human rights defenders across Asia are facing increasing persecution and attacks to their fundamental freedoms and rights. In the current context of shrinking civic space, the backlash against human rights defenders is unprecedented. To tackle this, FORUM-ASIA's priorities include:

- Provide urgent support to HRDs at risk and CSOs under threat and attack from state and non-state actors to continue their operations and existence.
- Encourage, develop, broaden and strengthen the capacity of national networks of HRDs to build stronger defence for human rights at local and regional levels to enhance the impacts of advocacy and campaigns.
- Maintain regular communications with the UN human rights mechanisms especially the UN Special Rapporteur on HRDs, coordinate with embassies and diplomatic missions.
- Popularise the UN Declaration on Human Rights Defenders, General Assembly Resolution on WHRDs, and other instruments such as the EU Guideline on Human Rights Defenders.



- Support the role and work of HRDs through the effective use of the above-mentioned and other relevant instruments.
- Organise biennial regional HRD forums to strengthen the experience and expertise sharing, networking amongst HRDs, case submission to and cooperation with the UN Special Procedures, raising awareness on available HRD protection mechanisms and development of new measures, and building regional solidarity to support each other's advocacy and campaigns.
- Continue to work closely with groups and networks including WHRDs, LGBTIQ community, indigenous and other marginalised groups.
- Organise campaigns, fact-findings and other relevant interventions on such pertinent issues like arbitrary arrests and detention; torture; extrajudicial killings; and enforced disappearances.

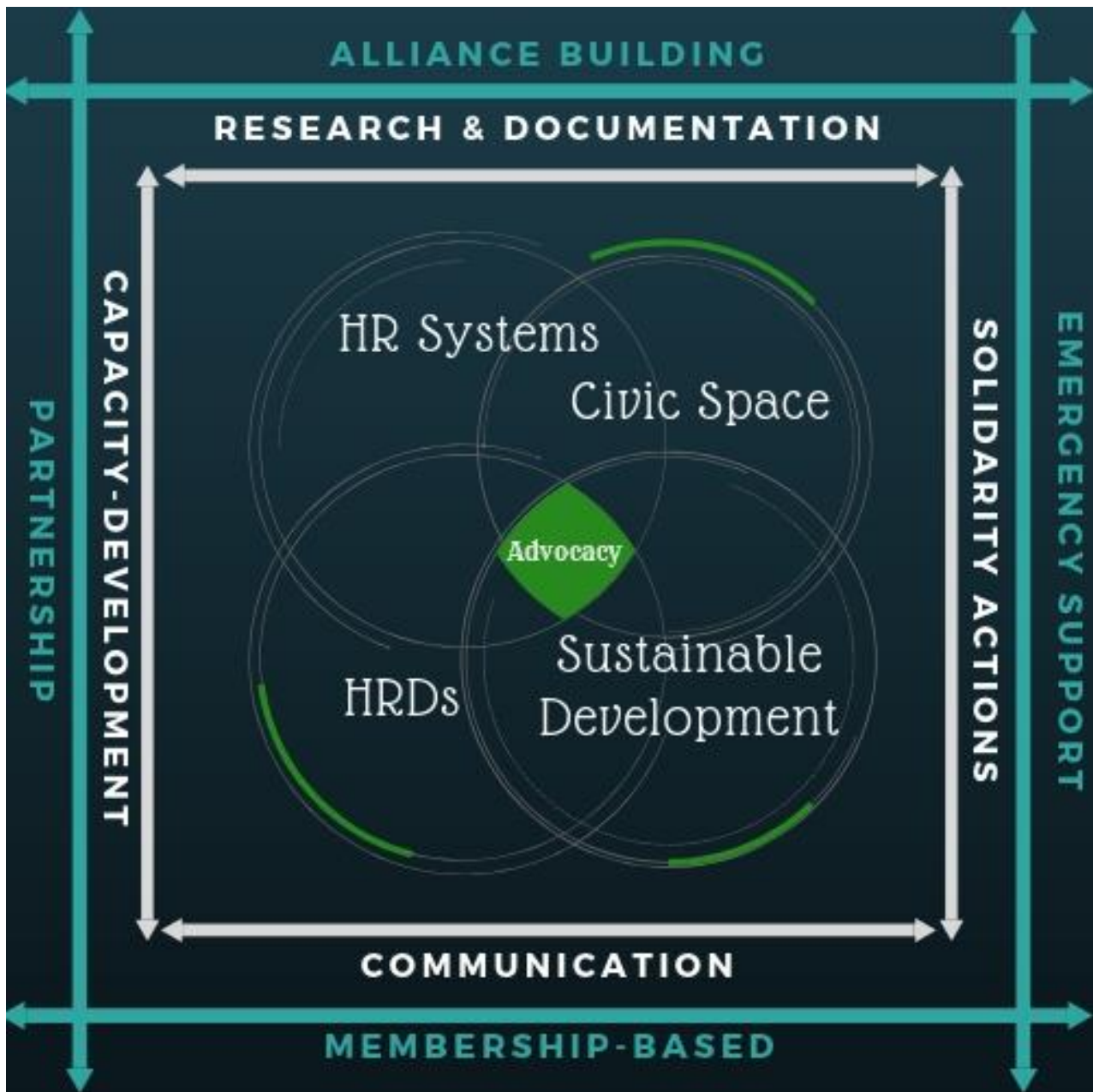
#### **4. Strengthening Human Rights Mechanisms, Systems and Policies at National, Regional and International Levels**

The UN Human Rights Council offers a multilateral platform to tackle human rights challenges at the international level. In Southeast Asia, the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) set the stage to address human rights issues at the regional level. Meanwhile, South Asian civil society leaders have been pushing for the establishment of a sub-regional mechanism in South Asia. Lastly, national human rights institutions (NHRIs) continue to represent an avenue for CSOs in the region to promote and protect human rights. To strengthen these systems and mechanisms, FORUM-ASIA will continue to engage with them, and use them to hold Asian States accountable for their human rights track records and national and foreign policy, with the following priorities:

- Assess performance of Asian states at the UN as well as other relevant international bodies against their mandates, and international pledges and commitments, produce periodic reports and influence their human rights related decision-making.
- Monitor and report the performance of ASEAN human rights mechanisms particularly AICHR and ACWC, ACMW and of SAARC member states, and develop and implement policy advocacy at the regional level.
- Work cross-regionally and on a South-South basis to increase civil society visibility and inputs into international decision-making on human rights.
- Assist Asian defenders and CSOs to organise national advocacy initiatives to hold their governments accountable for their policy decisions.
- Assist Asian defenders to influence Asian and non-Asian capitals beyond their home countries on human rights issues that impact them.
- Conduct relevant research on geopolitical landscapes in order to assist civil society to influence those landscapes.
- Raise the visibility of international decisions related to human rights in Asia in international media.

- Continue to coordinate the Asian NGOs Network on National Human Rights Institutions (ANNI) and strengthen the cooperation amongst the network members for more effective monitoring of NHRIs' performance.
- Develop and strengthen the national NGO networks working with independent NHRIs through advocacy, capacity building and networking efforts.
- Work with network members and all stakeholders to encourage state actors and governments to establish NHRIs, where they do not exist, in line with the Paris Principles.
- Strengthen engagement and cooperation with the Asia Pacific Forum on NHRIs (APF) and International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC-NHRIs).

## Strategic Framework



### Thematic priorities

- Protection of Civic Space
- Promoting a human rights-based approach to sustainable development
- Protection of Human Rights Defenders
- Strengthening Human Rights Mechanisms, Systems and Policies at National, Regional and International Levels

## V. Intervention Strategies

FORUM-ASIA's work is based on six main intervention strategies, namely; Advocacy (A), Capacity-Development (B), Coalition-building (C), Documentation and Research (D), Solidarity Action (E) and Strengthening Internal Capacity (F). Intervention strategies of A, B and C are adopted across all FORUM-ASIA programmes and their functions are leveraged by D, E and F.

- 1. Advocacy (A)** is a core mandate of FORUM-ASIA and forms the basis for the Organisation's identity. FORUM-ASIA's advocacy focuses on policy change to bring about positive impacts on the lives of people. Advocacy takes place at all levels through inter-linkage between the UN and regional and national human rights mechanisms on and around issues specific to the region, including those arising from the monitoring of state performances both at regional and international levels.

In general, key advocacy agenda at the ASEAN level include human rights standard setting to ensure ASEAN's compliance with international human rights standards and norms, and mainstreaming human rights in policy and decision-making of ASEAN. The UN level advocacy aims to bring Asian human rights issues at the UN human rights mechanisms, including in particular the Human Rights Council, in coordination with various departments in the Secretariat internally and with members and partners externally, and create international pressure and persuasion to change policies back home. The UN level advocacy also serves to feed grassroots experiences of the implementation of international human rights standards and mechanisms, including the Universal Periodic Review, into concerned Treaty Bodies and forums. SAARC level advocacy concentrates, for the time being, on the creation of a regional human rights mechanism.

- 2. Capacity Development (B)** has been a central pillar of all FORUM-ASIA programme activities and remains a crosscutting issue. Building members' and partners' capacity in the area of organisational development and sustainability, human rights documentation and research, effective advocacy, fundraising and financial management, and campaigning and networking continues to be a top priority. Leadership building amongst a new generation of human rights defenders and capacity-building for Secretariat staff also form part of an important priority.
- 3. Coalition-building (C)** is a strategic and essential means to achieve the organisational goal of building a leading regional human rights movement. FORUM-ASIA, as a regional network of national organisations and networks, continues to foster broad-based but focused, coalitions to be more responsive to emerging human rights and developmental challenges.
- 4. Documentation and Research (D)** serves as the backbone for evidence-based advocacy on human rights and democracy, and will be employed to conduct systematic and consistent information gathering, situational monitoring, trend mapping and development analysis in the coming years. Informed knowledge base or evidence is necessary to contribute to the production of principled and practical recommendations to all stakeholders, which FORUM-ASIA strives for.

- 5. Solidarity Actions (E)** to promote and protect a wide range of rights in unison with other actors and institutions and people-to-people cooperation is a major part of FORUM-ASIA's priority. As such, FORUM-ASIA works with existing networks and peoples' movements dealing with such issues as the rights of migrant workers and refugees, anti-trafficking, free and fair elections, and good governance and participatory democracy. Central to solidarity action is to build collective response to emergency situations and to prevent the escalation of crisis.
- 6. Strengthening Internal Capacity (F)** includes building the quality and quantity of membership of FORUM-ASIA, as well as expanding the membership, to enhance the efficiency, effectiveness and sustainability of the Organisation.

## VI. Organisation Development and Governance

**1. Governance and Membership Development:** FORUM-ASIA is a membership-based organisation with strong commitment to work with members and partners at the national, regional and international level. The governance process of FORUM-ASIA consists of its members, the Executive Committee and office bearers elected amongst its members. The members of FORUM-ASIA are civil society organisations and movements working at the national level with a commitment to human rights and sustainable development. Hence, these member organisations and partners in the Asian region are part and parcel of the core identity and legitimacy of FORUM-ASIA as one of the largest membership-based organisation in the region working on human rights and development. The Secretariat of FORUM-ASIA is responsible for coordination, facilitation and management of all its programmes, while the Executive Committee is charged with management oversight and organisational policy

The organisational development and governance priorities include the following:

- Revitalising the membership at the national level and fostering more coordination amongst members at the sub-regional and regional level.
- Organising membership consultations at the sub-regional level on a periodic basis.
- Strengthening the quality of the membership by expanding its base to new countries and facilitating the integration of civil society organisations led by women and youth and organisations working on economic, social and cultural rights and sustainable development.
- Strengthening the governance process with clear roles and responsibilities assigned to each of the committees and sub-committees, in line with the Governance Manual.
- Ensuring full transparency, accountability and integrity in the governance process and ensuring there is no conflict of interest in the governance or management of the Organisation.
- Ensuring gender, regional and national diversity in all governance work.

**2. Organisational Management Priorities:** The Secretariat is primarily responsible for effective, efficient and professional management of all programmes of FORUM-ASIA. It is also in charge of resource mobilisation to support the overall programmes, management and organisational development. Along with its member and partners, the Secretariat is primarily responsible for advancing the vision and mission of the Organisation.

The broad organisational management priorities are the following:

- Resource mobilisation to ensure the financial and organisational sustainability of the Organisation. This will include efforts to diversify the donor base and raising resources within Asia by adopting innovative direct fundraising approaches.
- FORUM-ASIA's internal systems shall be further strengthened to improve internal communications, and preserve organisational information and resources securely. Back-up systems shall be enhanced in all four offices in Bangkok, Geneva, Jakarta and Kathmandu.

- An effective human rights online monitoring and documentation system shall be developed in coordination with the members and partners at the national level to map and monitor human rights situation in the region, and design strategy to best address the situation.
- Internet security infrastructure shall be further developed, and capacity of members' and staff enhanced in the area of digital security.
- The Planning, Monitoring and Evaluation (PME) system shall be further enhanced to help improve organisational and program planning, monitoring and evaluation, as well as documentation and reporting.
- Knowledge management systems, skills and capacity will be enhanced both at the Secretariat and members' level.
- Organisational management capacity shall be further developed putting in place necessary structures, policies and systems in order for the Secretariat to be able to rise to emerging human rights challenges and demands.
- A comprehensive organisational sustainability plan shall be developed and implemented to ensure the sustainability of the workings and outcomes.
- A comprehensive policy will be developed and implemented to expand and effectively manage membership and partnership with due priority on the regions where FORUM-ASIA is less represented and where the need for human rights defence is more acute.
- Lobby, advocacy and representational capacity of all offices and member organisations shall be enhanced.

## **VII. Operational Plan**

The vision, mission, thematic priorities and organisational priorities of this strategy will be implemented in a systematic manner by integrating them in the annual plans and budget of the Organisation. This strategic direction will integrate the organisational logical framework used for existing and new programmes.

The operational portion of this plan will be implemented in three specific phases.

### **a) First Phase of the Implementation (2016-2018)**

While three thematic priorities – civic space, human rights defenders and human rights system and institutions – are already established arenas of work of FORUM-ASIA, there will be concerted effort to promote our work on human rights approaches to sustainable development, particularly regarding SDGs.

The core operational priorities during the first phase will include:

- Strengthening our work on sustainable development and strengthening our research and knowledge network.
- Strengthening the governance of the Organisation by (1) drafting and adopting a Governance Manual, (2) revitalising and expanding the membership by bringing in new members from Central Asia and other Asian countries and (3) expanding the membership through innovative methods such as associate membership.
- Ensuring effective systems and policies at the Secretariat level, developing a cohesive Staff Handbook and adopting transparent and effective recruitment systems and induction process. The Organisation will also develop an effective online documentation system, and a more coherent Planning, Monitoring and Evaluation (PME) system.
- Ensuring that there is focus on gender mainstreaming in all the work of FORUM-ASIA with a clear approach to ensure women's rights within the work of programmes and in the organisational priorities.
- Developing flagship capacity development programmes to nurture young human rights defenders in the region.
- Conducting a mid-term review and a revision of the Operational Strategy in the second half of 2018.

### **b) Second Phase of Implementation (2019-2020)**

In the second phase, the primary focus will be to ensure organisational consolidation and sustainability.

The core operational priorities during the second phase will include:

- Developing a clear resource mobilisation strategy with a clear fundraising plan, and strengthening organisational capacity to raise resources on an ongoing basis with a view



to diversify the donor base. This will include efforts to initiate innovative revenue generation mechanisms and to engage in direct resource mobilisation in Asia; promoting entities and strategies for regular resource mobilisation for human rights and sustainable development in the region.

- Developing research and knowledge capacities, raising the profile of FORUM-ASIA by publishing credible research reports and establishing more links with academic and knowledge institutions, including think tanks, in the global South and the Asian region.
- Working with a multi-stakeholder approach by enhancing coordination with media, additional international organisations, social movements, academia, and policy makers, such as parliamentarians. Initiating the work of Asian Media Forum within the lines of AHRDF and ANNI.
- Strengthening the profile and influence of FORUM-ASIA nationally, regionally and globally.
- Developing a clear strategic approach to work in South Asia and Central Asia with clear priorities.

### **c) Third Phase of Implementation (2021-2022)**

The core operational priorities during the third phase will include:

- Launching the Annual Report on Human Rights and Development with clear indicators and advocacy strategies.
- Establishing an independent initiative for raising resources within Asia for human rights and sustainable development. This would include the possibility of establishing the Asia Dignity Fund, promoted by FORUM-ASIA, in partnership with other like-minded organisations.
- Strengthening national-level programme development as well as global South-South initiatives to develop new partnerships and new modes of raising resources for the global alliances of human rights organisations in the South.
- Strengthening the presence and influence of FORUM-ASIA internationally, especially in Geneva, and in other locations.
- Reviewing and reflecting on the Operational Strategy and developing Organisational and Strategic Plans for the period 2023-2028.

## Annex 1: Concerns and Challenges

- 1. Neo-liberal Economic Development:** While the impressive economic revolution in Asia has improved the standards of living for some people, it has significantly increased the intensity of poverty and inequality – largely due to the growth-oriented development model pursued by Asian countries, which has scant regard for economic, social and cultural rights. This model is not only devoid of human rights based approach but also brings about massive damage to the environment and contributes to global warming and climate change leading to natural disasters with colossal impacts on human rights of the people. While the negotiations on an international climate change agreement continues, communities and people in Asia have had to face the increasingly harsh consequences of climate change which in turn, has led to enforced migration and land rights issues.

Most Asian countries follow a development trajectory that depends on large-scale investments that are lured by cheap labour, abundant natural resources, lenient and/or non-existent regulatory frameworks and/or access to vast markets as dictated by a number of free-trade agreements. This form of development and economic growth is associated with various forms of human rights violations by state and non-state actors such as corporations, often without redress and with impunity.

- 2. Illiberal Democracies:** Socio-political systems in many Asian countries are illiberal and unaccountable at best. Most countries in Asia hold periodic elections and as such, claim to be democratic. However, barring a few, many routinely resist the institutionalisation of the rule of law and the promotion of respect for fundamental human rights of all people: the two hallmarks that make democracies liberal and accountable. Even in relatively mature and stable democracies, such as India, Indonesia, South Korea and Taiwan, little space is available for civil participation in policy processes.

Most of the states in the region also fare poorly in terms of good governance. Corruption and abuse of authority is rampant. Oversight bodies are rendered powerless. Even the judiciary, which is often dysfunctional, is increasingly facing executive encroachment in many states in the region.

- 3. Shrinking Civil Society Space:** Asian countries create very little space, if any, at home for free and informed debate, which is central to the protection and promotion of human rights often contrary to their own international commitments. In countries like Bangladesh, India, Pakistan, Burma/Myanmar, Singapore, Cambodia, Vietnam, Thailand and Sri Lanka, fundamental human rights such as the freedom of speech and expression, and freedom of association and peaceful assembly, are routinely violated in the name of internal security and law and order. Excessive force is used to repress dissent and opposition while suspects are tortured and subjected to inhuman treatment. In some states, dissent is even criminalised. Minorities are not sufficiently protected from attacks by the majority and often such attacks are condoned and no action is taken. Journalists are harassed, held under fabricated charges and even killed for stories that expose abuses by public officials and corporations. Human rights defenders, who voluntarily work on the ground for the defence of the fundamental

human rights, such as the right to freedom of expression, assembly and association; and the right to housing, water, land, environment and social protection, which almost all these states have officially promised to uphold, are regularly subjected to threats and abuses. In the midst of these harsh clampdowns, space for civic engagement is shrinking day by day, with some states in the region even introducing new laws restricting space for CSO engagement.

- 4. Repressive Laws:** Drafting and enacting legislation that restrict the freedoms of expression, association and assembly is becoming an emerging trend in Asia. Some of these laws are also often designed to control the registration and funding of civil society organisations. The Cyber Crime/Digital Security laws in Pakistan, Bangladesh and Cambodia, recently amended Sedition Act in Malaysia, the Protection from Harassment Act in Singapore, the article 112 of the Penal Code (lèse majesté) law in Thailand and the Foreign Contribution Regulations Act (FRCA) in India are some of the examples of such legislations, not to mention restrictive clauses in terrorism laws and penal codes of many Asian countries. These developments not just curb the freedom of expression and opinion, but also threaten the very existence of civil society.
- 5. Violation of Right to Life:** There are increasing instances of extrajudicial killings in many countries committed by State and non-State actors. This compromises the security of people and violates the right to life. Death penalty is a critical issue in many Asian countries, wherein there is an increasing number of executions for drug related crimes. The application of the death penalty to drug-related crimes constitutes a clear violation of international human rights standards. In many cases, the capital punishment is imposed in a discriminatory manner.
- 6. Persecution of Human Rights Defenders:** Human rights defenders who support victims and communities affected by human rights violations committed by state and non-state actors have faced increasing persecution in Asia. This has included various restrictions, including legal restrictions, attacks on those defending the right to freedom of expression, assembly and association, right to information, land rights, environmental rights, sexual orientation and gender identity as well as the rights of indigenous and other marginalised groups. It is particularly alarming that some states in the region turn a blind eye when land rights activists are systematically targeted, tortured and even killed. Cambodia, Myanmar, Thailand and Vietnam have been very harsh to land rights activists who stand against land grabbing to protect their survival and right to livelihood. Reprisals against human rights defenders who cooperate with the UN has also been of deep concern.
- 7. Threats and Legacies of Armed Conflict:** Competition for natural resources and political influence has given rise to regional conflicts within and between many Asian countries, as illustrated in the case of the Spratly islands dispute between China, Philippines, Vietnam, Malaysia; the island dispute between China and Japan; the island dispute between Japan and Russia; the island dispute between Japan and South Korea; the long standing conflict in the Korean Peninsula; past and ongoing internal conflicts in Sri Lanka, Indian-administered Kashmir, Myanmar, Philippines and Thailand; the spread of conflict fuelled by religious extremism across South and Southeast Asia; and the long-standing conflict between India and Pakistan. These conflicts have contributed to increased militarisation and securitisation

in Asia while an entrenched culture of impunity and militarisation continues to prevail without accountability mechanisms. The rapid rise of China and India, both economically and militarily, and the increased involvement of the United States in the region for strategic, military and economic interests have further complicated the regional dynamics and have given rise to hegemonic approaches.

The denial of the right to self-determination, guaranteed by the ICCPR and ICESCR, has also been a cause to trigger internal armed conflicts in many parts of Asia, with regional ramifications.

- 8. Migration and Human Trafficking:** Within the framework of globalisation, the world is currently experiencing varied forms of migration. Particularly in Asia, cross-border migration has been significantly influenced by the political economies of neighbouring states and power players. Refugees, stateless peoples, displaced persons as well as migrant workers from the region have been features in recent international headlines. The situation of Rohingya has shown how human rights abuses when not stopped can lead to genocide and mass deportation which have serious consequences for the entire region and for the rest of the world.
- 9. Rise of Religious Extremism:** In recent years, there has been a rise of religious extremism in all parts of the world, and Asia is no exception. Tension in Asia has been rising amidst increasing discrimination and attacks against minorities as well as those who advocate for their rights. In the eyes of extremists, rights are often seen to conflict with religion, culture, tradition and nationalism, and they justify their violence and discrimination based on these beliefs. The attacks by extremist Buddhist monks against Rohingya Muslims and other religious minorities in Burma/Myanmar is an example of the dire situation in the region. Brutal killings of religious minorities in India by Hindu militant groups and of bloggers and online activists in Bangladesh by Islamists militant groups are other examples. Religious extremism also has a huge impact on women's and LGBTIQ rights.
- 10. Lack of Corporate Accountability:** The lack of respect for human rights by business corporations is another challenge facing the region. Extractive industries have been particularly notorious in this respect. Taking advantage of weak regulatory mechanisms and corrupt officials, extractive industries exploit natural resources with little or no concern for environment and people's livelihood. Workers in such industries are often denied basic protection of labour rights, and at times are subjected to forced labour and other forms of abuses. Those who stand against such excesses are humiliated, threatened and even killed.

Holding business corporations accountable is quite challenging. On the one hand, regulatory frameworks are poor or non-existent. Even when some protections are available, governments lack the will to implement them under the influence of the corporations. On the other hand, individuals and organisations working for corporate accountability are not properly organised and linked with networks and movements that would provide them protections by way of information sharing, exposing threats facing them and creating pressure on the authorities to protect those under threats.

**11. Lack of Capacity amongst Asian HRDs to Rise to Changing International Geopolitical Landscape:** Over the last few decades Asian states have seen their political influence grow. Countries such as India, Indonesia, China, South Korea and Japan are important players in global geopolitical landscapes. This has in a large measure been due to economic growth and a shift of alignments in the post-cold war world. It can also lead to hegemonic postures, which can significantly impact small neighbouring states in the region. This change has also seen growth in the influence of non-state actors with commercial influence including corporate entities. However this change has not benefited Asian civil society, which finds itself further restricted while space available for human rights activities have shrunk. While their governments and businesses have been able to exert greater influence over global affairs including those related to human rights, civil society groups from Asian countries continue to struggle to have their say on geopolitical decisions that relate to human rights. This has made it critical for civil society and the public to be able to participate in domestic foreign policy-making and to stress on the fact that foreign policy is public policy. Similarly it has also becomes crucial for them to be able to influence political decision-making at regional and cross-regional levels when it relates to human rights.

## Annex 2: Opportunities

- 1. National Human Rights Institution:** Concerns around institutional autonomy and independence notwithstanding, national human rights institutions (NHRIs) continue to emerge as a potential ally for civil society in promoting and protecting human rights in Asia. The latest addition in the region is the establishment of the National Human Rights Commission in Pakistan in 2015. Japan, Taiwan and Cambodia are still in the process of deliberating the setting up of such institutions.
- 2. Regional Human Rights Mechanisms:** The ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) pioneered the idea of regional human rights bodies in the Asian region. Despite inherent weaknesses in terms of independence and promptness in service delivery, these mechanisms nonetheless provide platform for civil society engagement with states on human rights issues at the regional level. South Asian civil society leaders and activists have also been campaigning for a similar sub-regional mechanism in South Asia through a special regional task force of civil society leaders and elders. Over the years, the campaign has gained significant momentum with national human rights institutions in the region, and has also won supportive gestures from some governments. For the first time, the discussion on the establishment of a South Asia Regional Human Rights Mechanism was part of the recent Asia-Pacific Forum Councillors and Annual General Meeting held in Mongolia in July 2015.
- 3. International Engagement:** The UN Human Rights Council will continue to be a key UN mechanism to address human rights issues and situations at the international level. There is an important need to engage nationally and internationally with Asian states regarding their foreign policy on human rights as their influence on international relations continues to rise. For instance the increased economic power of Asian giants such as China and India as well as others such as South Korea and Indonesia will also mean increased political influence on global affairs including at fora such as the UN Human Rights Council. Regional or cross regional intergovernmental processes and decisions such as those by the ASEAN, SAARC, Organisation of the Islamic Conference (OIC), Brazil, Russia, India, China, South Africa (BRICS), India, Brazil, South Africa (IBSA), Freedom of Expression Online Coalition and the Community of Democracies have the potential to influence the position of Asian States at the UN while also having a huge impact on the livelihood of the people. Deliberations in such fora, however, remain largely non-transparent or obscure without much participation by civil society. In today's globalised world there is an increased need to continue and further strengthen cross-regional collaboration amongst independent civil society organisations when engaging both with UN human rights mechanisms as well as other intergovernmental platforms, and to focus on emerging countries from the global South.
- 4. Media and Information and Communications Technology (ICT):** Asia is the largest region in the world in terms of Internet users, and also amongst the fastest growing regions to attract new users. According to the Internet World Stats, some 46 percent of the global

Internet users are Asians. The growth of Internet presents both opportunities and challenges. The Internet has been a powerful tool to reach out to young people and mobilise them for human rights advocacy. It presents an unparalleled opportunity to use social media for popular mobilisation for human rights, social justice and equitable development even in closed polities, like China, where some 642.3 million people use the Internet, constituting 46 percent of total Asian users. With the rise and spread of the Internet, new forms of challenges have also come about, such as the threat to freedom of expression and the right to privacy. It has also been a tool to trigger hate speech and incite violence, like other media outlets. However, the benefits of the media, including the Internet, outweigh its harms.

- 5. Mobilisation of Youths and Marginalised Communities:** The mobilisation of youth, women, LGBTIQ community, indigenous and other marginalised groups has significantly enriched and expanded the discourse on human rights. Their resilience against violence and repression has been a beacon of hope for the establishment of a culture of human rights. Significant participation of youth and LGBTQ people in large numbers and with vigour and enthusiasm added substance to the outcomes of the ASEAN Civil Society Conference/Peoples' Forum in Burma and Malaysia, respectively, in 2014 and 2015. Their active participation is expected to provide strength and new perspectives to the human rights movement in the region.
- 6. Sustainable Development Goals (SDGs):** Taking off from the Millennium Development Goals (2000-2015), the Sustainable Development Goals (2016-2030) were adopted by the UN General Assembly in September 2015. This will serve as the launch pad for action by national governments to promote shared prosperity and wellbeing for the next 15 years. The SDGs target ending extreme poverty, fighting inequality and injustice, and addressing climate change and climate justice. CSOs in the region can make use of Goal 16 to advocate for human rights which specifically targets the promotion of rule of law at national and international levels and ensure equal justice for all, and ensure public access to information and protect fundamental freedoms, in accordance with national legislations and international agreements, amongst others.
- 7. Responsibility to Protect:** Since its adoption 10 years ago by world leaders at the 2005 World Summit, Responsibility to Protect (R2P), which addresses genocide, war crimes, ethnic cleansing and crimes against humanity, has progressed far in its normative development, and is now a well-established political norm. Leadership by governments, regional institutions and civil society towards implementation is critical – especially for Asian countries where adequate measures for the prevention of genocide and mass atrocities are lacking. R2P should be mainstreamed in ASEAN and later in SAARC (which is dysfunctional at the moment), and trainings to build awareness amongst officials and CSOs on R2P are much needed to begin this process.
- 8. International Justice:** The establishment of the International Criminal Court (ICC) as an independent permanent court has paved the way for trying persons accused of grave and serious international crimes, namely genocide, crimes against humanity and war crimes at the international level. The ICC is the first treaty-based court ratified so far by 123 countries. FORUM-ASIA initiated the regional campaign for the ICC ratification and implementation

that resulted in several countries in the Asia-Pacific Region acceding to the treaty and a good number of them integrating the provisions and adopting cooperation laws into their national legislations. The campaign has raised awareness on issues of impunity, justice and accountability and brought the debates of ratification and implementation at all levels of Parliaments and governments in the region. It also opened opportunities to campaign in countries where human rights activities are not possible but ICC is welcomed, like China, Laos, Vietnam and Brunei Darussalam. The campaign will continue, aimed at further broadening of FORUM-ASIA's outreach to important sectors like parliamentarians, lawyers, judges and prosecutors, women, youth and children, within the context of developing justice mechanisms at the national, regional and international levels, making use of the principles and provisions of the Rome treaty.

9. **Knowledge and Use of Human Rights Mechanisms:** New and emerging human rights mechanisms as well as challenges have broadened the scope of international civil society engagement as well as the global human rights architecture. Domestic, regional and international civil society organisations are exposed to a vast array of human rights mechanisms such as the Universal Periodic Review (UPR) and increasing numbers of special procedures of the UN Human Rights Council as well as treaty bodies. In the absence of effective regional mechanisms, Asian civil society organisations have regularly engaged and accessed international mechanism, both new and old, in order to demand accountability and international response to human rights abuses by governments. Information on the workings of these mechanisms need to be shared widely amongst members and partners, and their capacities enhanced on how best to use them. However, challenges also exist at the ground level regarding the effectiveness of such processes.

■