

A photograph showing a group of people at night participating in a protest. They are kneeling on a paved area, holding up numerous small, glowing light-up signs that spell out 'HUMAN RIGHTS DEFENDERS' in large, illuminated letters. In the background, other protesters are visible, some holding signs with names like 'JIMMY SAISON' and 'MARLON BALDOS'. A sign on the right reads 'WE ARE IN CLIMATE EMERGENCY'.

# Business and human rights defenders in Southeast Asia

Human rights defenders (HRDs) in Southeast Asia play a crucial role in protecting the environment, championing rights-respecting societies and ensuring a just transition to green economies! Their work advocating for responsible business practices and drawing attention to risks and harms in company operations and supply chains is vital to support a more sustainable future, both within the region and globally.

Despite occupying a mere 3% of the world's land area, Southeast Asia hosts almost [20% of all known species of the world](#), [5% of the world's forests](#), and one-third of the world's coastal and marine habitats. While protection of biodiversity and natural resources in Southeast Asia is essential to address the climate crisis, there are significant environmental and political challenges. Southeast Asia is experiencing a rise in average and extreme temperatures, and extreme events including droughts, floods, typhoons and forest fires. People defending labour, land and environmental rights across the region often experience [strong backlash by both State and non-State actors](#) and face high levels of violence and repression, including threats, judicial harassment, and killings, as well as smear campaigns and “red-tagging” labelling them as anti-development, terrorists or communists as a means to discredit their legitimate human rights work. Burdensome administrative requirements and [legislation limiting NGO registration and the ability to receive funding from international sources](#) are also challenges for human rights work in the region.

In addition, since the start of the COVID-19 pandemic, some governments have [taken advantage of the crisis to attack HRDs](#) and further curtail civil rights to participate in public decision-making and peaceful protests, imposing fines or imprisonment for breaches of emergency measures, and restricting freedom of assembly, association and expression. 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.

<sup>1</sup> In this briefing, Southeast Asia refers to the ten countries that are Member States of the Association of Southeast Asian Nations (ASEAN).

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. [Research by Business & Human Rights Resource Centre \(the Resource Centre\)](#) shows that garment workers and union leaders across South and Southeast Asia continue to face discrimination, threats, violence, false charges and arrests, declining wages and severe restrictions on freedom of association, with factories persistently using COVID-19 as a pretext for these attacks and other attempts to suppress organising efforts and suspend collective bargaining agreements.

## Attacks against HRDs in Southeast Asia

Since 2015, the Resource Centre has **tracked more than 4,200 attacks worldwide 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 and nearly **22%** of all attacks globally (916 attacks) have occurred in **Southeast Asia**. In **2021**, three out of the four most dangerous countries for HRDs in Asia-Pacific were [located in Southeast Asia](#) - The Philippines, Cambodia and Indonesia.

### At a glance:

Attacks against HRDs focused on business in Southeast Asia

**916 attacks**

recorded in our database  
(January 2015 – October 2022)

**3 in 5**

attacks constituted judicial harassment

**70%**

of attacks were against land, environmental and climate rights defenders

**27%**

of attacks were against labour rights activists and trade unionists

### 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.”

Between January 2015 and October 2022, nearly **70%** of attacks recorded in the region were against land, environmental, and climate rights defenders, and almost **three in 10** attacks were against women HRDs. While HRDs of all genders experience similar types of attacks, women often face [additional gender-specific threats](#). Violence against women, resulting from traditional patriarchal values regarding women as subservient to men, remains [widespread](#) in Southeast Asia. Some women HRDs have also reported high levels of stress, anxiety and additional family burdens because of gender-based violence and threats experienced while carrying out human rights work.

Many attacks in Southeast Asia followed HRDs’ legitimate participation in peaceful protests (208) or were linked to denial of freedoms of expression (72) and association (83). At least 19 attacks were against HRDs supporting migrant workers.

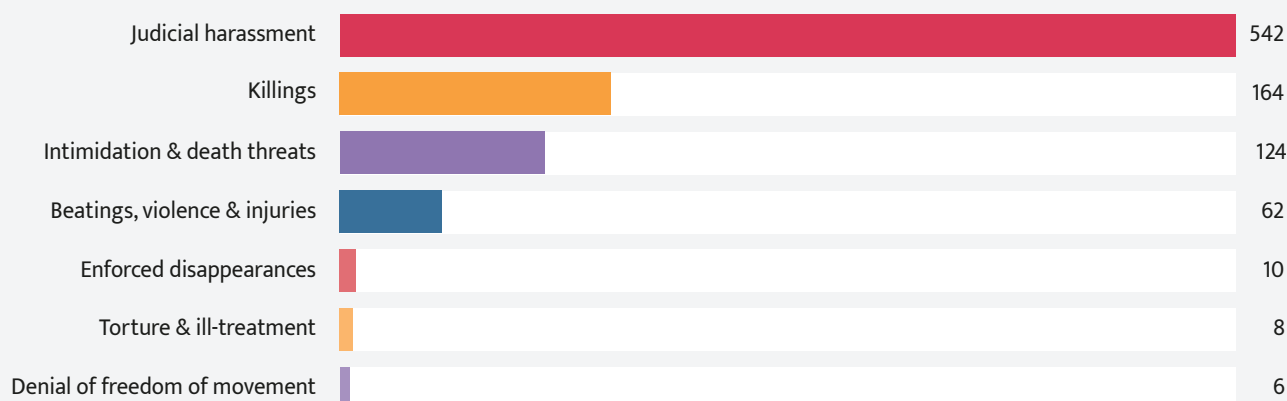
### Cambodia: Judicial harassment of women trade unionists

[Chhim Sithar](#) and at least 16 union members of the Labour Rights Supported Union of Khmer Employees of NagaWorld (LRSU), most of whom are women, were criminalised and arrested on “incitement” and/or “obstruction of COVID-19 measures” charges after launching a peaceful strike. This strike protested the alleged refusal by entertainment company NagaWorld to negotiate concerning the forced mass redundancy of over 1,300 workers in April 2021. The police claimed the arrests were made because the union’s “illegal strike” affected public order and social security following a court’s order prohibiting it, although the union had complied with standard strike procedures. The court’s order issued on 16 December 2021 came after NagaWorld had filed a lawsuit against the union. In January 2022, the Resource Centre invited NagaWorld and NagaCorp to respond to the allegations; [neither responded](#). Lawsuits against workers and unionists [continue in 2022](#).

Due to longstanding racism and discrimination, **Indigenous defenders** experience a disproportionately high level of [attacks](#) and are 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.

Attacks recorded in Southeast Asia include killings, death threats, beatings and violence. Judicial harassment - which includes arbitrary arrests and detention, unfair trials and strategic lawsuits against public participation (SLAPPs) - is the most common type of attack. Since January 2015, at least 89 lawsuits bearing the hallmarks of **SLAPPs** were brought or initiated by companies against activists, journalists and CSOs in the region. The majority of SLAPPs were [filed in Thailand](#) (51) and [Cambodia](#) (18), and most were criminal lawsuits.

#### Attacks against HRDs in Southeast Asia (January 2015 - October 2022)

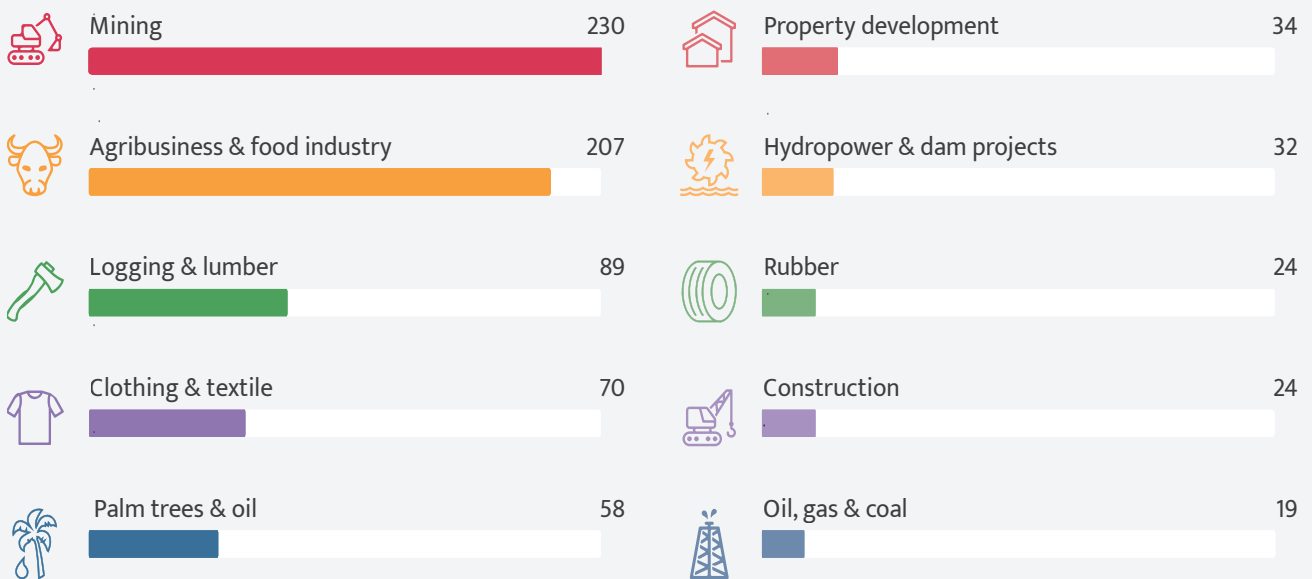


## Malaysia: Environmental group SLAPPED for defending rivers & forests

On 21 June 2021, the logging company Samling Plywood filed a [defamation lawsuit against SAVE Rivers](#) and its directors for publishing alleged defamatory statements. The company sought an apology, an injunction stopping SAVE Rivers from reporting community claims, and RM5 million in damages (around 1 million USD). SAVE Rivers has alleged that the concession issued in favour of Samling did not follow due process and violated the rights of the Indigenous communities. Several communities also reported they were not consulted about the concessions before their approval. A coalition of local and international organisations, including the Bruno Manser Fund and The Borneo Project, [have called](#) on Samling to drop the lawsuit. In its [response to the Resource Centre](#), Samling said the lawsuit aimed to prevent the spread of incorrect and negative impressions about the company, and was not an attempt to prevent or hinder public participation in the certification process. SAVE Rivers’ [rejoinder](#) pointed out Samling’s lack of transparency, disregard for Indigenous-led forest conservation initiatives and failure to obtain free, prior and informed consent, and flaws in the available complaint mechanism. In June 2022, local communities in Penan [successfully stopped](#) Samling from logging in a nearby conservation area.

Our data reveals that attacks in Southeast Asia are related to almost every business sector. The top three most dangerous sectors (mining, agribusiness, and logging and lumber) are all **natural resource** sectors. The Resource Centre’s [Transition Minerals Tracker](#) also shows that extraction of six key commodities vital to the clean energy transition (cobalt, copper, lithium, manganese, nickel and zinc) are often linked to attacks against HRDs.

### 10 most dangerous sectors for HRDs raising concerns about business in Southeast Asia (January 2015 - October 2022)



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. Attacks also often happen in the [value chain](#) of international buyers and investors.

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 Southeast Asia 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.

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 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.<sup>2</sup> 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.

<sup>2</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”.

## Where are attacks taking place?



# Recommendations

## ASEAN Member States

- ➔ Pass and implement legislation recognising the vital role of HRDs in promoting human rights, sustainable development and a healthy environment, and commit 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) taking into account gender-responsive approaches. 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 Southeast Asia

- ➔ 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 Southeast Asia

- ➔ 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;
  - ➔ 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.