To H.E. Hassanal Bolkiah, Prime Minister of Brunei Darussalam
To H.E. Hun Sen, Prime Minister of Cambodia
To H.E. Joko Widodo, Prime Minister of Indonesia
To H.E. Phankham Viphavanh, Prime Minister of Lao PDR
To H.E. Anwar Ibrahim, Prime Minister of Malaysia
To H.E. Ferdinand Marcos, Jr, President of the Philippines
To H.E. Lee Hsien Loong, Prime Minister of Singapore
To H.E. Pham Minh Chinh, Prime Minister of Viet Nam
To H.E. Charles Michel, President of the European Council

CC

Ambassador of the European Union to ASEAN, H.E. Mr. Igor Driesmans

Re: The situation of human rights and human rights defenders in Southeast Asia ahead of the inaugural ASEAN – EU Summit

Your excellencies,

We, former and current parliamentarians from seven member states of the Association of Southeast Asian Nations (ASEAN) and Timor-Leste, and members of the European Parliament, have the honour to address you ahead of the first summit of leaders from our two regional organizations, ASEAN and the European Union, that will take place on 14 December in Brussels.

We are convinced that deepening cooperation is critical to addressing the many common issues that we are facing, from the climate emergency to the human and economic costs of crises such as those devastating Myanmar, Ukraine, Afghanistan, Yemen or Syria. While these crises present asymmetrical burdens in each region, there is a global responsibility to address them. We hope that the summit will also serve as a catalyst for both our regional organizations to take the urgent actions necessary to address troubling trends and worsening human rights crises.

Human rights defenders are at the core of free, fair and equal societies, and serve their communities often at great personal cost. The United Nations General Assembly recognised this key role when it adopted by consensus the Declaration on Human Rights Defenders (<u>A/RES/53/144</u>) in 1998, 50 years after the adoption of the Universal Declaration of Human Rights.

The 1998 Declaration clearly states in its first article that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels". Individuals and communities across Southeast Asia have availed themselves of this right, courageously fighting for human rights in many ways and forms: journalists like Maria Ressa in the Philippines, and Pham Doan Trang in Vietnam; environmental and indigenous human rights defenders like <u>Vannak Hun</u> in Cambodia, <u>Windel Bolinget</u> in the Philippines, and <u>Jonathan Mesulam</u> in Papua New Guinea; women rights and LGBTQ+ rights defenders like <u>Matcha Phorn-in</u> in Thailand and Jolovan Wham in Singapore; and those defending democracy and claiming greater freedoms, like <u>Roland Levy</u> in West Papua, Indonesia.

Human rights defenders continue to suffer reprisals for their work, too often at the hands of the states that are meant to protect them. The <u>Human Rights Memorial</u> project documented the killings of 25 human rights defenders in Myanmar, the Philippines and Thailand in 2021, and the real number is likely to be several times higher. This year marks the 10th anniversary of the enforced disappearance of Sombath Somphone in Lao PDR, and the situation for human rights defenders in many countries across the region has only worsened.

As detailed in Front Line Defenders' <u>Global Analysis 2021</u>, human rights defenders in the region face a wide range of threats, including: judicial harassment; defamation and smear campaigns, most notably the infamous practice of red-tagging in the Philippines; the abuse of Covid-19 related laws, like Cambodia's widely criticized Preventive Measures law; and the weaponization of legislation like Indonesia's Electronic Information and Transactions Law to silence defenders, especially anti-corruption activists.

Digital surveillance is a growing concern, using technology that is both domestically produced as well as imported from countries, such as China and Russia, that have weak human rights safeguards and due diligence. Thai human rights defenders and pro-democracy protesters have been targeted with NSO Group's Pegasus spyware, as reported by <u>Citizen Lab at the University of Toronto</u>. However, no sophisticated software is required to target human rights defenders through technological means, as illustrated by the increasing practice of doxxing in Indonesia.

Some of the defenders most targeted are those working on labour rights, environmental rights, indigenous rights, women's rights, journalists and those advocating for democracy and working on abuses of counter-terrorism legislation.

As parliamentarians, we remain particularly concerned about political violence and the targeting of elected representatives, including because of their human rights work. Former Senator Leila M. de Lima of the Philippines, imprisoned during the Duterte administration in 2017, remains the most high-profile case, but unfortunately it is not the only one. Former member of the Philippine House of Representatives and Board Member at ASEAN Parliamentarians for Human Rights (APHR), Walden Bello, is facing politically-motivated charges of cyber-libel brought by the current Vice-President, Sara Duterte. After the 2021 coup d'état in Myanmar, the number of parliamentarians imprisoned in the ASEAN region spiked from one to 91; while judicial harassment against parliamentarians continued in Thailand and the Philippines, and escalated substantially in Malaysia. This is documented in the APHR report Parliamentarians at Risk: Reprisals against opposition MPs in Southeast Asia in 2021.

The situation in Myanmar remains dire in general, and for human rights defenders in particular. The Penal Code, particularly sections related to high treason, defamation and statements causing public disorder, is being widely used by the military junta to suppress dissent and freedom of expression. A 2022 <u>report</u> by Amnesty International has documented the use of torture and other forms of cruel, inhuman and degrading treatment by prison authorities against detainees, including human rights defenders, political dissidents, journalists and civilian protesters. The executions of Phyo Zeya Thaw, a former member of the National League for Democracy, prominent democracy activist Kyaw Min Yu, Hla Myo Aung and Aung Thura Zaw, represent an escalation in the junta's human rights violations.

The coup in Myanmar has also put minorities such as the Rohingya at greater risk of persecution, including in their countries of refuge. The case of the killing of Rohingya human rights defender and community leader <u>Mohib Ullah</u> in Bangladesh is emblematic of the systematic silencing of marginalized communities. Rohingya journalists reporting on the various challenges faced by the

community have suffered serious reprisals as a result of their work, as seen in the case of brothers <u>Saiful and Aziz Arakani</u>.

We, members of the European Parliament and ASEAN parliamentarians, therefore call on the authorities of ASEAN to:

- Reiterate publicly, including in the ensuing declaration of the summit, the valuable role played by human rights defenders in society, the importance of protecting human rights defenders and of properly investigating offenses committed against them, including killings and enforced disappearances;
- Refrain from making statements or declarations stigmatising the work of Human Rights Defenders, including through practices like red-tagging and smear campaigns;
- Improve, and develop when necessary, their national human rights policies, including specific policies addressing the protection of human rights defenders;
- Ensure that National Human Rights Institutions (NHRIs) are able to function independently and effectively, in accordance with the Principles relating to the Status of National Institutions (The Paris Principles);
- Stop using libel and defamation laws to silence government critics, activists, human rights defenders and parliamentarians in opposition;
- Immediately release, and drop charges against, all human rights defenders arbitrarily imprisoned for their legitimate human rights work, including <u>Trần Huỳnh Duy Thức</u>, <u>Pham</u> <u>Doan Trang</u> and <u>Nguyen Lan Thang</u> in Viet Nam; Victor Yeimo in Indonesia; Houayheuang Xayabouly, Lodkham Thammavong, Soukane Chaithad and Somphone Phimmasone in Lao PDR;
- Call on all parties to facilitate cross-border aid in Myanmar and neighbouring countries, by working in partnership with local humanitarian actors, ensuring the principle of non-refoulement and respecting international human rights law and international humanitarian law.

Saskia Bricmont, Member of the European Parliament	Hannah Neumann, Member of the European Parliament
Sarah Jane Elago, former MP from the	Kunthida Rungruengkiat, MP from Thailand
Philippines	Charles Santiago, former MP from Malaysia
Heidi Hautala, Vice President of the European Parliament	Mu Sochua, former MP from Cambodia
Botta Long, former MP from Cambodia.	Marianne Vind, Member of the European Parliament
Karsten Lucke, Member of the European	

Parliament