Foreword

This timely report highlights several familiar and alarming themes, including how Human Rights Defenders standing in defence of human rights of minorities often bear the brunt of restrictions and targeting. Lawyers in Pakistan defending cases of blasphemy particularly against minority religions and sects, and all those NGOs and HRDs speaking for rights and freedoms of minorities, face threats to their work. Authorities in Nepal target NGOs hiring Christian staff. In Afghanistan, HRDs remain under threat from state and non-state actors. In Bangladesh, the cybercrime law enables the targeting of HRDs. In India, HRDs and religious minorities protesting discriminatory laws and practices have faced restrictions, violence, criminal defamation, detention and harassment. And in Sri Lanka, there has been worsening environment for HRDs, including Sri Lanka’s withdrawal in February 2020 from Human Rights Council Resolutions 30/1 and 40/1, meant to promote reconciliation, accountability and human rights in the country.

High Commissioner for Human Rights Michelle Bachelet rightly describes civic space as ‘the lifeblood of any healthy democracy and society’. But civic space is under attack all over the world, with core civic freedoms of expression, association, peaceful assembly widely denied. Restrictive legislative and administrative provisions have been hallmarks of repression, with Human Rights Defenders often the prime targets. There is no more direct threat to civic space that the targeting of HRDs.

This important report reminds us all that South Asia, home to a fourth of humanity, mirrors these global trends. A recent report claimed 97 per cent of the region’s population lives in condition where civic space is ‘repressed’, just a tier better than ‘closed’. Throughout the region, states are increasingly resorting to censorship, imposition of restrictive laws, criminal defamation,
harassment and detention of protesters, and the targeting of HRDs
to suppress peaceful protests.

Despite protections enshrined in international law and national
constitutions, people continue to be excluded on the basis of their
identities, with minorities suffering disproportionately. These
trends are rooted in backsliding of democracy and the rule of law
and a surge in populism.

South Asia Collective’s *South Asia State of Minorities Report
2020: Minorities and Shrinking Civic Space*, exposes how this
erosion is taking place across the region—with a focus on trends
and consequences for South Asia’s sizeable minorities, religious as
well as ethnic, linguistic and caste. The findings of the report are
sobering. We will do well to dwell on them.

The report notes that while some states—including Bhutan—have
yet to see much civic space emerge, the general trend across the
region is of constitutional guarantees of freedoms of association,
assembly and expression being diluted over the past decade. This
includes the increased regulation of NGOs and their access to
foreign funding. Another common trend—seen for example in
Afghanistan, Pakistan and India—is to deny NGOs registration or
renewal of licenses.

Other recent legislation limits freedom of opinion and
expression, in the guise of preventing disharmony and disaffection.
Authorities are resorting to Internet shutdowns, including in
India, Pakistan, Sri Lanka, and in Bangladesh specifically against
Rohingya refugees.

As elsewhere in the world, the Covid-19 pandemic has provided
a pretext for limiting freedoms, with authorities introducing further
restrictions on HRDs, and securitisation of laws in the name of
combating the pandemic and undertaking emergency response.

Most South Asian nations constitutionally guarantee freedoms
of association, assembly and expression. All South Asian countries
(except Bhutan) have also ratified the International Covenant on
Civil and Political Rights (ICCPR), and other instruments that
guarantee ‘basic freedoms’. But restrictions on these freedoms are
widespread in the region, and growing. The targeting of HRDs is
becoming more common.
We need to rethink how societies can better function during and after the pandemic. HRDs must be at the centre of these discussions. Healthy civic spaces can help build strong, healthy democracies in the region. And the South Asia Collective can have a key leadership role in this by continuing its documentation and advocacy, and by continuing to press for the protection of HRDs.

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