

# COVID-19 IN ASEAN: A HUMAN RIGHTS CRISIS AND HOW TO END IT

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**THE ASEAN  
COUNTRIES HAVE  
REPORTED AT LEAST  
134,829 COVID-19  
CASES WITH 3,935  
DEATHS IN TOTAL AS  
OF 23 JUNE 2020.**

The ASEAN SG, Lim Jock Hoi, estimated that the real numbers are likely to be higher than those officially provided, and the figures are continuing to rise.

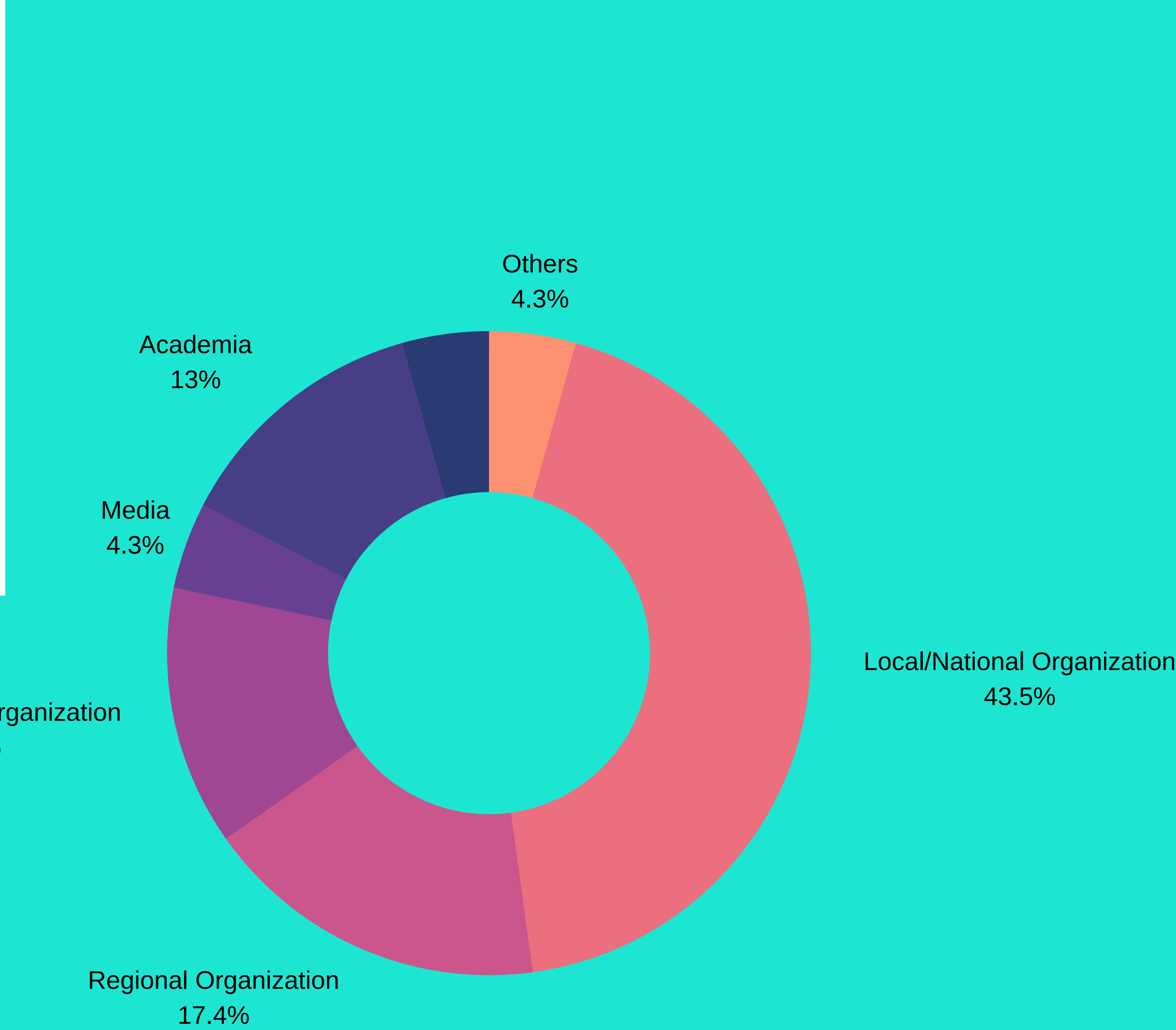
# **Rapid Assessment of Civil Society Organisations on the effectiveness of ASEAN during COVID-19**



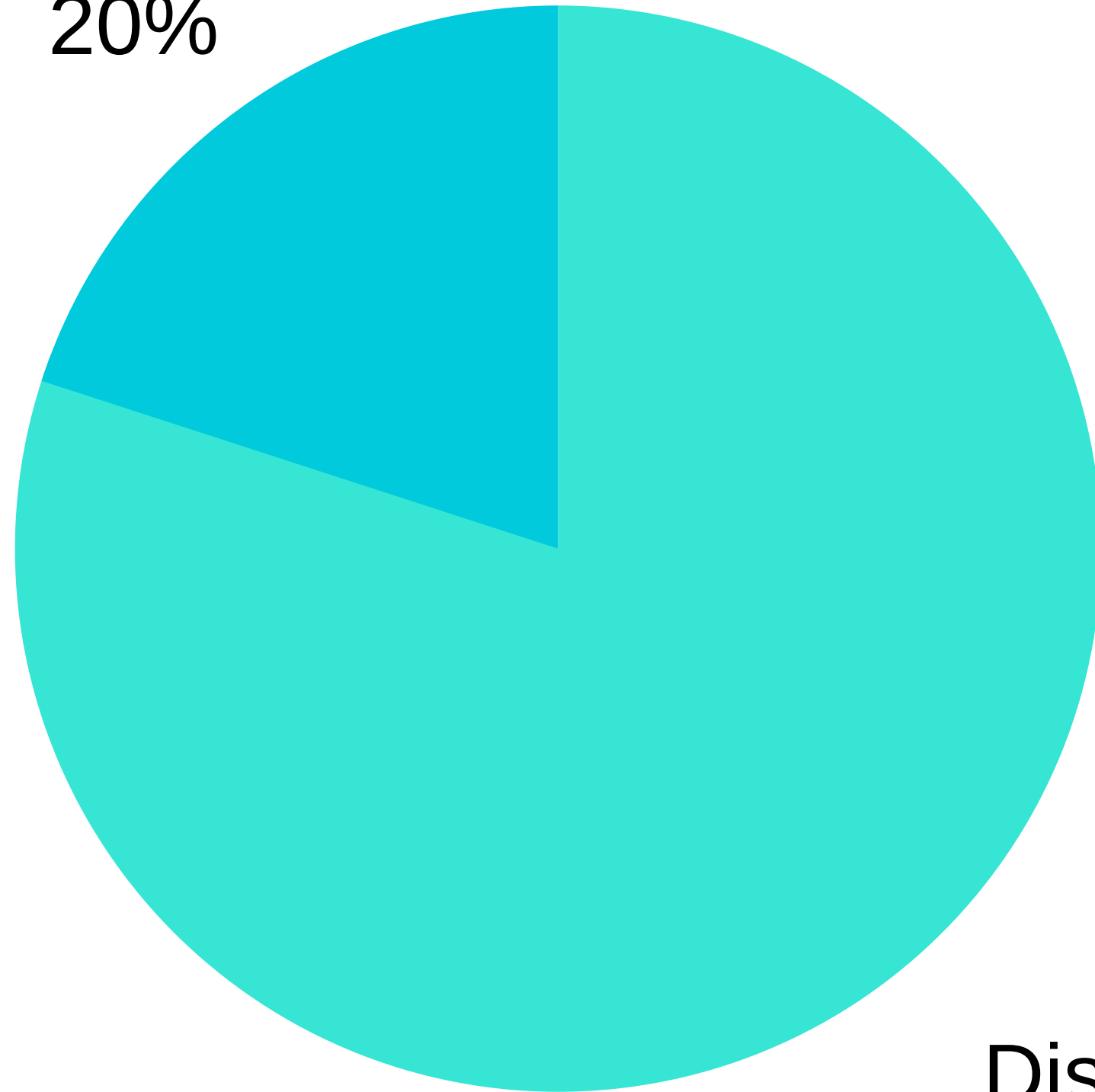
Organized by FORUM-ASIA, SHAPE-  
SEA and SAPA from  
12-24 June 2020



Countries	Views
Philippines	<b>21</b>   23.3%
Myanmar	<b>16</b>   17.7%
Indonesia	<b>13</b>   14.4%
Malaysia	<b>8</b>   8.88%
Singapore	<b>5</b>   5.55%
Timor-Leste	<b>5</b>   5.55%
Viet Nam	<b>4</b>   4.44%
Thailand	<b>3</b>   3.33%



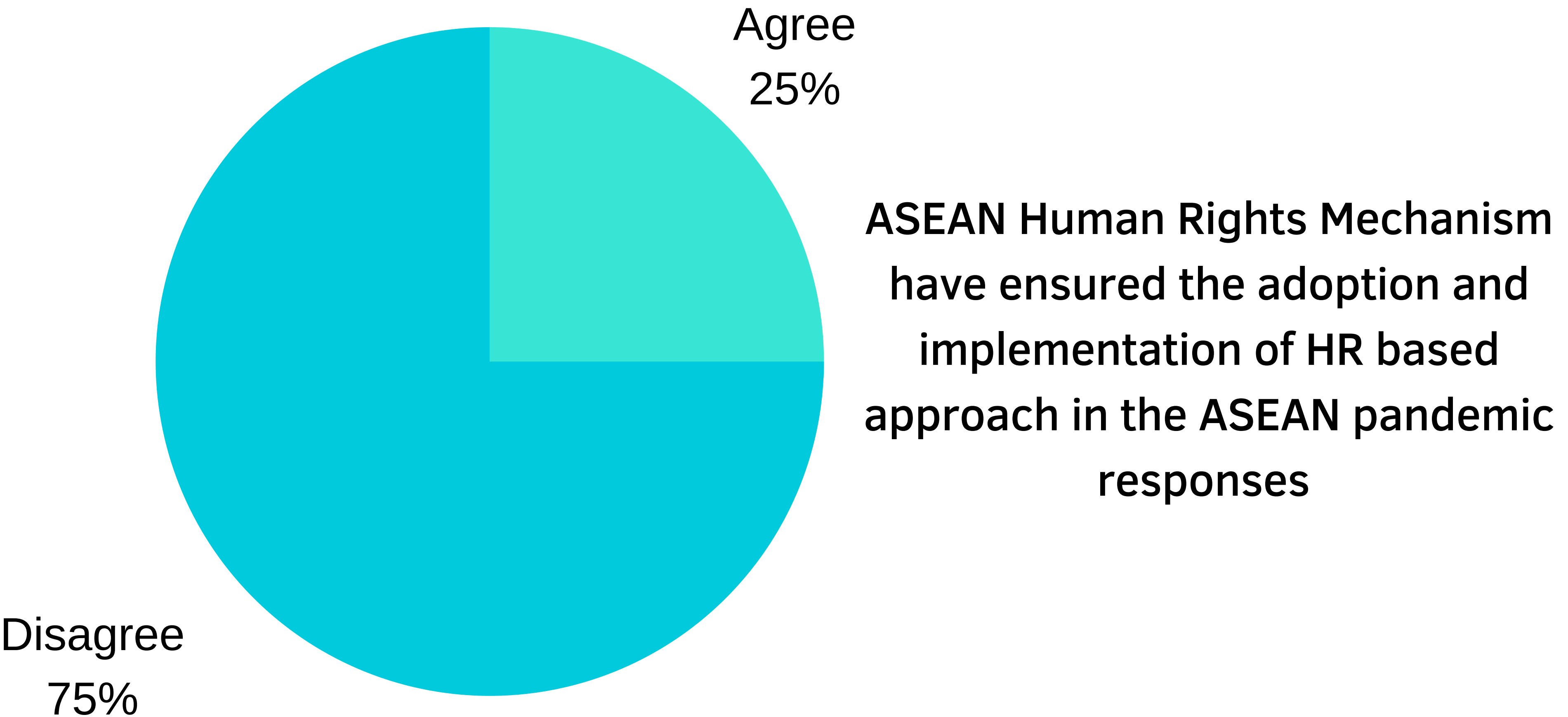
Agree  
20%



Disagree  
80%

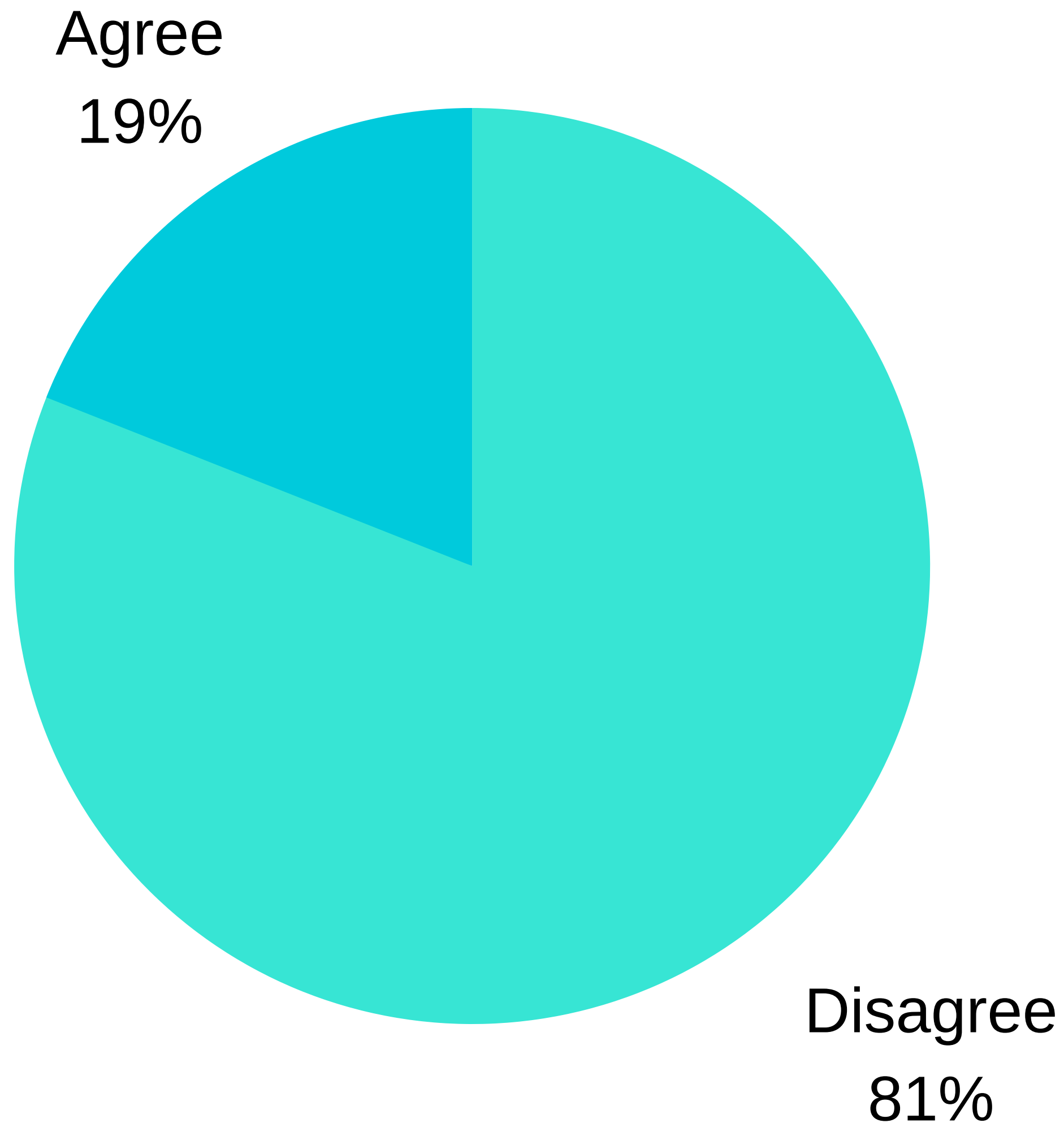
**ASEAN have facilitate  
meaningful participation of  
CSOs during the pandemic.**

"Except for individual engagements of ASEAN officials, I found ASEAN as a regional entity invisible."



"For the first AICHR made a response – that's good. But no government has responded to that statement. Despite SARS and other humanitarian emergencies, much is still not at action plan stage. "

"AICHR issued a press statement recognizing the importance of ensuring human rights while combatting the pandemic. ACWC issued no statement so far. At the moment, it is unclear whether ASEAN human rights mechanisms are part of ASEAN's emergency response network. ASEAN human rights mechanisms and experts on child rights, women's rights, and human rights must be included in the ASEAN emergencies response network or ASEAN regional coordinating body tasked with addressing the COVID-19 pandemic and future public health emergencies."



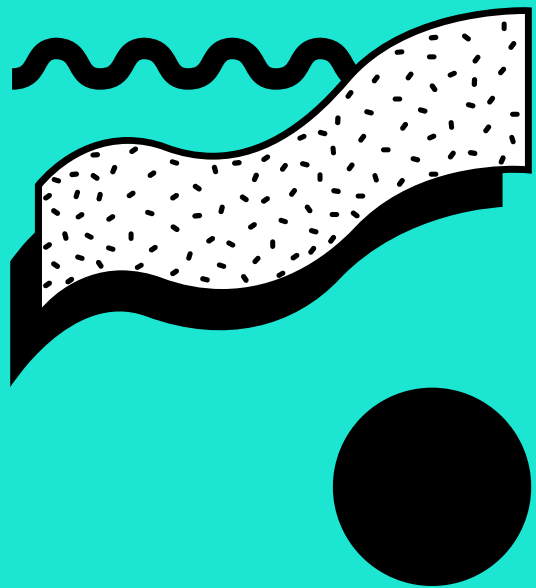
**ASEAN leaders have  
successfully protected  
the right of people  
during the pandemic**

"ASEAN has no means provided for protecting the right of people during the pandemic as they are also unable to have unified solutions because of the observation of non-interference. ASEAN hasn't also promoted or support civil society participation.... the ineffective bureaucratic system also hinders the provision of help and aid to many individuals in need.'

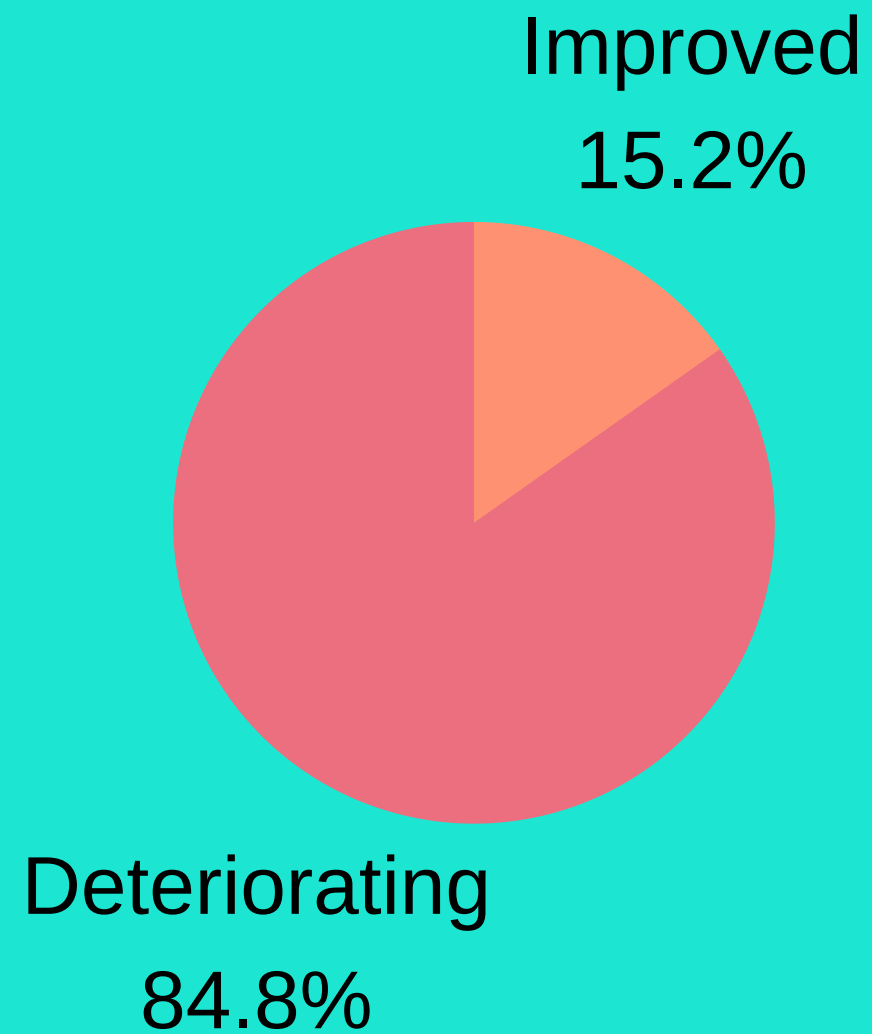
"Obviously none of the mechanisms have worked and rights are deteriorating seriously across.the board."

"Except for individual engagements of ASEAN officials, I found ASEAN as a regional entity invisible."

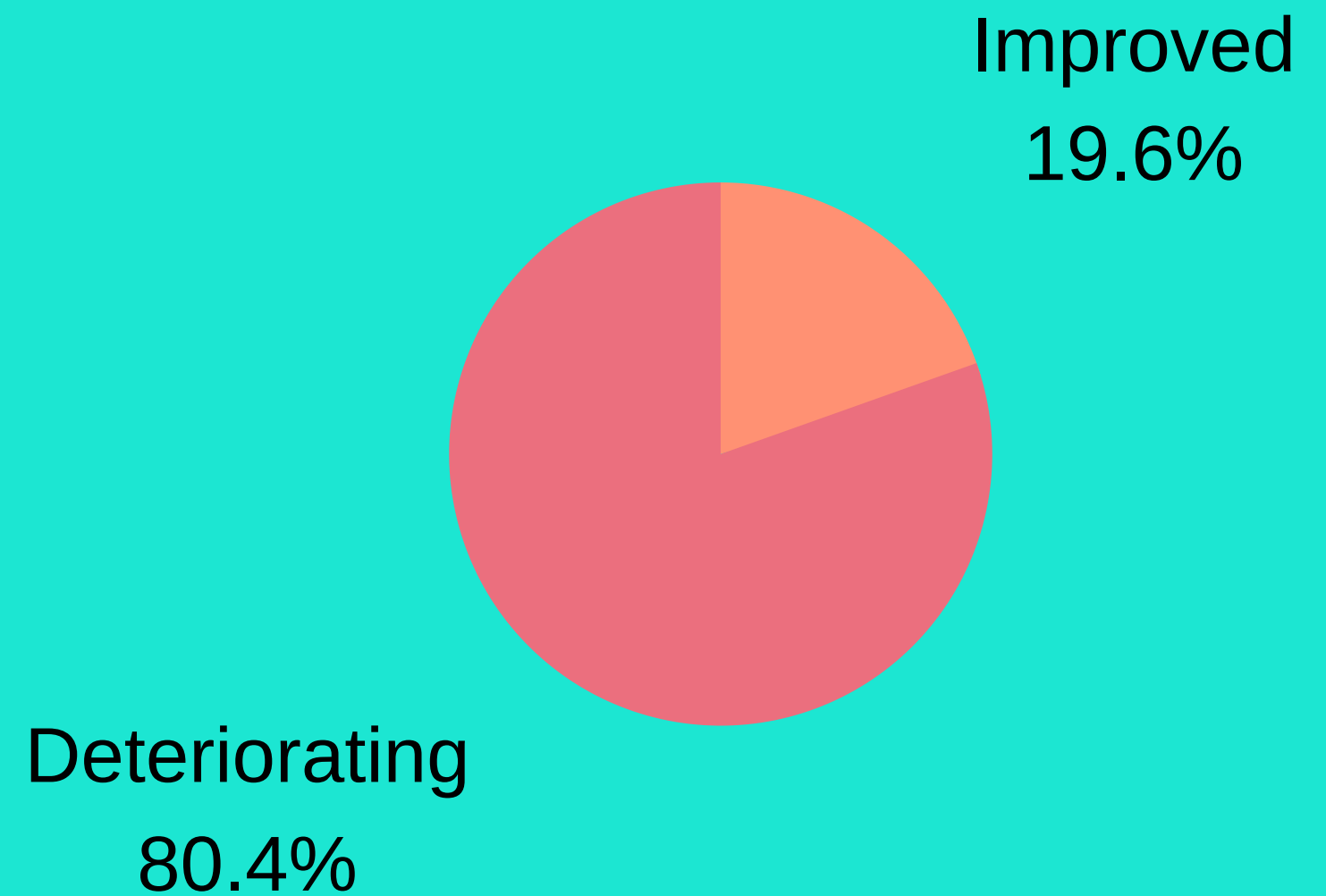
# 5 Rights which perceived to be most deteriorated during the pandemic



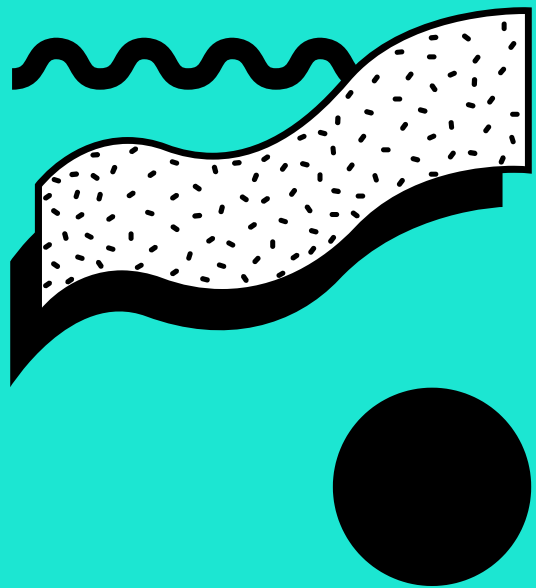
## Freedom of Expression



## Freedom of Assembly & Association



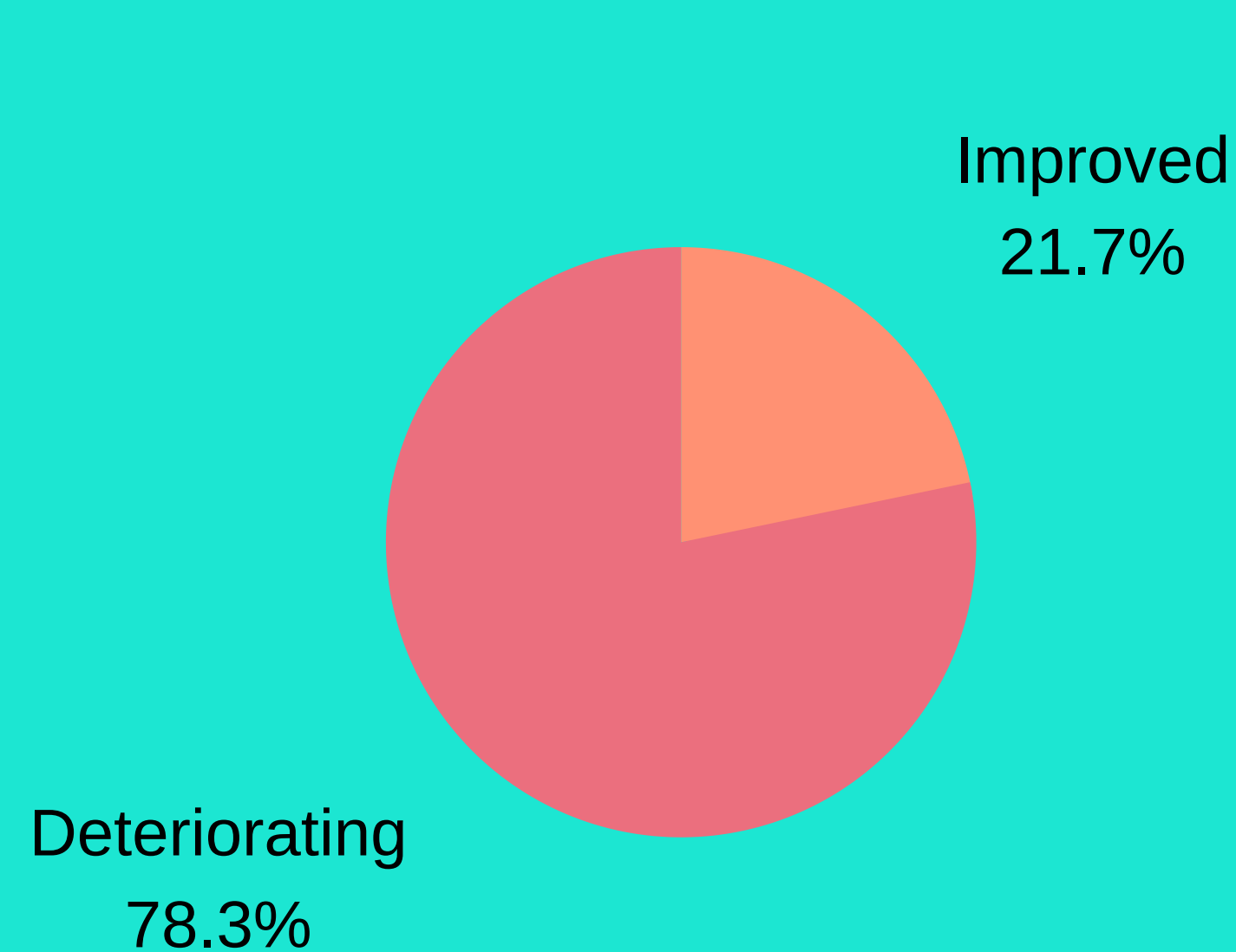
# 5 Rights which perceived to be most deteriorated during the pandemic



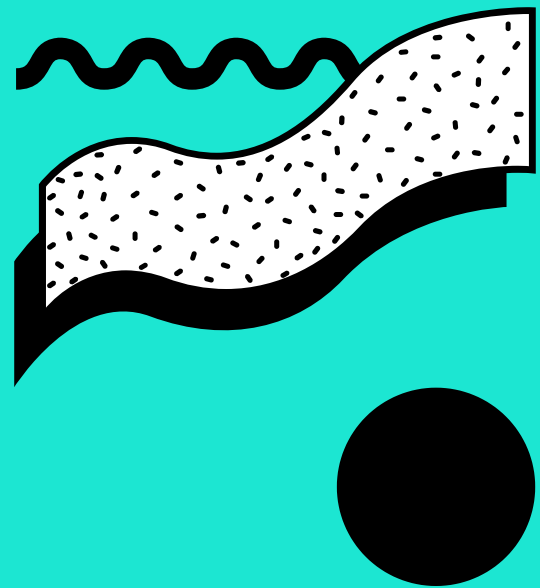
## Human Rights Defenders



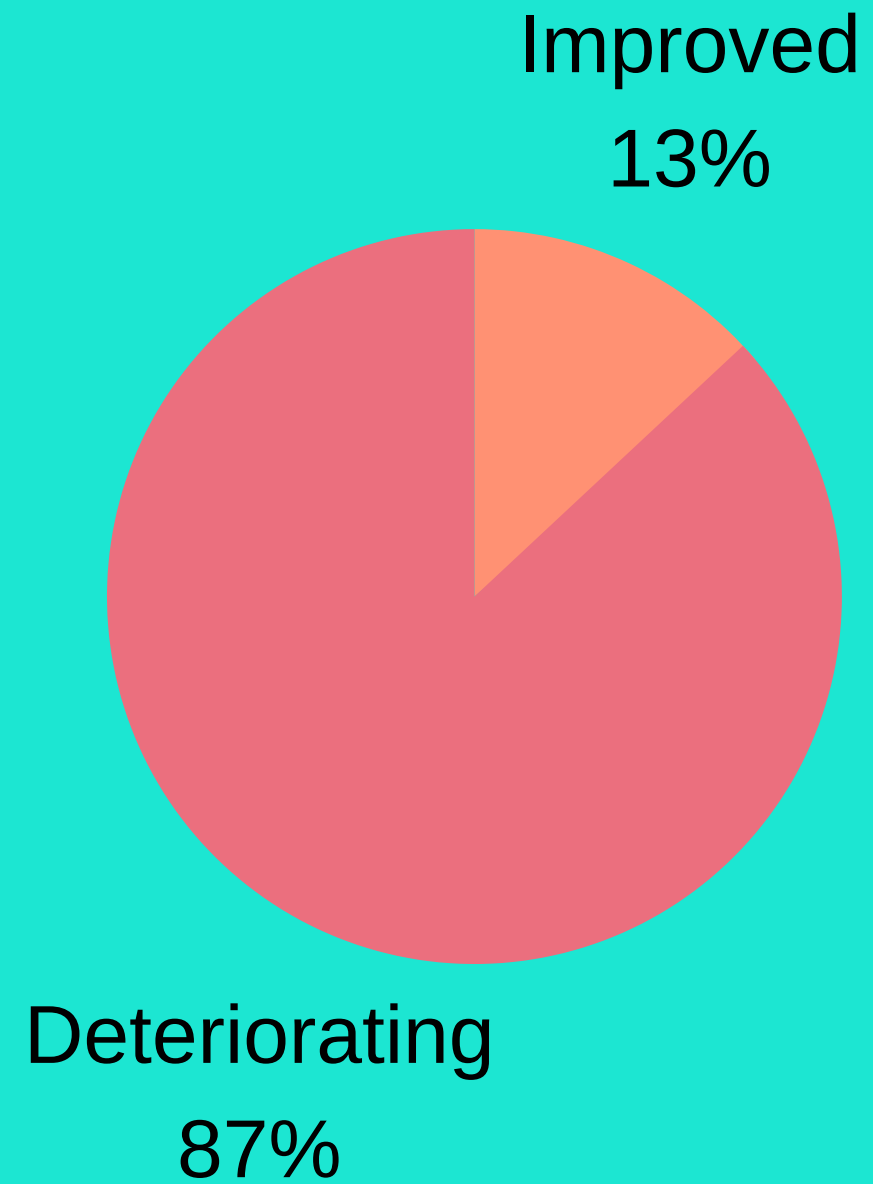
## Migrants and Refugee Rights



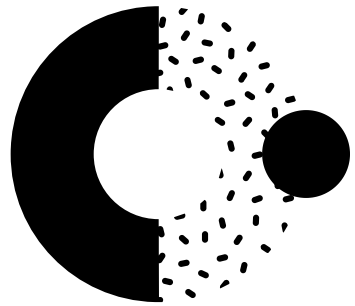
# 5 Rights which perceived to be most deteriorated during the pandemic



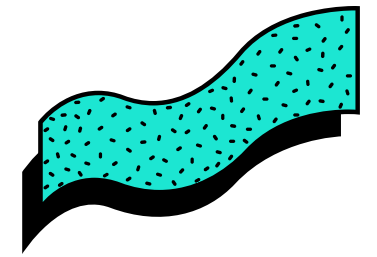
## Indigenous people's rights



# **Trend: Impact of COVID-19 to Human Rights**



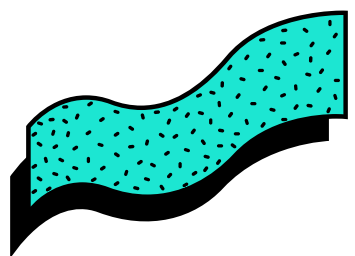
## **Securitization and Shrinking Civic Space**



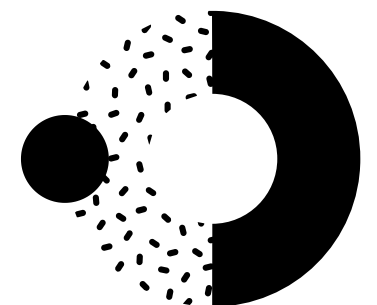
The emergency decrees, laws and policies effectively provide governments, and often the security forces, a range of powers which have been used to institutionalise existing repressive practices

## **Violations of the rights to Freedom of Expression, Peaceful Assembly and Association**











Within already increasingly authoritarian countries, governments used the pandemic as a cover to further the implementation of existing policies that curtail peaceful dissent.



## **Surveillance and violations of the right to privacy**



The use of contact tracing applications to counter the spread of the Pandemic became one of the critical responses of governments. Civil society has raised concerns about its potential for violations of privacy.

Country	Law and Policies on COVID-19
 Cambodia	State of Emergency Law (10 April 2020)
 Laos	The Prime Minister's Order (29 March 2020)
 Thailand	Emergency Decree (26 March 2020)
 Philippines	The Bayanihan to Heal as Once Act (23 March 2020)
 Singapore	Circuit Breaker Measures (07 April 2020)
 Indonesia	Law No.1 2020 on COVID-19 Health Emergency Law (31 March 2020)
 Malaysia	Movement Control Order (16 March 2020)
 Myanmar	Creation of COVID-19 Control and Emergency Response Committee
 Vietnam	Creation of National Steering Committee for COVID-19 Prevention and Control
 Brunei	No specific law or policy created

# Comparative Responses

WITH OTHER HUMAN RIGHTS MECHANISMS



Number of  
Joint State-  
ment related  
to COVID-19  
(from February  
– June)

25

16

13

1



Issued addressed / mentioned

Persons deprived of liberty; persons with disabilities; women; migrants, refugees, and displaced persons; LGBTI persons; the elderly; children and adolescents; afro-descendants; indigenous peoples; human rights defenders; the rights of relatives of persons who died in the context of the COVID-19 Pandemic; freedom of expression and access to information; ECOSOC rights.

Persons deprived of liberty; freedom of expression and access to information; indigenous peoples' women's and children's rights; human rights defenders, rights of mine workers; ECOSOC rights

Rights of older persons; refugees and asylum seekers; press freedom; LGBTI; persons deprived of liberty; women; children and adolescence; freedom of expression; indigenous peoples

Women and children; the elderly; persons with disabilities; migrant workers; freedom of expression; vulnerable and marginalised groups



Established  
Resolution /  
Guideline /  
Toolkit



Established  
taskforce



Yes

No

Yes

No

Yes

No

No

No

# Recommendation

## FOR ASEAN MEMBER STATES

- Respect human rights, fundamental freedoms, and human dignity, and in particular abide with international human rights law and standards when implementing measures to address the COVID-19 pandemic as well as in developing ASEAN's post-pandemic recovery plans (including the economic recovery plan);
- Ensure that full access to social and legal protection mechanisms, including access to justice for women, girls, and those who are affected by sexual and gender based violence during the lockdown is available at times of quarantines;
- Encourage all national human rights institutions to monitor the human rights impact of their State's measures, together with civil society, and facilitate such monitoring by providing access to relevant information and officials;
- Provide holistic measures, through law, policy, and practice, to uphold and ensure workers' and migrant workers' rights, welfare, safety, and security, regardless of legal status;
- Provide temporary and safe shelter during enforced quarantines for the homeless and members of other vulnerable communities;
- Facilitate regular and transparent access to accurate, timely, and comprehensive information to the public regarding the disease, including the risk of transmission, prevention, and governmental efforts to address the situation;
- Ensure that all employers, including public institutions and private companies and businesses, provide adequate compensation to all employees affected by the Pandemic – with government support if necessary;

# Recommendation

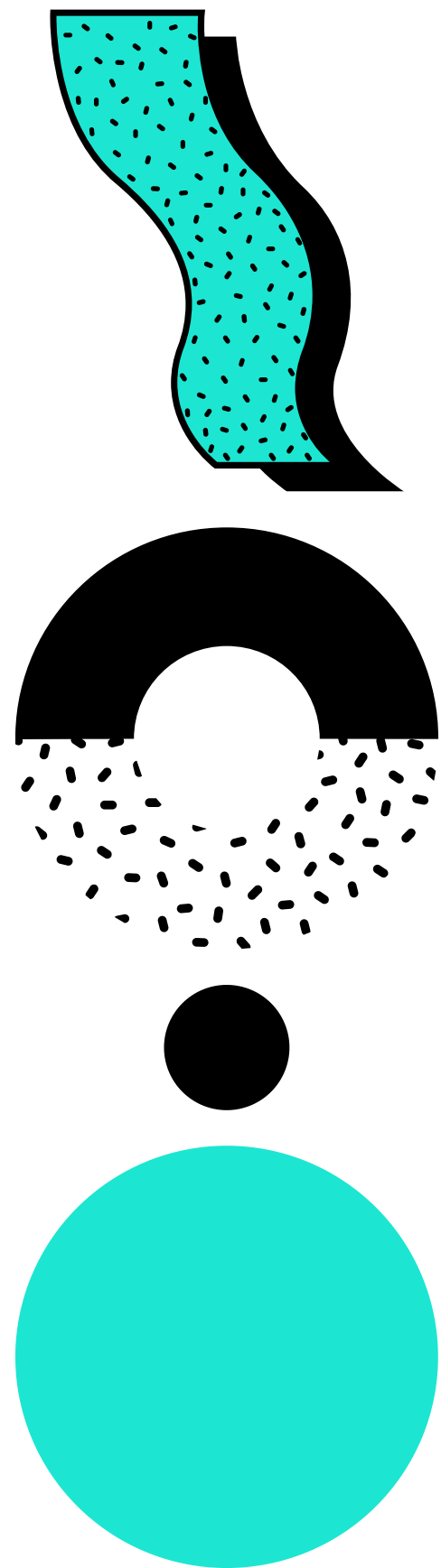
## FOR ASEAN MEMBER STATES

- Generate a timely and adequate response accessible to all people without discrimination, including those who have limited access to healthcare facilities;
- Provide free and high quality tests, treatment, and care to all people affected by the pandemic, including members of marginalised groups and undocumented populations;
- Respect legal obligations under treaty and customary international law regarding the principle of non-refoulement;
- Take immediate action to counter dangerous xenophobic and other hateful narratives against undocumented migrants, refugees, asylum seekers, minorities and any other groups;
- Ensure that the needs and concerns of refugees and asylum seekers are included in all policies in response to COVID-19, including relief packages;
- Enact measures to promote women's voices and leadership, deliver gender-sensitive assistance that enables them and prevents gender-based violence.
- Mobilise all available macro, financial, and structural policy tool to aligned with business and human rights principles within the economic recovery plan
- Strengthen social safety nets for all.

# Recommendation

## FOR ASEAN HUMAN RIGHTS MECHANISMS

- Establish an ad-hoc mechanism to monitor, identify and address human rights violations under the pretext of COVID-19 in all ASEAN member states;
- Share best practices and cooperate with other regional human rights mechanisms;
- Review the TORs of the AICHR and ACWC to enhance their independence and expertise; enable the creation of meaningful complaint mechanisms and other forms of human rights protection; and enable majority decisions where a consensus cannot be reached;
- Proactively provide member states with advice on holistic measures in law, policy and practice, to protect, respect and fulfil vulnerable groups' rights, welfare, safety, and security, regardless of legal status;
- Expedite collaboration with other ASEAN mechanisms to create a holistic COVID-19 response where the safety, rights and dignity of women, girls and the LGBTIQ community are protected.



# THANK YOU!



# CONTACT US



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