

Joint Statement: ASEAN must uphold human rights in responding to the COVID-19 pandemic

(Bangkok/Jakarta, 20 March 2020) – The Asian Forum for Human Rights and Development, together with the Solidarity for ASEAN Peoples' Advocacy and the undersigned organisations, are gravely concerned with the lack of a human rights focus in the current response to the ongoing COVID-19 pandemic by the Association of Southeast Asian Nations (ASEAN) Members States.

We call upon ASEAN Member States to place human rights and dignity as the core principles in addressing the pandemic, specifically by ensuring that any public health measures are taken in alignment with international human rights law and standards to ensure accountability and transparency in the handling of the situation.

It is alarming that many ASEAN Member States have yet to adopt a clear communications strategy to inform the public on the situation, three months after the COVID-19 outbreak. We have observed with a measure of alarm that ASEAN countries such as Indonesia, Myanmar, Laos, and the Philippines, have delayed or limit the release of information to preserve their image.

Myanmar, Thailand, and Singapore are actively use repressive laws such as national anti-fake news laws to pursue misinformation, although this ultimately failed to quell public fear or doubt. This high-handed approach risks public health and welfare, particularly for those with limited access to information and education. It mutes peoples' legitimate expressions of doubt and query on the actual situation in their country and inspires more speculation and misinformation on the COVID-19 situation in-country.

In Indonesia, President Joko Widodo initially encouraged international and local travel by providing incentives for local tourism,¹ while later admitting that the Government intentionally hid information related to the areas that are contacted with COVID-19 amidst fear of public uproar.²

This lack of transparency from the Indonesia's Health Ministry and its Government is also documented in the Philippines.³ Both the Governments of Singapore and Myanmar have expressed the intention to impose their anti-fake news provisions in their laws to control the information. In Thailand, amidst public concern over the actual number of confirmed COVID-19 cases, the authorities implied that presenting false information online related to COVID-19 could fall under the offense of the Computer Crime Act.⁴ More worryingly, no cases have yet to be reported from Laos and Myanmar, raising serious concerns about lack of testing or reporting, and consequent lack of pandemic preparedness.

As several countries including Singapore, Malaysia, Thailand, Philippines, and Indonesia have tightened border controls and imposed forms of lock-downs, we are increasingly concerned that governments may use excessive force, militarization, or other abuses of power in implementing these measures. This becomes particularly concerning as uniformed forces are deployed without adequate training and due oversight when implementing these heightened control measures and the fact that most of ASEAN member states have authoritarian or partial-democracy governments.

¹ <https://kontras.org/2020/03/13/menggugat-kebijakan-covid-19-pemerintah-indonesia/>

² <https://nasional.kompas.com/read/2020/03/13/16163481/jokowi-akui-pemerintah-rahasiakan-sejumlah-informasi-soal-corona>

³ <https://www.aljazeera.com/news/2020/02/philippines-ill-prepared-grapples-coronavirus-threat-200218004321154.html>

⁴ <https://www.khaosodenglish.com/news/2020/03/13/celeb-may-violate-cybercrime-laws-by-saying-he-has-covid-19/>

For example, in the Philippines on 15 March 2020, on the first day of the quarantine in Metro Manila, several individuals reported corruption and intimidation by the police.⁵ The expansion of quarantine to an 'enhanced community quarantine' level throughout Luzon, also poses concern as access to transportation, food security, and essential healthcare facilities will be heavily restricted. Meanwhile, the Government of Indonesia deployed its National Intelligence Agency to help monitor the situation, instead of relying on medical experts. Without an independent body to conduct monitoring and coordination of and among governmental bodies, potential violations and abuses of human rights including the right to access to healthcare, right to freedom of movement, right to personal security, right to privacy, and right to non-penalisation for lack of documentation, is high.

We are further concerned with the lack of preparedness and the inadequacy of healthcare systems and facilities in the region to address the COVID-19 situation.

Despite governments' insistence that their health protocols have met the World Health Organisation standards, sufficient access to testing and treatment as well as protection equipment are often only available in major hospitals in major cities in the region, without realistic solutions provided for the rest. This situation threatens healthcare and social workers, who are at the frontline of the battle, as they are left vulnerable with a high risk of contamination due to the lack of protection protocols and safety equipment.⁶

We would also like to highlight how the pandemic response further reinforces existing inequalities faced by vulnerable populations, particularly informal workers, migrant workers, as well as rural, elderly, indigenous, LGBTIQ, people with disabilities and refugee communities. Refugees and other underground populations face unique vulnerabilities linked to risks posed by engaging authorities. Mitigating these risks will be critical to stemming COVID-19 spread. Meanwhile, women and girls are experiencing challenges as the burden to conduct unpaid care work for their family members, especially the sick, increases. Further, incidents of domestic and intimate partner violence can likely increase during strict quarantines while services and facilities that aim at addressing domestic and gender-based violence are disrupted due to COVID-19 response procedure.

About 70% ASEAN's workforce come from the informal sector, including part-time informal workers, and workers in the 'gig' economy. Many are daily wage earners and/or coming from marginalised communities. These workers will have their livelihood severely affected from pandemic response measures.⁷ States must provide a social protection net that mitigates the impact on all of those affected by the COVID-19 pandemic without exception and without discrimination. They should also implement measures such as the universal work from home and covered-leave policy, as well as contingency and compensation during the quarantine. We condemn businesses that still demand staff to report physically to work despite known risks or by imposing unpaid leave for several months.

We would like to reiterate the importance of human rights and dignity as core principles in combating this global pandemic.⁸ We noted with disappointment that these principles are not underscored in the commitment of ASEAN health sectors to further review and assess the enhanced cooperation in regional preparedness, response strategies, and countermeasures by utilising the

⁵ <https://www.forum-asia.org/?p=31308>

⁶ <https://www.thejakartapost.com/news/2020/03/13/indonesia-scrambles-to-contain-coronavirus-as-most-hospitals-not-ready.html>

⁷ <https://frontiermyanmar.net/en/melons-rot-factories-shutter-myanmars-covid-19-fallout>;
<https://www.rappler.com/nation/253311-hong-kong-filipino-domestic-workers-lose-jobs-coronavirus-outbreak>

⁸ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25668&LangID=E>

ASEAN Plus Three Health Cooperation⁹. It is further disappointing to see that the disparate display of measures by the individual ASEAN Member States showed the lack of a coherent and coordinated ASEAN approach in managing the impact of the pandemic to the region.

We demand ASEAN Member States to:

- Respect human rights, fundamental freedoms, and human dignity as well as to abide with international human rights standards and principles when implementing measures to address the COVID-19 pandemic;
- Provide free and high quality tests, treatment, and care to all people affected by the pandemic, including marginalized groups and undocumented populations;
- Provide temporary and safe shelter during enforced quarantines for the homeless and 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;
- Generate a timely response accessible to all people, including those who have limited access to healthcare facilities;
- 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, in response to the COVID-19 threat;
- Encourage all national human rights institutions to monitor the human rights impact their State's measures together with civil society;
- Ensure that full access to social and protection mechanisms, including access to justice for women and girls must not cease at this time of quarantines.

Endorsed by:

1. Active Vista, the Philippines
2. Alliance of Independent Journalists (AIJ), Indonesia
3. ALTSEAN Burma
4. ASEAN Services Employees Trade Union Council (ASETUC)
5. ASEAN SOGIE Caucus
6. ASEAN Youth Forum
7. Asia Indigenous Peoples Pact (AIPP)
8. Asia Pacific Forum on Women, Law, and Development (APWLD)
9. Asia Pacific Refugee Rights Network (APRRN)
10. Asian Forum for Human Rights and Development (FORUM-ASIA)
11. Asian Resource Foundation (ARF), Thailand
12. Asylum Access, Malaysia
13. Balay Alternative Legal Advocates for Development in Mindanaw (Balaod Mindanaw), the Philippines
14. Cambodian Human Rights and Development Association (ADHOC), Cambodia
15. Child Rights Coalition (CRC) Asia
16. Dakila – Philippine Collective for Modern Heroism, the Philippines
17. Global Alliance Against Trafficking in Women (GAATW)
18. Human Rights Working Group, Indonesia
19. In Defense of Human Rights and Dignity Movement (iDEFEND), the Philippines

⁹ <https://asean.org/asean-health-sector-sustains-cooperation-responding-covid-19/>

20. Indonesian Legal Aid and Human Rights Association (PBHI), Indonesia
21. Indonesian Legal Aid Foundation (YLBHI), Indonesia
22. Karapatan Alliance Philippines (Karapatan), the Philippines
23. MARUAH, Singapore
24. Philippine Alliance of Human Rights Advocates (PAHRA), the Philippines
25. Progressive Voice, Myanmar
26. Pusat KOMAS, Malaysia
27. Pusat Kesedaran Komuniti Selangor (EMPOWER), Malaysia
28. Strengthening Human Rights and Peace Research and Education in ASEAN/Southeast Asia (SHAPE-SEA)
29. Suara Rakyat Malaysia (SUARAM), Malaysia
30. Task Force Detainees of the Philippines (TFDP), the Philippines
31. Task Force on ASEAN Migrant Workers (TFAMW), Singapore
32. The Commission for the Disappeared and Victims of Violence (KontraS), Indonesia
33. The Institute for Policy Research and Advocacy (ELSAM), Indonesia
34. Think Centre, Singapore
35. Women's League of Burma (WLB), Myanmar
36. Yayasan Sekretariat Anak Merdeka (SAMIN), Indonesia