

Joint Statement: Ensure civil society participation for a people-centred ASEAN

(Bangkok/Jakarta, 26 June 2020) – The Association of Southeast Asian Nations (ASEAN) has failed to hold its Member States accountable for the spike in human rights violations and erosion of fundamental freedoms across the region over the past six months, rights groups said today.

The failure of ASEAN as an institution to protect Southeast Asia’s most vulnerable communities raises scepticism among civil society towards the regional body’s commitment to people-centredness.

In conjunction with the 36th ASEAN Summit held virtually on 26 June 2020, 45 groups condemned the increase in human rights violations by Member States under the pretext of combatting COVID-19. The rights groups also criticised the exclusion of civil society participation during the summit.

The rights groups called on ASEAN to take immediate and meaningful action to demand justice and accountability from its Member States, particularly in upholding principles of human rights and ensuring participation of civil society in the process.

Throughout the pandemic, ASEAN States have been accumulating excessive power through emergency measures and have acted through law enforcement apparatuses legitimated by public health crisis response measures. As a result, a sharp increase in cases of human rights violations and fundamental freedoms is evident across the region.

In Thailand, an extended emergency decree which granted authorities broad powers to limit gatherings, order businesses to shut, impose curfews and censor media, hampered progress towards an open civic space and vibrant democracy.¹ In the Philippines, an Anti-Terrorism Bill² is being prioritised over the mounting needs of the public exacerbated by the pandemic.

Draconian laws to curb free speech, censor online content and silence political expression have been widely implemented under the pretext of a public health response, most notably in Cambodia,³ Indonesia,⁴ Malaysia,⁵ Myanmar,⁶ the Philippines,⁷ Thailand,⁸ and Vietnam.⁹ This rise of authoritarianism sends a chilling effect on the right to dissent as well as to press and academic freedom across the region.

‘The attacks against people who demand more equitable government responses to the pandemic is an assault on human rights. ASEAN, as a regional body, cannot afford to continue being silent toward the erosion of fundamental freedoms by its Member States,’ said Shamini Darshni Kaliemuthu, the Asian Forum for Human Rights and Development (FORUM-ASIA) Executive Director.

Rights groups have also documented numerous cases of arbitrary arrests, detentions and violent crowd dispersals when civil society raised the alarm on human rights abuses arising from the

¹ <https://uk.reuters.com/article/uk-health-coronavirus-thailand/thailand-extends-virus-emergency-powers-amid-opposition-suspicion-idUKKBN2320FU>

² <https://www.dw.com/en/philippine-anti-terrorism-law-triggers-fear-of-massive-rights-abuses/a-53732140>

³ <https://www.forum-asia.org/?p=31475>

⁴ <https://www.forum-asia.org/?p=31601>

⁵ <https://www.hrw.org/news/2020/06/10/malaysia-new-government-backslides-free-speech>

⁶ https://progressivevoicemyanmar.org/wp-content/uploads/2020/06/Final_PV-COVID-19_Report-2020.pdf

⁷ <https://www.hrw.org/news/2020/06/15/philippines-free-speech-being-smothered>

⁸ <https://www.dw.com/en/rights-group-slams-thailands-repressive-laws-to-intensify-crackdown-on-covid-19-critics/a-53227080>

⁹ <http://www.vietnamhumanrightsdefenders.net/2020/03/29/vietnam-human-rights-defenders-weekly-report-for-march-23-29-2020-vietnam-intensifies-online-crackdown-amid-covid-19-pandemic/>

pandemic. Some of the most marginalised communities, particularly labourers, undocumented migrants, refugees, asylum seekers and those in poverty, bear the brunt of these violations.

Threats and intimidation are increasingly aimed at those who criticise the governments' efforts during the pandemic. Journalists,¹⁰ community-based activists including land, environmental and indigenous peoples' rights defenders, LGBTIQ activists and community, documented and undocumented migrants, refugees and civil society organisations are among the most targeted groups.

These groups have been subjected to judicial harassment, arbitrary detention in prison facilities that lack sufficient healthcare systems, cyberattacks, smear campaigns and enforced disappearances. Some of the cases recorded have led to death.

All of these cases occurred in the absence of a well-functioning civic space, due to movement restrictions and laws that hinder checks and balances to the already flawed judicial systems and law enforcement apparatus.

The rights groups in the statement also expressed concern that women and girls are subjected to increased burden and violence as gender stereotypes and pre-existing vulnerabilities are being exacerbated by the pandemic.

As evident in Indonesia,¹¹ Malaysia,¹² and Singapore,¹³ the risk of domestic violence against women, girls, and the LGBTIQ community has increased since lockdown measures were imposed. Further, the majority of the frontline health and social care workforce are women. Ensuring their safety, psychosocial needs and a healthy work environment is pivotal to overcome COVID-19.¹⁴

The groups were also alarmed by the rise of xenophobic and anti-Rohingya sentiments, characterised by hate speech and fake news in social media in Malaysia and Thailand, and the lack of a regional condemnation of hateful rhetoric. Equally concerning was Malaysia's Ministry of Home Affairs' dehumanising language in its 30 April media release, which used the term 'rat holes' to describe how the Rohingya, apart from other asylum seekers as well as undocumented migrants entered Malaysian territory.

Meanwhile in Myanmar, the military has been wielding violent, systematic and widespread tactics against civilians in the Rakhine and Chin States as the conflict continues to intensify. These are the same tactics that have long been used against ethnic people. Over 160,000 people have been displaced since late 2018. Amid the conflict and COVID-19, about one million people in the Rakhine and Chin States are without Internet access as the world's longest Internet shutdown persists.¹⁵

In Singapore, migrant workers are disproportionately impacted by the pandemic. Lockdown and quarantine measures imposed by the Government have resulted in an increase in working hours for domestic workers, causing severe exhaustion and isolation. There have been no measures to address the overcrowded dormitories where most migrant workers live, making physical distancing impossible and causing high rates of infection. More than 90 per cent of the 42,000 cases of COVID-19 in Singapore are migrant workers from these dormitories.¹⁶

¹⁰ <https://rsf.org/en/news/malaysian-police-investigate-reporter-who-covered-covid-19-arrests>

¹¹ <https://magdalene.co/story/safety-plan-from-domestic-violence-in-the-pandemic-time>

¹² <https://www.thestar.com.my/news/nation/2020/05/21/spike-in-domestic-violence-cases-during-mco>

¹³ <https://www.aware.org.sg/2020/05/aware-launches-chat-service-to-better-support-survivors-of-abuse-and-violence/>

¹⁴ https://www.koreatimes.co.kr/www/nation/2020/06/176_291202.html

¹⁵ <https://www.hrw.org/news/2020/06/19/myanmar-end-worlds-longest-internet-shutdown>

¹⁶ <https://www.nst.com.my/world/world/2020/06/602245/singapore-covid-19-cases-surge-past-42000>

The pandemic has also acutely impacted employment and labour relations due to the closure or downsizing of business operations as a direct result of the lockdowns imposed. The disruptions to tourism, trade and production have led to increased terminations and retrenchments in many ASEAN countries even as several of them are easing lockdown restrictions. Meanwhile, workers returning to work face the risk of infection in the absence of adequate occupational health and safety measures in workplace.

People with disabilities in ASEAN, like other marginalised groups, have been profoundly impacted by the emergency response to the COVID-19 pandemic. Many have lost access to routine healthcare, medical and non-medical countermeasures and treatments as a result of poorly designed containment measures that often fail to consult, coordinate, and communicate with people with disabilities and their organisations.

The rights groups recognised efforts made by individual ASEAN human rights commissioners who are willing to engage with civil society organisations to better understand human rights implications of the pandemic. The groups also noted that the ASEAN Intergovernmental Commission on Human Rights addressed the importance of upholding human rights standards in COVID-19 response measures, in its first joint statement addressing the pandemic.¹⁷ However, such efforts failed to feature at the 36th ASEAN Summit.

The rights groups expressed disappointment over ASEAN's move to disengage itself from the reality experienced by grassroots communities during the summit. The failure of one Member State to uphold human rights standards is a failure for the entire region. ASEAN leaders must stop shouldering the disgrace of its fellow States and start building a regional community that protects human rights for all.

'Excessive security measures have proven to be ineffective in combating the pandemic. They only disproportionately impact those who have no privilege of choice, security and safety,' warned the rights groups.

Instead of promoting hatred and division resulting from pandemic-related fear and discrimination, ASEAN Member States should ensure equal access to health and social services, including COVID-19 testing and treatment, and protection for the most marginalised groups at state and regional levels.

For ASEAN to be relevant to its people, it must demand accountability from its Member States to uphold the universal principles of human rights during and after the pandemic. Measures taken by ASEAN Member States under the pretext of cultural relativism and state sovereignty that deviate from international standards of human rights must not be tolerated, as it only exacerbates the struggles faced by vulnerable groups in the region.

The rights groups urge ASEAN to:

- Recognise the role that civil society organisations play to promote democracy and defend rights holders, social justice and fundamental freedoms;
- Promote stronger positions on civic freedoms and provide an enabling environment for civil society to act as partners by providing timely, complete, reliable, and user-friendly data for an informed public;
- Recognise that civil and political rights, and economic, social and cultural rights are inextricably intertwined;

¹⁷ <https://aichr.org/news/press-release-on-coronavirus-disease-2019-covid-19-by-the-asean-intergovernmental-commission-on-human-rights-aichr/>

- Include experts on human rights, including child rights, women and girls' rights, and the rights of vulnerable groups in the ASEAN's emergency response network or other regional coordinating bodies tasked with planning, implementing, monitoring, and evaluating ASEAN strategies for a people-centred response in addressing the COVID-19 pandemic and future public health emergencies;
- Allocate resources from the proposed COVID-19 ASEAN Response Fund to address human rights brought about by the pandemic and the response to it;
- Promote and enhance the use of existing social dialogue mechanisms at all levels to address the labour related challenges in the region;
- Adopt inclusive design approaches aligned with the ASEAN Enabling Masterplan 2025 to uphold the rights of people with disabilities in ASEAN; and
- Provide spaces for meaningful civil society and child participation as part of ASEAN's resolve to 'stress the importance of a multi-stakeholder, multi-sectoral, and a comprehensive approach by ASEAN to effectively respond to COVID-19 and future public health emergencies.'¹⁸

The joint statement is endorsed by:

1. Alliance of Independent Journalists Indonesia (AJI), Indonesia
2. ALTSEAN Burma
3. ASEAN Disability Forum (ADF)
4. ASEAN SOGIE Caucus (ASC)
5. ASEAN Youth Forum (AYF)
6. Asia Indigenous Peoples Pact (AIPP)
7. Asia-Pacific Solidarity Coalition (APSOC)
8. Asian Forum for Human Rights and Development (FORUM-ASIA)
9. Asian Resource Foundation (ARF), Thailand
10. Balay Alternative Legal Advocates for Development in Mindanaw (Balaod Mindanaw), the Philippines
11. Cambodian League for the Promotion and Defense of Human Rights (LICADHO), Cambodia
12. Cambodian Human Rights and Development Association (ADHOC), Cambodia
13. Commission for the Disappeared and Victims of Violence (KontraS), Indonesia
14. Community Resource Centre Foundation (CRC), Thailand
15. Democratic Commission for Human Development
16. Development Action for Women Network (DAWN) – the Philippines
17. Equality Myanmar, Myanmar
18. General Election Network for Disability Access (AGENDA)
19. Global Partnership for the Prevention of Armed Conflict (GPPAC) – Southeast Asia
20. Hawaii Institute for Human Rights
21. In Defense of Human Rights and Dignity Movement (iDEFEND), the Philippines
22. Indonesian Human Rights Monitor (Imparsial), Indonesia
23. Indonesian Legal Aid and Human Rights Association (PBHI), Indonesia
24. Initiatives for International Dialogue (IID)
25. iSchool-Myanmar, Myanmar
26. Islamic Renaissance Front (IRF), Malaysia

¹⁸ <https://asean.org/storage/2020/04/FINAL-Declaration-of-the-Special-ASEAN-Summit-on-COVID-19.pdf>

27. MARUAH, Singapore
28. Migrant Forum Asia (MFA)
29. Myanmar Independent Living Initiative (MILI), Myanmar
30. Philippine Alliance of Human Rights Advocates (PAHRA), the Philippines
31. Philippine Migrants Rights Watch, the Philippines
32. Progressive Voice, Myanmar
33. Pusat KOMAS, Malaysia
34. Radanar Ajar Association, Myanmar
35. Sarawak Dayak Iban Association, Malaysia
36. Society for the Promotion of Human Rights (PROHAM), Malaysia
37. South East Asia Monitor for Human Rights and Justice
38. Sustainable Development Network Malaysia (SUSDEN Malaysia)
39. Task Force on ASEAN Migrant Workers (TFAMW), Singapore
40. The Myanmar Human Rights Alliances Network (MHRAN), Myanmar
41. Think Centre, Singapore
42. Vietnam Committee on Human Rights, Vietnam
43. Vietnamese Women for Human Rights, Vietnam
44. Weaving Women's Voices in Southeast Asia (WEAVE)
45. Women's Legal and Human Right Bureau (WLB), the Philippines