



COVID-19 and NHRIs in the Asia Pacific

The global impact of COVID-19

The global emergency created by the COVID-19 pandemic is placing considerable pressure on individuals, communities, governments and organisations worldwide. The pandemic is having a particularly acute impact on the operation of National Human Rights Institutions (NHRIs), which perform unique monitoring, reporting and other functions during states of emergency to ensure human rights standards continue to be upheld.

The Asia Pacific region accounts for approximately 60% of the world's population. A quarter of this population live in poverty.¹ The public health and economic challenges arising from increased population density, inadequate funding of public healthcare and reliance on migrant work are all more pronounced in the Asia Pacific, leaving the region more vulnerable to the impacts of the COVID-19 pandemic. With underlying inequalities typically exacerbated during public health emergencies, NHRIs will maintain an essential role in mitigating the impact of the crisis on vulnerable and marginalised groups.

In solidarity with its member NHRIs who face the complex challenges of an unprecedented health and economic crisis, the APF calls on governments in the Asia Pacific to ensure that NHRIs remain equipped and able to exercise their important monitoring, reporting and other functions during the COVID-19 pandemic.

The Paris Principles: safeguarding the role of NHRIs in states of emergency

The Principles Relating to the Status of National Institutions (the **Paris Principles**) – the minimum international standards on the establishment of NHRIs – clarify that NHRIs have the responsibility to report on human rights violations, monitor and report on government action and inaction, and publicise their views on matters concerning the promotion and protection of human rights. While the Paris Principles do not explicitly address states of emergency, NHRIs are expected to promote and ensure respect for human rights, democratic principles and the rule of law in all circumstances and without exception. As the impact of emergency circumstances will always have a dramatic impact on the enjoyment of rights, especially on vulnerable groups, NHRIs are expected to act with a heightened state of vigilance in such circumstances.²

¹ UNESCAP: <https://www.unescap.org/our-work/social-development/population-dynamics>

² Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, General Observation 2.5 on NHRIs during the situation of a coup d'état or a state of emergency.

Impacts on NHRI functions

Freedom of movement restrictions

Restrictions on the freedom of movement of persons imposed by many governments in the region, while in most cases implemented for legitimate public health reasons, place limitations on NHRIs' ability to perform core monitoring functions. This includes limiting access by NHRIs to places of detention and other places where human rights violations may take place, as well as preventing physical access to NHRIs by individual members of the public to obtain information and report violations. While limitations on access to places of detention may be justified on public health grounds, alternative mechanisms of remote monitoring and public access should be provided throughout the duration of the pandemic.

NHRIs exercise important functions in publicly reporting on violations and making recommendations to governments. These functions are not displaced during emergencies. With the shutdown of public gatherings and limitations on freedom of movement seen in the COVID-19 response so far, it is essential that NHRIs continue to be permitted to report publicly and have access to platforms that enable them to continue to disseminate information remotely.

Suspension of core government services

In line with increasingly restrictive quarantine measures, the COVID-19 response has included the temporary shutdown of many core government services.

In addition to the possible impact on rights in relation to fair trial, pre-trial detention and other judicial guarantees for individuals, the suspension of in-person court hearings seen in many jurisdictions will impact on NHRIs' engagements with the judiciary, which throughout the Asia Pacific are diverse. Courts are important recipients of NHRI advice (e.g. through amicus curiae briefs and other interventions in legal proceedings) and also adjudicate appeals from some NHRIs with a complaint-handling mandate. NHRIs should be involved in contingency planning with justice sector counterparts where their mandates are impacted by these shutdowns.

The closure of schools and higher education facilities will also curtail NHRIs' capacity to support the delivery of human rights education programs, which are a key aspect of the human rights promotion mandate. Where online or other remote learning methodologies are considered, NHRI partners must also be incorporated in the design and delivery of programs.

Derogations from international human rights standards

In recent weeks, some states have begun to enter formal derogations from their obligations under international human rights law, as permitted during officially declared states of emergency. Derogations during the crisis are likely to be numerous and may relate to the right to freedom of movement, peaceful assembly, arbitrary detention and access to information, among others.

The legitimacy and legality of these derogations will depend on national circumstances; however, international human rights law prescribes detailed parameters for the exercise of derogations. In their independent review of state compliance with international human rights law, NHRIs must continue to be provided with the information, access and resources to be able to supervise any derogations from and compliance with international human rights standards. This is particularly important given the potential for abuse of emergency derogations to support targeting of minority groups, or the excessive curtailment of human rights.

Budgets and funding

It is clear that the public health response and economic stimulus programs developed by governments in response to the pandemic will have significant fiscal consequences, including for the budgets of NHRIs. Despite the impact on the availability of public funds, funding for NHRIs must be maintained throughout and after the pandemic, in accordance with the requirements of the Paris Principles for the adequate funding of NHRIs. This is particularly important in light of the increased monitoring and reporting workload of NHRIs anticipated during the crisis.

Impact on NHRI staff

The COVID-19 pandemic is also impacting on the wellbeing of NHRI staff and their families. Along with other workers who are able to do so, many NHRI staff have been encouraged or directed to work from home in recent weeks. These arrangements present challenges for staff morale and operational capability, especially where technology is not available to support remote working arrangements. Along with quarantine arrangements generally, remote working can also place additional pressure on households and families.

NHRI staff who continue to perform front line monitoring and client service functions will be at heightened risk of COVID-19 transmission. NHRIs must ensure that enhanced safe work measures are applied to protect staff in such circumstances.

A significant proportion of NHRI staff in the Asia Pacific are women, who already face increased discrimination and hardship as a result of gender discrimination. The pressures of the pandemic will place female NHRI staff at greater risk of discrimination and domestic violence, which must be considered and mitigated.

NHRI staff with a disability will also be impacted more severely by the health risks of the pandemic and alternative work arrangements that are necessary to provide a safe work environment. NHRIs must consider the particular needs of staff with disabilities to ensure continued accessibility during the emergency, including through technology and workspace adaptation during remote work arrangements.

The pressures of adapting the NHRI workplace to the COVID-19 pandemic must be carefully managed by NHRI leadership. Additional resources should be made available to NHRIs by government or international partners where modifications to work practices are necessary.

APF support to members

Like many of its member institutions, the APF has been affected by the travel restrictions imposed by governments in the region in response to the pandemic and is no longer able to travel internationally to visit members, or host regional in-person activities. During these restrictions, the APF is developing outreach and solidarity programs to stay connected with its membership.

The Global Alliance of National Human Rights Institutions (**GANHRI**) is also supporting an online platform to enable NHRIs to share case studies on how they have developed responses to the COVID-19 pandemic, which will be an important community of practice for NHRIs worldwide.