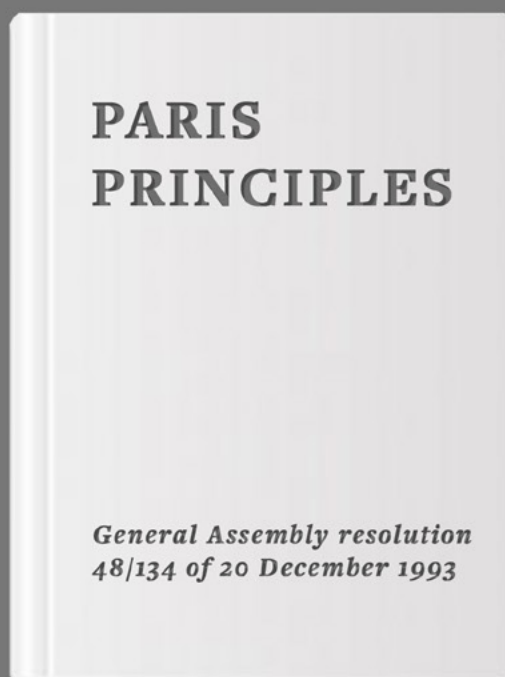


2020

ANNI REPORT

ON THE PERFORMANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS



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regional overview

From 2019 to 2020, the global human rights community was strongly impacted by the COVID-19 pandemic, which has affected human rights work to a great extent. In light of the health crisis, civil society organisations (CSOs) from across Asia, who are also members of the Asian NGO Network on National Human Rights Institutions (ANNI), have raised concerns on the inadequate actions and arbitrary constraints to human rights imposed by many countries through national legislation intended to address the public health emergency. Many of the restrictions on rights enforced by the governments were unjustifiable as they were broadly-worded and not always based on scientific evidence, not enforced with a legal basis, nor necessarily based on scientific proof and made through an inclusive and people-centred approach. The governments failed to ensure that many of these restrictions, in their planning and application, adhere to the principles of non-discrimination or proportionality in achieving the desired result.¹

National human rights institutions (NHRIs), as independent bodies with a constitutional and/or legislative mandate to protect and promote human rights, are the bedrock of a strong human rights protection system in a national context. The work of NHRIs is guided under a set of principles known as the Paris Principles. NHRIs' functions as stipulated in the Paris Principles are divided into human rights promotion and protection.² In order to ensure that NHRIs work in compliance with the Paris Principles, they need to undergo a periodic accreditation process conducted by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI-SCA).

During the COVID-19 pandemic, NHRIs have played an important role in responding to human rights situations in a highly restrictive environment in many countries. However, members of ANNI have also reported that many NHRIs have failed to adequately address the impact of COVID-19 on human rights in various countries. In 2020, ANNI's documentation of the NHRIs' responses to COVID-19 showed that most NHRIs in Asia were not consulted by their government in developing responses to COVID-19.³ This condition left NHRIs excluded from the planning of various measures by governments, many of which have mainly disregarded human rights in the implementation of their measures. Several NHRIs were also working heavily on only raising the public's awareness of the human rights situation during the pandemic while failing to hold their respective governments accountable for the human rights violations resulting from their COVID-19 responses or the lack of one.

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From 2019 to 2020, civil society has experienced repressions of their fundamental rights in the presence of authoritarian governments in Asia. ANNI members reported a spike of judicial harassment conducted against human rights defenders (HRDs) justified by the use of draconian laws, which stifled their freedom of expression and freedom of peaceful assembly and of association. The vicious enforcement of such laws in Asian countries displayed a serious impediment to the human rights situation in the region. The recurrent use of dangerous legislation marked the failure of the governments in protecting, respecting and fulfilling human rights of their people, in particular during a public health crisis. HRDs continued to face attacks, harassment, and intimidation during the pandemic as they persisted with their human rights work. Many of the defenders were targeted as they exercised their freedom of expression, freedom of assembly and of association, and freedom of movement,⁴ in particular those who voiced their criticisms of their government's COVID-19 responses.

The cases documented by ANNI show that HRDs are often attacked, imprisoned and even killed by people in power. In the times of the pandemic, governments in Asia often used draconian laws to gag the critical voices of HRDs under the name of national security. The threats, intimidation and harassment faced by HRDs in Asia are evidence of democratic regression in the region as the democratic space and civil liberties that should have been broadened were curtailed.

The roles of NHRIs in these anomalous situations have been more significant than ever as they have been vested with a broad mandate to promote and protect human rights, at least for the NHRIs which are in compliance with the Paris Principles. However, ANNI has recorded many failures of NHRIs across Asia in conducting their work, as their independence has been corroded through the enactment of new laws or changes to constitutions, as a result of national political developments. CSOs have continuously witnessed the ignorance of NHRIs in the face of human rights violations, as they were not able to perform independently, especially if the State was under political turmoil. The independence of NHRIs has been corroded through various ways, such as restrictions on their financial autonomy. Many NHRIs were also unable to work on their protection mandate in effectively and proactively responding to human rights complaints.

⁴ FORUM-ASIA, Human rights defenders in the face of COVID-19, 16 June 2020, <https://www.forum-asia.org/?p=32185>.



country chapters

(in alphabetical order)

BANGLADESH

The outbreak of COVID-19 resulted in a series of human rights violations in the country. It particularly threatened the right of people to health and access to quality healthcare services during this period.¹ The Government of Bangladesh was not able to adequately deal with the COVID-19 outbreak. The lack of an effective response attracted a lot of criticism, specifically related to: its failure to take pre-emptive measures;² the lack of inter-department coordination;³ insufficient testing and hospital facilities;⁴ the unavailability of adequate safety gear for all frontline health workers;⁵ and mishandling and corruption in the management of the pandemic.⁶ The right to freedom of peaceful assembly was further curtailed by excessive force by both law enforcement agencies as well as supporters of the ruling party.⁷ Violations of the right to life through extra-judicial killings and deaths in custody were also evident throughout 2020.⁸ In addition, instances

of violence against women were prevalent throughout the year. At different times in 2020, there were also attacks on religious⁹ and ethnic minority¹⁰ communities.

The Chair and full-time members of the National Human Rights Commission, Bangladesh (NHRCB), who are appointed to the Commission, assess the human rights situation from their own perspective; that is, if they think an issue is politically sensitive and there is a high possibility that their interference may upset the Government or a section of the Government, they would be less active in inquiring into or monitoring that issue.¹¹ Despite recommendations from the GANHRI-SCA, and persistent demands from CSOs to hold public consultation and ensure a transparent selection process,¹² the selection process still remains under wraps. Regrettably, more than 10 years since its establishment, the NHRCB has become a workplace for 'retired government officials,' raising further questions about its independence and effectiveness.¹³

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INDIA

The Indian Parliament amended the Protection of Human Rights Act (PHRA), 1993, with the Protection of Human Rights (Amendment) Act, 2019.¹ The Amendment brought substantive changes to the PHRA in terms of composition, appointment, and tenure. However, the amendments made by the Government in the appointment process tended to favour ruling party appointments, which would further dilute the independence of the Commission.² During COVID-19, the voices that were critical of the government's actions and policies were targeted using the Unlawful Activities Prevention (Amendment) Act, 2019.³

There were instances of the government's usage of harsh laws in restricting the freedom of association of CSOs/NGOs by cancelling and suspending their licences for receiving foreign funding under the Foreign Contribution (Regulation) (Amendment) Act, 2020.⁴ Kashmir has been a volatile region since independence but continued internet shutdowns and harassment of HRDs by the federal agencies is a reported practice.⁵ A major protest which started shortly before, and continued throughout the COVID-19 pandemic, was the farmers' protests against the new farm laws that were called out as anti-agrarian and pro-corporate.⁶ Another major protest was against the adoption of the Citizenship Amendment Act, 2019 and the National Register of Citizens, which discriminate against Muslims.⁷

In addition, the police used excessive brutal measures for enforcing the COVID-19 lockdown.⁸

The PHR (Amendment) Act, 2019 has broadened the criteria for the appointment of the chairpersons of the NHRC and State Human Rights Commissions (SHRCs). The new criteria restricting the appointment of Chairpersons of the NHRC and SHRCs only to judges per se raises questions on the independence of the institution as the appointment and/or promotion of judges to the High Courts (Article 217 of the Constitution) or the Supreme Court (Article 124 of the Constitution) does have the involvement of the Government.⁹ Moreover, the current appointment committee of the NHRC has representation from the ruling party and the Opposition in a four-to-two ratio; however, with the absence of the Leader of the Opposition in the Lower House of the Parliament, it stands reduced to four to one. The absence of a comprehensive, objective and transparent appointment process is a concern for the independence and autonomy of the NHRC and SHRCs. The PHR (Amendment) Act, 2019 reduced the tenure from five years to three years for the NHRC and the SHRCs' Chairpersons and members.¹⁰ The reduced term will result in inefficiency due to an exceedingly short amount of time for the commissioners to learn and understand the system and implement changes. It will also provide more room for government interference to replace a commissioner who is not acting as per the Government.¹¹

The PHR (Amendment) Act, 2019 extends and includes the deemed membership to conform to the 'diversity and pluralism' standards in the Paris Principles. However, the facts reflect a contrary position of the functions of the deemed members. The past observations convey that the deemed members are mostly absent in the Statutory meetings.¹² It is not a far-fetched assumption that the same will continue in the future. Therefore, the extension of the membership only will not fulfil the principle of pluralism in NHRC. The PHR (Amendment) Act, 2019 also extended a

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INDONESIA

During the COVID-19 pandemic, the civil liberties enjoyed by the people of Indonesia were under threat. Various cyber-attacks occurred against HRDs in 2020.¹ Hacking or hacking attempts through social media accounts and messaging applications were rife, including those experienced by human rights activists. In the case of HRDs in the natural resources sector, various NGO records showed an increase in threats and/or attacks against HRDs against the environment.² Women HRDs in particular faced considerable risk.³

The number of cases of violence experienced by journalists witnessed a sharp increase throughout 2020 with 117 cases, an increase of 32 per cent compared to 79 cases throughout 2019.⁴ Article 27(3) and Article 28(2) concerning Electronic Information and Transactions are the main scourges that are often used to criminalise journalists.⁵ Criminal cases were also filed against those who criticised the handling of COVID-19, as well as hacking of their data.⁶ The National Police Chief provided the guidelines via a classified police telegram for carrying out duties for the prevention of COVID-19, by conducting cyber patrols and taking actions against people who insult the President, officials and other state institutions.⁷ This resulted in increased arrests of people alleged to be spreading the hoax.

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The NHRI in Indonesia—Komisi Nasional Hak Asasi Manusia (Komnas HAM)—faces challenges that hinder the fulfilment, protection, and respect for human rights, as it has limited authority in following-up on its recommendations on human rights violations to relevant stakeholders. One of the key issues is still related to the follow-up with other institutions, and thus, a mechanism for monitoring the implementation of the recommendations is crucial.⁸

Komnas HAM is authorised to conduct investigations into gross human rights violations with the issuance of Law No. 26 of year 2000 on the Court of Human Rights. Their authority is limited in following-up the results of the primary investigations as the same needs to be submitted to the Attorney-General's Office (AGO). It has been seen that in most of the cases, the investigations submitted to the AGO were returned only after the passing of many years, and in cases where the file has been returned after years, it has been marked as an incomplete investigation and therefore unresolved.⁹

Komnas HAM also needs to improve its diversity among commissioners. The management of Komnas HAM for the 2020 to 2022 period only has one female commissioner out of a total of seven commissioners who are registered as leaders.¹⁰ This indicates that Komnas HAM does not apply the value of diversity internally to the institution. In addition, the Law No. 39 of 1999 on Human Rights does not require gender diversity to be adhered to in the appointment of commissioners.

The Indonesian Government needs to make policy changes and institutional breakthroughs related to resolving cases of past serious human rights violations. One of the efforts that can be taken is to expand the authority of Komnas HAM. During 2019 and 2020, Komnas HAM undeniably continued to make improvements. There were visible efforts to protect HRDs and strengthen itself internally from the institutional side. However, many gaps have yet to be filled with resolution in order for them to be able to work effectively in fulfilling, protecting and respecting human rights.

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MALAYSIA

In the past two years, Malaysia has suffered setbacks with regards to civil, political, economic, social, and cultural rights under the new Perikatan Nasional Government headed by Prime Minister Muhyiddin Yassin.¹ The Government used repressive laws, such as the Sedition Act 1948 and the Communications and Multimedia Act 1998, to target HRDs, journalists, and perceived critics in order to stifle dissent.² The new Government of 2020 also did not hesitate to suppress the right to peaceful assembly.³

During COVID-19, many of the disadvantaged and vulnerable communities were disproportionately affected by the Movement Control Order (MCO) and its subsequent phases. Despite the political context, SUHAKAM countered the damaging narrative by speaking about the need of showing more 'compassion and tolerance' towards these marginalised communities.⁴ It is commendable that SUHAKAM has been able to identify the vulnerable communities and include them in their 2021 to 2025 strategic plan.⁵ The Commission has also released several press statements and voiced concerns relating to curbing COVID-19 policies which may infringe upon human rights principles.⁶

SUHAKAM has been facing challenges in ensuring their independence, as the Human Rights Commissions of Malaysia Act (HRCMA) is still based on the Federal Constitution.⁷ Previous instances such as the 50% cut to SUHAKAM's budget in 2015 indicate that SUHAKAM is still vulnerable to the executive.⁸ COVID-19 has affected SUHAKAM's capacity to address human rights complaints

by affecting its ability to receive and investigate complaints on violations of human rights. SUHAKAM was forced to close its office during the MCO period (March 2020 to June 2020). The restriction of movement and prohibition of interstate travelling imposed by the government to prevent the COVID-19 outbreak also severely curtailed SUHAKAM's mandate to investigate human rights complaints.⁹

The human rights situation in Malaysia remains tenuous and the political upheaval in 2020 has further complicated the situation. In such a scenario, SUHAKAM may once again have to navigate an environment where the Government does not prioritise human rights protection. In 2020, SUHAKAM clearly set a principled stand on defending human rights principles during the pandemic. This, despite the fact that the Government often disregarded human rights in the name of controlling the pandemic. In response, SUHAKAM did not hesitate to remind the Government that the fight against COVID-19 should not come at the expense of human rights. However, the administration certainly lost a golden opportunity to expedite reforms of Malaysia's NHRI by amending the HRCMA in order to strengthen SUHAKAM's mandate and independence. As a result, SUHAKAM's role and functions did not substantially change, and therefore, it still lacks the necessary bite to achieve its aim of effectively protecting and promoting human rights in Malaysia.

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7 Human Rights Commission of Malaysia Act, 1999, Section 4(4).

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9 Rashvinjeet S. Bedi, 'Suhakam inquiry into disappearance of Joshua Hilmy, wife to resume Aug 12' The Star, 10 August 2020, <https://www.thestar.com.my/news/nation/2020/08/10/suhakam-inquiry-into-disappearance-of-joshua-hilmy-wife-to-resume-aug-12>.

MYANMAR

Myanmar has been in perpetual cycles of conflict perpetrated by the Myanmar military in ethnic areas. Between late 2018 and the end of 2020, the Arakan Army and the Myanmar military have been engaged in heavy fighting, displacing nearly 200,000 people in Rakhine and Chin states according to some estimates.¹ The Myanmar military indiscriminately attacked civilians and civilian objects, such as schools, homes, and religious sites.² The UN International Independent Fact-Finding Mission on Myanmar also reported that the Myanmar military perpetrated sexual and gender-based violence against women and girls, which they considered to amount to war crimes and crimes against humanity.³ The extreme actions taken in this conflict, and the ‘clearance operations’ against the Rohingya preceding it, have resulted in a catastrophic humanitarian crisis.⁴

On 1 February 2021, the Myanmar military attempted to seize power through a brutal coup following the 2020 general elections where the National League for Democracy won a landslide victory. Since the attempted coup, the Myanmar National Human Rights Commission (MNHRC) has failed to denounce and become complicit in the military junta’s widespread human rights violations that have occurred in the wake of the coup. Much less has the MNHRC initiated any investigation or inquiry into allegations of mass atrocities.⁵

CSOs strongly called upon the MNHRC to denounce the coup attempt and stand with the people of Myanmar. But these calls were also met with silence, with the Commission continuing business-as-usual while the people of Myanmar suffered.⁶ The acts and omissions of the Commission in the wake of the coup d’état may not come as a great surprise given the flaws of the 2014 MNHRC Law, the professional background and mindset of the commissioners as mainly former military officials, lack of independence in the selection process, and partial treatment in favour of the Myanmar military.⁷

The MNHRC continued to commend the government’s effort on COVID-19 despite severe inadequacies in the healthcare systems’ ability to cope and the viability for tracing cases.⁸ COVID-19 has severely affected those living on the edges of poverty, and government assistance is completely inadequate and does not meet the needs of the most vulnerable, especially in ethnic minority areas.⁹ Similarly, the MNHRC failed to address the attack on an event by the Restoration Council for Shan State, which sought to monitor and raise awareness of COVID-19.¹⁰

1 UN Human Rights Council, Situation of human rights of Rohingya Muslims and other minorities in Myanmar: Report of the Office of the United Nations High Commissioner for Human Rights, UN Doc. A/HRC/45/5, 3 September 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/MyanmarReportDetails.aspx>.

2 Ibid. paras. 8 and 18.

3 UN Human Rights Council, Sexual and Gender-Based Violence in Myanmar and the Gendered Impact of its Ethnic Conflicts, UN Doc. A/HRC/42/CRP.4, 22 August 2019, https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/sexualviolence/A_HRC_CRP_4.pdf.

4 The Independent International Fact-Finding Mission on Myanmar concluded that the Myanmar military should be investigated for genocide, war crimes and crimes against humanity. UN Human Rights Council, Report of the Detailed Findings of the Independent International Fact-Finding Mission on Myanmar, 18 September 2018, <https://www.ohchr.org/EN/HRBodies/HRC/MyanmarFFM/Pages/ReportoftheMyanmarFFM.aspx>.

5 Jonathan Liljeblad, ‘Speaking no Truth to Power in a Time of Coup: Myanmar’s Human Rights Commission,’ Melbourne Asia Review, Ed. 6, 29 March 2021, <https://melbourneasiareview.edu.au/speaking-no-truth-to-power-in-a-time-of-coup-myanmars-human-rights-commission/?print=pdf>.

6 ‘Myanmar National Human Rights Commission: Denounce the Coup, Stand with the People of Myanmar,’ Progressive Voice, 11 February 2021, <https://progressivevoicemyanmar.org/2021/02/11/myanmar-national-human-rights-commission-denounce-the-coup-stand-with-the-people-of-myanmar/>. See also, [Joint Statement] ‘International Partners Must End all Cooperation with the Myanmar National Human Rights Commission,’ FORUM-ASIA, 12 March 2021, <https://www.forum-asia.org/?p=34124>.

7 See [Joint Statement] Recommendations on Reform of The Myanmar National Human Rights Commission Law,’ Progressive Voice Myanmar, 3 August 2019, <https://progressivevoicemyanmar.org/2019/08/03/recommendations-on-reform-of-the-myanmar-national-human-rights-commission-law/>.

8 ‘The Statement of the Myanmar National Human Rights Commission (MNHRC) on COVID-19 Second Wave Statement No. 12 / 2020,’ MNHRC, 15 September 2020, <http://www.mnhrc.org.mm/en/s-12-2020eng/>; ‘Myanmar’s Effort to Trace COVID-19 Spread Treads on Sensitive Territory,’ Radio Free Asia, 6 October 2020, <https://www.rfa.org/english/news/myanmar/covid-19-spread-10062020174513.html>.

9 ‘A Nation Left Behind – Myanmar’s Weaponization of COVID-19,’ Progressive Voice, June 2020, https://progressivevoicemyanmar.org/wp-content/uploads/2020/06/Final_PV-COVID-19_Report-2020.pdf.

10 [Joint Statement] Myanmar: Myanmar National Human Rights Commission Must Ensure Human Rights are Protected amid COVID-19 Pandemic,’ FORUM-ASIA, 27 May 2020, <https://www.forum-asia.org/uploads/wp/2020/05/Myanmar-National-Human-Rights->

The MNHRC, instead of working towards the human rights of the general public, has instead painted a rosy picture of the government's performance by refusing to investigate widespread allegations of the genocide of the Rohingya or crimes against humanity, war crimes and countless untold human rights violations, in violation of its own mandate as an NHRI. The MNHRC did not cover any of these crimes in its most recent UPR submission.¹¹ The situation for children in Myanmar is beyond anything any child should experience. In Rakhine State, 38 per cent of children (Rohingya, Rakhine and Kaman) under five years of age are chronically malnourished.¹² In the first three months of 2020, over 100 children were killed or maimed in conflict.¹³ Further, 302 boys were recruited into the Tatmadaw in the first half of 2020, which the MNHRC ignored.¹⁴ The MNHRC has also supported the deeply-flawed draft Protection and Prevention of Violence Against Women Bill,¹⁵ which is inconsistent with CEDAW, and which falls abundantly short of properly addressing the issue of violence against women.¹⁶

One group that has been severely let down by the MNHRC is the LGBTIQ community, who are marginalised, stigmatised, and excluded from Myanmar society.¹⁷ The Commission has remained silent on attacks on the rights of LGBTIQ people, such as colonial era laws that criminalise consensual same-sex relations and police harassment of members of the LGBTIQ community,¹⁸ and the lack of constitutional protection for gender minorities.¹⁹ The MNHRC has had little engagement with civil society during the reporting period, its interactions centred mostly with CSOs based in Yangon, and more commonly with CSOs the MNHRC has an existing working relationship with.²⁰ Other than these groups, there has been no other publicly reported collaboration between the MNHRC and civil society for the furtherance of human rights.

Commission-Must-Ensure-HumanRights-are-Protected-amid-COVID-19-PandemicENG.pdf.

11 MNHRC, The Submission of the Myanmar National Human Rights Commission to the Third Cycle of the Universal Periodic Review (UPR) of the United Nations Human Rights Council (the MNHRC UPR Submission), January 2021, https://www.upr-info.org/sites/default/files/document/myanmar/session_37_-_january_2021/mnhrc_upr37_mmr_e_main.pdf; MNHRC, How much freedom of expression is enjoyed in Myanmar, January 2021, https://www.upr-info.org/sites/default/files/document/myanmar/session_37_-_january_2021/1._myanmar_national_human_rights_commission_stmt.pdf.

12 Human Rights Watch, 'An Open Prison without End,' 8 October 2020, <https://www.hrw.org/report/2020/10/08/open-prison-without-end/myanmars-mass-detention-rohingya-rakhine-state>.

13 'Myanmar: 'Shocking' killing of children allegedly used as human shields,' UN News, 14 October 2020, <https://news.un.org/en/story/2020/10/1075362>.

14 Ibid.

15 MNHRC, The MNHRC UPR Submission, p. 2; 'Statement of the Myanmar National Human Rights Commission Statement No. (1 / 2020),' MNHRC, 28 February 2020, (stating that the MNHRC provided comments and recommendations on the bill to the parliament), <http://www.mnhrc.org.mm/en/s128220/>.

16 Samira Sadeque, 'Myanmar's Protection Bill Falls Short of Addressing Violence against Women,' IPS NEWS, 28 July 2020, <http://www.ipsnews.net/2020/07/myanmars-protection-bill-falls-short-of-addressing-violence-against-women/>.

17 C.A.N-Myanmar, UPR Fact-sheet on LGBTI issues in Myanmar (Submission to the Universal Periodic Review of the United Nations Human Rights Council), January 2021, https://www.upr-info.org/sites/default/files/document/myanmar/session_37_-_january_2021/7._can-myanmar_factsheet.pdf.

18 See, for example, Section 377 of the Myanmar Penal Code; Equality Myanmar, In the Shadows: Systemic Injustice based on Sexual Orientation and Gender Identity/Expression in Myanmar, <https://www.icj.org/wp-content/uploads/2019/11/Myanmar-In-The-Shadows-Avocacy-Report-2019-ENG.pdf>.

19 See Constitution of the Republic of the Union of Myanmar, Section 348.

20 MNHRC, 'Statement of the Myanmar National Human Rights Commission on the 72nd International Human Rights Day on 10 December 2020, Statement No. (15/2020),' <http://www.mnhrc.org.mm/en/s152020eng/>.

In the MNHRC, among both commissioners and staff, there is a lack of diversity on various fronts. Only four out of the 11 appointed commissioners are women.²¹ The Commissioners do not reflect the diversity of Myanmar in terms of age, qualifications, disability, social class, ethnicity, religion, sexual orientation, gender identity or gender expression, among others.²² It appears that none of the commissioners selected in January 2020 has any formal human rights training or experience working within civil society apart from the Chairperson;²³ worse, many of them have strong links with previous military regimes.²⁴ This lack of pluralism in the composition of the Commission has contributed to the MNHRC's failure to provide sufficient responses to the various forms of discrimination in Myanmar and has affected its engagement with human rights victims and the broader civil society.

The MNHRC was established 10 years ago in 2011, and though flawed since its founding, has now further become complicit in window-dressing of the military's crimes and legitimising its brutal attempted coup. The collective human rights expertise within the Commission is inadequate, in part due to the opaque selection process which has tended to favour nominees with military backgrounds, and a flawed enabling law that does not fully safeguard the independence of the Commission in performing its mandate. The MNHRC does not act independently of the influence of the government and military, and is even compliant and complicit with the military junta, and is wilfully blind to some of the gravest human rights violations in living memory.²⁵

21 MNHRC, 'Commissioners,' accessed 8 December 2021, <http://mail.mnhrc.org.mm/en/about/commissioners/>.

22 'Reform of Myanmar Human Rights Commission Lacks Transparency,' Progressive Voice, 15 January 2020, <https://progressivevoicemyanmar.org/2020/01/15/reform-of-myanmar-human-rights-commission-lacks-transparency-critics-say/>; See International Commission of Jurists, International Commission of Jurists' Submission to the Universal Periodic Review of the Republic of the Union of Myanmar, 9 July 2020, <https://www.icj.org/wp-content/uploads/2020/07/Myanmar-UPR-Submission-2020-ENG.pdf>.

23 MNHRC, 'Commissioners.'

24 'Myanmar's rights commission failing to act on 'atrocities crimes' in Rakhine state, say advocates,' Myanmar Now, 25 September 2020, <https://www.myanmar-now.org/en/news/myanmars-rights-commission-failing-to-act-on-atrocities-crimes-in-rakhine-state-say-advocates>.

25 '[Statement] International Partners Must End all Cooperation with the Myanmar National Human Rights Commission,' FORUM-ASIA, 11 March 2021, <https://www.forum-asia.org/?p=34124>.

NEPAL

During COVID-19, there was an increase in cases of caste-based violence, violation of minority rights, and violation of the rights of disabled persons.¹ In 2020, impunity for torture and extrajudicial killings by the state persisted.² Many victims of caste-based discrimination were Dalits, the so-called 'untouchable' and oppressed caste group in Nepal.³ Furthermore, research shows a high number of cases of violence against women including rape and sexual abuse.⁴ In 2020, students in Nepal were heavily affected due to school/university closures in response to the pandemic.⁵ The pandemic also affected daily-wage labourers and their economic rights.⁶

Though the National Human Rights Commission, Nepal (NHRCN) has the power to make recommendations to the Government as regulated under the Section 6 of the NHRC Act, 2012, it has been observed that not all recommendations have been implemented.⁷ This situation has rendered their recommendations ineffective. The NHRCN claims that the recommendations have yet to be fully implemented and addressed.⁸

Monitoring the activities of the other agencies of the Government of Nepal is one of the major functions of NHRCN. During COVID-19, it was the NHRCN that had urged the Government to immediately evacuate Nepali nationals from the city of Wuhan, China at the very beginning of the pandemic.⁹ The NHRCN also consulted with CSOs such as the NGO Federation and Federation of Nepali Journalists in monitoring the human rights situation, which has contributed to reducing the marginalisation and risk people face in receiving health services and potential violations of their human rights during the pandemic.¹⁰

With respect to the Commissions' independence, there is potential for bias in the appointment of the Chairperson. The appointment of the Chairperson, who can be a former Chief Justice of the Supreme Court or a retired judge, is done upon the recommendation of the Constitutional Council, which also includes the current Chief Justice as its members. The executive also controls the appointment process, which undermines the independence of the Commission, as evidenced by the events in 2020. In December 2020, the Government of Nepal promulgated an executive ordinance seeking to amend the Constitutional Council Act of 2010 unilaterally.¹¹ The President subsequently appointed the current NHRC Chairperson and members on the basis of recommendations made by the Constitutional Council despite irregularities in the procedure. Local civil society as well as international agencies condemned this development in the NHRCN.¹²

The NHRCN has tried to perform its mandate to protect and promote human rights in Nepal to a large extent. It has also strengthened engagement with CSOs and other public bodies. However, the Government must amend the NHRCN's enabling law to protect the integrity of the Commission in the appointment procedure.

1 Nava Raj Sapkota, 'Human Rights Situation During COVID-19 Pandemic: A Brief Assessment,' National Human Rights Commission of Nepal, http://nhrcnepal.org/uploads/publication/Annual_Report_FY_2019-20_compressed.pdf

2 Human Rights Watch, No Law, No Justice, No State for Victims The Culture of Impunity in Post-Conflict Nepal, 20 November 2020, <https://www.hrw.org/report/2020/11/20/no-law-no-justice-no-state-victims/culture-impunity-post-conflict-nepal>.

3 Ibid.

4 Minakshi Dahal et. al., 'Mitigating violence against women and young girls during COVID-19 induced lockdown in Nepal: a wake-up call,' Globalization and Health, Ed. 16, <https://globalizationandhealth.biomedcentral.com/articles/10.1186/s12992-020-00616-w>.

5 Nava Raj Sapkota, 'Human Rights Situation During COVID-19 Pandemic: A Brief Assessment,' National Human Rights Commission of Nepal, p. 37; Human Rights Watch, Nepal: Events of 2020, accessed 15 October 2021, <https://www.hrw.org/world-report/2021/country-chapters/nepal>.

6 'Impact of COVID-19 on Nepali Migrant Workers: Protecting Nepali Migrant Workers during the Health and Economic Crisis: Challenges and the Way Forward,' International Labour Organization, 10 June 2020, https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-kathmandu/documents/briefingnote/wcms_748917.pdf; Raman Paudel, 'COVID-19: Our government failed us, say Nepalese workers stranded at border,' Down to Earth, 9 April 2020, <https://www.downtoearth.org.in/news/health/covid-19-our-government-failed-us-say-nepalese-workers-stranded-at-border-70337>.

7 'Nepal: Carry Out Rights Panel's Recommendations,' Human Rights Watch, 2 November 2020, <https://www.hrw.org/news/2020/11/03/nepal-carry-out-rights-panels-recommendations>.

8 NHRCN, A Precise Report on the Recommendations and State of Implementation in the 20 Years of NHRCN, http://nhrcnepal.org/uploads/publication/NHRCNepal_20_Years_Report_English_2077.pdf, p. 7.

9 'NHRC directs govt to immediately evacuate Nepali nationals from coronavirus-hit China's Wuhan,' myRepublica, 9 February 2020, <https://myrepublica.nagariknetwork.com/news/nhrc-directs-govt-to-immediately-evacuate-nepali-nationals-from-coronavirus-hit-china-s-wuhan/>.

10 'NHRC to monitor human rights situation across Nepal during COVID-19 crisis,' Online Khabar, 10 April 2020, <https://english.onlinekhabar.com/nhrc-to-monitor-human-rights-situation-across-nepal-during-covid-19-crisis.html>.

11 PM Oli introduces Constitutional Council ordinance after failing to meet quorum for convening meeting,' ANI, 15 December 2020, <https://www.aninews.in/news/world/asia/pm-oli-introduces-constitutional-council-ordinance-after-failing-to-meet-quorum-for-convening-meeting20201215214236/>.

12 'Nepal: UN experts express concerns for independence and integrity of the NHRC,' UN Office of the High Commissioner for Human Rights, 27 April 2021, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27026&LangID=E>; 'Nepal: appointments to the Human Rights Commission must be impartial and respect the Constitution,' OMCT; 'Nepal: Human Rights Commission's Integrity in Jeopardy,' Human Rights Watch, 1 March 2021, <https://www.hrw.org/news/2021/03/01/nepal-human-rights-commissions-integrity-jeopardy>.

PAKISTAN

Though formally established in 2012, the National Commission for Human Rights, Pakistan (NCHR) only began operations only in 2015.¹ It is an independent body, though it is required to submit financial and performance reports to the Parliament.² However, since the completion of tenure of the first set of commissioners in 2019, the NCHR has remained non-functional in Pakistan due to the non-appointment of new commissioners.³ With no oversight from an independent and autonomous body on the human rights situation in the country since the NCHR became non-functional in Pakistan, human rights violations have been on the rise, exacerbated by the COVID-19 pandemic.⁴ During this period, there were reports of several cases of forced marriage,⁵ child marriage and child abuse,⁶ and honour killings.⁷ There was also a major increase in cases of domestic violence.⁸

Even in the time of COVID-19, the Government continued to prosecute religious minorities under blasphemy laws. The Pakistani government persecuted HRDs in 2020 for opposing government leaders and policies, as well as journalists and media outlets for supposedly sharing and broadcasting 'illegal' content on social media and television, breaching the right to freedom of expression.⁹ In 2020, the

Government of Pakistan adopted the Citizens Protection (Against Online Harm) Rules, which was presumably replaced with the Removal and Blocking of Unlawful Online Content (Procedure, Oversight and Safeguards) Rules 2020, both of which were equally problematic in terms of safeguarding freedom of expression in Pakistan.¹⁰

The NCHR has not been functional since 2019 due to the failure of the Government to appoint a new set of commissioners. Though efforts have been made to make the Commission functional, due to the complex and opaque procedure, it has been delayed. In regard to its financial independence, the NCHR can transparently seek funds in the form of unconditional grants from donors or NGOs, however, approval of the Federal Government will be required if the donor or NGO is a foreign source.¹¹ There are limitations to the NCHR's mandate. Firstly, it has jurisdiction over the whole of Pakistan except the Islamabad Capital Territory.¹² Secondly, several sections of the NCHR Act curb the power of the Commission in directly investigating human rights violations involving members of the armed forces, and restrict the NCHR from inquiring into 'the act or practice of intelligence agencies.'¹³

The failure of the Federal Government to facilitate the appointment of a new Commission demonstrates the flawed selection process under the NCHR Act, which is a serious blow to human rights in Pakistan. The non-appointment also suggests the Government's disregard for an independent NHRI focussed on strengthening human rights in the country. With no functional NCHR at present, the NCHR is rendered useless, leaving human rights victims with one less mechanism to pursue human rights accountability and remedy.

1 'Human Rights Committee discusses the initial report of Pakistan,' UN Office of the High Commissioner for Human Rights, 12 July 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21868&LangID=E>.

2 The National Commission for Human Rights Act (NCHR Act), 2012, Government of the Islamic Republic of Pakistan, Sections 16, 27 and 28; National Commission for Human Rights, 'Who we are,' accessed 9 November 2021, <https://nchr.gov.pk/who-we-are/>.

3 'Islamabad HC directs Pak govt to revitalise human rights commission after activists accuse PM of sabotaging it,' ANI, 9 April 2021, <https://www.aninews.in/news/world/asia/islamabad-hc-directs-pak-govt-to-revitalise-human-rights-commission-after-activists-accuse-pm-of-sabotaging-it20210409184421/>.

4 'Coronavirus being used by Pakistan as cover for increased human rights abuses,' ANI, 18 May 2020, <https://www.aninews.in/news/world/asia/coronavirus-being-used-by-pakistan-as-cover-for-increased-human-rights-abuses20200518232308/>.

5 Zofeen T Ebrahim, 'Pakistan court orders arrests over Christian teen's forced marriage,' Thomson Reuters Foundation, 9 November 2020, <https://news.trust.org/item/20201109153543-0b2dx/>.

6 'Cruel Numbers 2020: Report Highlights' Sahil Mission, accessed 17 October 2021, <https://sahil.org/cruel-numbers/>.

7 'Pakistan: Three arrested over 'honour killing' of teenage sisters,' Al-Jazeera, 18 May 2020, <https://www.aljazeera.com/news/2020/5/18/pakistan-three-arrested-over-honour-killing-of-teenage-sisters>.

8 'Pakistan: Events of 2020.' Human Rights Watch, accessed 10 October 2021, <https://www.hrw.org/world-report/2021/country-chapters/pakistan>.

9 Human Rights Watch, Pakistan: Events of 2020, accessed 10 October 2021, <https://www.hrw.org/world-report/2021/country-chapters/pakistan>; Ananya Varma, 'Pakistan's FIA Charges 49 Journalists Under Draconian PECA, Activists Lash Out,' Republic World, 25 September 2020, <https://www.republicworld.com/world-news/pakistan-news/pakistans-fia-charges-49-journalists-under-draconian-peca-activists.html>.

10 Usama Khilji, 'Draconian Internet Rules,' Dawn, 22 November 2020, <https://www.dawn.com/news/1591732>.

11 NCHR Act, Section 25.

12 Ibid. Section 1(2).

13 Ibid. Sections 14-15.

SOUTH KOREA

Under President Moon Jae-in's administration, 'Respect for human rights' is one of the Government's national policies.¹ In spite of this, the human rights situation in Korea over the last few years has not inspired much confidence. The prevalence of incidents of sexual harassment among government officials has come to light.² A transgender person was also forcibly discharged from the military solely due to her undergoing a sex reassignment surgery.³ This was coupled with online sexual violence against women and girls whose photos were viewed and shared on Telegram groups without their consent.⁴ Hate and discrimination against migrants, including refugees, has strengthened.⁵

COVID-19 impacted human rights in Korea broadly on three levels: Firstly, the Korean Government responded to COVID-19 by collecting personal information, identifying the movements of confirmed patients, and tracking contacts.⁶ Secondly, as rallies and demonstrations were restricted due to COVID-19, it significantly curtailed the ability to assemble and protest, specifically for the socially disadvantaged group adversely impacted from COVID-19.⁷ Thirdly, economic impact that resulted in massive layoffs. While the government provided significant support to companies due to COVID-19 economic downturn, workers' interests were not similarly protected in aspects of their layoffs.⁸

The National Assembly's continued failure to amend the National Human Rights Commission of Korea (NHRCK) Act to form an independent selection committee for appointing commissioners requires urgent attention. In 2020, the NHRCK took the initiative to form an independent selection committee. However, given that the independent selection committee's composition procedure was not set by law, the number of committee members and the nomination method were not fixed.⁹ Moreover, only the President followed the international community's recommendation by nominating Commissioners through an independent selection committee. Even if done in practice by well-meaning government officials, the practice cannot replace the need to incorporate a clear requirement for the formation of a single independent selection committee in the appointment process in the NHRCK Act.

1 'Congratulatory Remarks by President Moon Jae-in on 2018 Human Rights Day,' Korea.net, 10 December 2018, <https://www.korea.net/Government/Briefing-Room/Presidential-Speeches/view?articleId=166297>.

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3 Ock Hyun-ju, 'Transgender sergeant forcibly discharged from military,' The Korea Herald, 22 Jan 2020, http://news.koreaherald.com/view.php?ud=20200122000800&md=20200125003111_BL.

4 Human Rights Watch, Events of 2020: South Korea, accessed 26 November 2021, <https://www.hrw.org/world-report/2021/country-chapters/south-korea>.

5 'Accepting Racial Hierarchy without Question is Racial Discrimination,' NHRCK, 19 March 2020, <https://www.humanrights.go.kr/site/program/board/basicboard/view?currentPage=6&menuid=002002001&pagesize=10&boardtypeid=7003&boardid=7605350>; South Korean NGOs Coalition for Monitoring the Implementation of the CERD, Summary Report: Racism in East Asia, 10 December 2020, https://imadr.org/wordpress/wp-content/uploads/2020/12/Summary-Report_Racism-in-East-Asia_10.12.2020.pdf.

6 Human Rights Watch, Events of 2020: South Korea.

7 Hyonhee Shin, 'South Korea police set up 'bus walls' to prevent protests amid COVID-19 concerns,' Reuters, 3 October 2020, <https://www.reuters.com/article/us-health-coronavirus-southkorea-idUSKBN2600DJ>.

8 Im se Woong, 'Incheon Local Labor Committee, AsianaKO's layoffs are unfair,' Labortoday, 15 July 2020, <http://www.labortoday.co.kr/news/articleView.html?idxno=165535>.

9 NHRCK Act, Art. 5.

SRI LANKA

Human rights in Sri Lanka worsened in 2020 as Sri Lanka withdrew from co-sponsoring the UN Human Rights Council Resolution 40/1 on promoting reconciliation, accountability and human rights in Sri Lanka.¹ In March, President Gotabaya Rajapaksa pardoned a former sergeant who had been convicted of murdering Tamil civilians.² These developments signalled the President's disregard for post-conflict reconciliation and accountability for heinous crimes. Further, in March, as the COVID-19 pandemic was spreading throughout Sri Lanka, President Rajapaksa dissolved the Parliament, six months before the parliamentary term was set to expire.³

The COVID-19 pandemic gave the President a pretext for postponing the elections, with the President refusing to reconvene Parliament even after the constitutionally-allowed time limit for parliamentary recess had lapsed, which enabled him to exercise his powers without parliamentary oversight.⁴ During this time, the President issued Extraordinary Gazette notification no. 2178/18, which formed the Presidential Task Force to build a Secure Country, Disciplined, Virtuous and Lawful Society composed of security forces and retired military personnel.⁵ The Presidential Task Force was authorised to take necessary measures against vague, ill-defined

offenses.⁶ Parliamentary elections eventually took place in August 2020, and the Sri Lanka People's Freedom Alliance, the party of the incumbent President, achieved a landslide victory.⁷ Mahinda Rajapaksa, the President's brother, was sworn in as Prime Minister.⁸ Soon after, in October, the 20th Amendment to the Constitution was passed, which enhanced the executive powers that the 19th amendment had precisely sought to limit.⁹

The spread of the pandemic in Sri Lanka has brought forth several critical human rights issues. Workers have become jobless,¹⁰ with women garment factory workers disparately impacted.¹¹ Prisoners rioted against their lack of protection against COVID-19, leading to prison deaths.¹² The minority Muslim community was also forced to cremate their deceased loved-ones, contrary to their religious custom, when the Government mandated cremation for COVID-19-related deaths despite the lack of a scientific basis for doing so.¹³ Dominant nationalist groups weaponized social media and mainstream media to spread anti-

1 UN Human Rights Council, Promoting reconciliation, accountability and human rights in Sri Lanka, UN Doc. A/HRC/RES/40/1, 4 April 2019, <https://www.right-docs.org/doc/a-hrc-res-40-1/>; Statement made by Hon. Dinesh Gunawardana, Minister of Foreign Relations at the 43rd Session of the Human Rights Council, 27 February 2020, <https://www.lankamission.org/human-rights-humanitarian-affairs/2743-statement-made-by-hon-dinesh-gunawardana-minister-of-foreign-relations-at-the-43rd-session-of-the-human-rights-council.html>.

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5 Extraordinary Gazette notification 2178/18 (2 June 2020), http://documents.gov.lk/files/egz/2020/6/2178-18_E.pdf; 'PTF on Building a Secure Country, Disciplined, Virtuous & Lawful Society: Complaints Lodged With HRCSL,' Colombo Telegraph, 3 July 2020, <https://srilankatwo.wordpress.com/2020/07/04/ptf-on-building-a-secure-country-disciplined-virtuous-lawful-society-complaints-lodged-with-hrcsl/>. Additionally, the Presidential Task Force for Archaeological heritage Management in the Eastern province was also established. See also 'Sri Lanka: Newly constituted Presidential Task Force threatens rule of law,' International Commission of Jurists, 5 June 2020, <https://www.icj.org/sri-lanka-newly-constituted-presidential-task-force-threatens-rule-of-law/>.

6 Extraordinary Gazette notification 2178/18 (2 June 2020), http://documents.gov.lk/files/egz/2020/6/2178-18_E.pdf. For example, '1. Taking necessary immediate steps to curb the illegal activities of social groups ... 2. Take necessary measures for prevention from drug menace ... to prevent other social illnesses caused by drug abuse; ... 4. To investigate and prevent any illegal and antisocial activities in and around prisons.'

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13 'Civil Society Collective tells Govt. Heed advice of medical professionals, allow burial of COVID 19 dead,' Daily Mirror, 5 January 2021, <https://www.dailymirror.lk/news-features/Civil-Society-Collective-tells-Govt-Heed-advice-of-medical-professionals-allow-burial-of-COVID-19/131-203119>.

Muslim rhetoric.¹⁴ Police made arbitrary detentions, which exposed those arrested to contracting COVID-19.¹⁵ There was also a climate of fear and self-censorship, with the police arresting social media users deemed to be critical of the Government.¹⁶ Throughout this, the Human Rights Commissions of Sri Lanka (HRCSL) conducted some efforts to address the situation. However, they were insufficient, given the utter and blatant disregard for the rule of law and human rights by the Government in 2020.

Despite institutional reforms, the HRCSL is still mired by some long-standing challenges that hamper the efficacy of the HRCSL as an NHRI. The non-implementation of the HRCSL's recommendations has been a significant and persistent challenge, which has directly impacted public confidence towards the HRCSL and its work. The recommendations issued by the HRCSL have no binding effect on the Government, leaving it with the discretion to adopt or disregard the recommendation.¹⁷ However, in 2020, there were some good practices done by the Commission. The HRCSL conducted various activities to promote human rights such as organising an event on 'Countering Technology-based Violence against Women'¹⁸ and a webinar on torture and societal violence.¹⁹ The HRCSL has also advocated for the needs of persons with disabilities.²⁰

Despite the backsliding from a relatively free space for freedom of expression and the return to a hostile climate for human rights advocacy and HRDs, which clearly manifested when the present Government withdrew itself from sponsoring the UN Human Rights Council resolution, the Commission continued to play an independent role and was proactive and interventionist in protecting human rights in the country. However, the HRCSL took a relatively light approach on certain key human rights issues. For instance, the controversial composition of the Presidential Task Force did not receive commentary from the HRCSL. This, despite the fact that this could pose a grave danger for the protection of minority rights and could potentially be misused for targeting minorities as well as political opponents. With the present Commission appointed under the problematic 20th Amendment to the Constitution in December 2020, the HRCSL now faces the challenge of earning back public trust.

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HRCSL, 8 April 2020 <https://www.hrcsl.lk/wp-content/uploads/2020/02/Human-Rights-Commission-of-Sri-Lanka-letter-to-Government-Information-Department.pdf> [available only in Sinhala].

TAIWAN

Taiwan's National Human Rights Commission (NHRC) was formed on 1 August 2020.¹ The Legislative Yuan passed the 'Organic Act of the Control Yuan National Human Rights Commission' on the International Human Rights Day on 10 December 2019, as the grounds for the NHRC's establishment.² In the midst of the COVID-19 Pandemic, it has been reported that the NHRC has not even utilised half of its budget since it was brought into force.³ While in the past year, there have been a number of concerns with regards to human rights abuses in Taiwan in its fight against COVID-19, particularly the right to privacy, any such abuse is yet to be investigated by the NHRC.⁴

The independence of the NHRC is not absolute as the Commission has several members from the Control Yuan as ex officio members.⁵ The current Chair of the NHRC is also the President of the Control Yuan who was appointed by the President at the time of nomination.⁶ This raised questions as to if the NHRC would be able to properly fulfil its mandate of investigating human rights abuses by public officials in its capacity as an institution which operates with a dual personality. Since its operation, the NHRC's budget has mostly been used for the promotion of, and education on, human rights, and not on investigating human rights abuses.⁷

Furthermore, the NHRC has yet to properly develop its working methods. Complaint-based investigations, which the Control Yuan is most familiar with, can only achieve part of the NHRC's functions. The NHRC is yet to undertake full-fledged investigations and enquiries into the human rights abuses in the country, due in part to its overlapping powers and functions with the Control Yuan.

In its first year, the NHRC has not fulfilled its obligations to conduct investigations and enquiries on human rights abuses in the country. The NHRC should develop its capacity to conduct national inquiries and devote sufficient energy in developing methodologies and guidelines for visiting places of detention, the collection and analysis of data for monitoring purposes, and the identification and documentation of victims of torture, among others. Furthermore, its control by the Control Yuan is a matter of concern with regards to its independence.

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5 Organic Act, Art. 3.

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THAILAND

The performance of the National Human Rights Commission of Thailand (NHRCT) was severely affected by the political changes that transpired in the country since the 2014 military coup led by Gen. Prayuth Chan-Ocha. In 2017, the Organic Act on the National Human Rights Commission B.E. 2560 was enacted which reorganised the NHRCT.¹ However, the selection process of the appointees to the Commission by the 250 Senate members (who are appointed by the National Council for Peace and Order) undermines the independence of the Commission and is mostly conducted behind closed-doors. There is no scope for public participation, public hearing or any discussion with civil society in the appointment of the members. This stands in contravention to the Paris Principles as what the GANHRI-SCA had noted in its 2015 accreditation report granting the Commission 'B' status.

In early 2019, Thailand held national elections after five years of rule by the NCPO. In 2020, in the middle of the COVID-19 outbreak, citizens held mass protests in Thailand demanding constitutional reform. The peaceful protests were met with police brutality, including the use of tear gas and water cannons laced with purple dye. Police also conducted mass arrests and filed a slew of cases against pro-democracy activists.² Further, in October 2020, the Prayuth regime imposed a state of 'severe' emergency, which prohibited five or more people from gathering, in an effort perceived to stop the mass protests.³ Throughout these developments, the NHRCT's response has been grossly insufficient. Worse, in the most recent UPR submission, the NHRCT even defended state measures to control the protests, despite expressing concerns on how law enforcement exercised their authority.⁴

In 2020, while the Commission published a statement responding to Human Right Watch's 'World Report 2020,' assuring that the election process under the 2017 Constitution was consistent with international norms, there was no detailed legal analysis on the actions of the Government, which has been heavily criticised by civil society.⁵ There is also a lack of public engagement regarding promoting human rights among people. Thailand's NHRCT should strengthen civil society and public engagement by expanding its network and national campaigns. More importantly, it should not be silent in condemning human rights violations committed by government agencies and officials.

1 Organic Act on The National Human Rights Commission (2017), <https://www.nhrc.or.th/getattachment/ce460f0e-0015-4a12-b56e-bcad27ae6909/.aspx>; Office of the National Human Rights Commission of Thailand, 'The history of the first batch of the National Human Rights Commission, (24 June 2001 - 13 July 2009),' accessed 29 November 2021, <https://www.nhrc.or.th/AboutUs/The-Commission/Background-and-History.aspx?lang=en-US#:~:text=NHRC%20%3A%20OFFICE%20OF%20THE%20NATIONAL,HUMAN%20RIGHTS%20COMMISSION%20OF%20THAILAND&text=The%20national%20human%20rights%20Commission%20was%20established%20in%20accordance%20with,effective%20on%2011%20October%201997.>

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3 '[Statement] Thailand: State of emergency is a violation of international human rights standards,' FORUM-ASIA, 15 October 2020, <https://www.forum-asia.org/?p=33176>.

4 NHRCT, Human Rights Situation in Thailand, accessed 8

December 2021, pp. 3–4, <https://www.nhrc.or.th/getattachment/e93d01a1-5203-4aa9-a3f3-28e7af7e7f18/%E0%B8%A3%E0%B8%B2%E0%B8%A2%E0%B8%87%E0%B8%B2%E0%B8%99%E0%B8%84%E0%B8%B9%E0%B9%88%E0%B8%82%E0%B8%99%E0%B8%B2%E0%B8%99%E0%B8%81%E0%B8%B2%E0%B8%A3%E0%B8%9B%E0%B8%A3%E0%B8%B0%E0%B9%80%E0%B8%A1%E0%B8%B4%E0%B8%99%E0%B8%AA%E0%B8%96%E0%B8%B2%E0%B8%99%E0%B8%81%E0%B8%B2%E0%B8%A3%E0%B8%93%E0%B9%8C%E0%B8%AA%E0%B8%B4%E0%B8%97%E0%B8%98%E0%B8%B4%E0%B8%A1%E0%B8%99%E0%B8%B8%E0%B8%A9%E0%B8%A2%E0%B8%8A%E0%B8%99%E0%B8%82%E0%B8%AD%E0%B8%87%E0%B8%9B%E0%B8%A3%E0%B8%B0.aspx>

5 NHRCT, Concerning the Situation of Human Rights in Thailand in 2020, accessed 8 December 2021, http://www.nhrc.or.th/getattachment/NHRCT-Work/Statements-Press-Releases-Open-Letters/Statements/Concerning-2020-Human-Rights-Situation-in-Thailand/4-%E0%B8%84%E0%B8%B3%E0%B8%8A%E0%B8%B5%E0%B9%89%E0%B9%81%E0%B8%88%E0%B8%87_%E0%B8%A3%E0%B8%B2%E0%B8%A2%E0%B8%87%E0%B8%B2%E0%B8%99-HRW-2563.pdf.aspx

conclusion

In spite of immense challenges that obstructed the work of the NHRIs in the region, ANNI would like to acknowledge that many NHRIs in Asia continued to promote and protect human rights during the unprecedented public health crisis. However, ANNI has identified many gaps and challenges they have to overcome as national institutions, to conform to the minimum standards stipulated in the Paris Principles and to be attuned to the needs of civil society and victims of human rights violations. In the occurrence of human rights violations due to a dramatic political change, the roles of the NHRIs become more significant than ever to put an end to the cycle of impunity.

The NHRIs must continue to strengthen their understanding of embracing diversity and pluralism not as a jargon, but internalise it within the institution and become a positive example to other institutions in the national context. Meaningful participation and involvement of every sector of society in the work of NHRIs should also be considered the most integral part of their work.

Therefore, ANNI will continue to advocate for the realisation of stronger NHRIs in Asia, voice our concerns and critically assess the effectiveness of NHRIs, as well as collaborate with them in various avenues as an equal partner in advancing human rights in the region.



