The Covid-19 impact: Key Issues in the Asia Pacific region

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1. Introduction

The Covid-19 pandemic exacerbated many existing human rights issues in the Asia Pacific region. Civil and political rights were often curtailed as public space was either fully closed to civil society voices or severely restricted and harshly policed. In countries in which democratic principles were already subject to being delegitimized or weakened, governments were able to further limit dissent and freedom expression. Disparities in education and governments' difficulties in delivering reasonable quality education also became more pronounced. Vulnerable and marginalized groups were hit hard and were rendered least able to access support and services. Gender-based inequalities, already a pressing issue in many cross-cutting spheres, was likewise aggravated. Inter-governmental organizations were not generally focused on rights-based responses governance. For all the challenges the region faced, human rights defenders continue to advocate for justice and civil society organizations mobilize to address the impact of the pandemic.

1.1. Fake News, Falsity and Fear

Even before the pandemic, the proliferation of fake news and misinformation through digital media across the Asia Pacific had dire consequences. Fake news and misinformation aided in the incitement of ethnic and religious violence, with well documented cases of misinformation in Myanmar leading to violence towards the Rohingya, or the weaponization of fake news in Pakistan contributing to election instability and religious violence (Media Matters for Democracy, 2020). In a time of the Covid-19 pandemic the spread of fake news and misinformation exacerbated the sense of uncertainty about how to respond to the virus at an individual and societal level. Some countries moved more quickly than others in

recognizing the risk this posed and established formal channels for the dissemination of accurate information. But in some cases, government response was negative with overreaching laws that restricted criticism and which threaten freedom of expression.

Axel Gelfert (2018) defines fake news as "the deliberate presentation of (typically) false or misleading claims as news, where the claims are misleading by design" (108). Here, "by design" means that the source of the news had the deliberate intent to mislead its audience. (111). The phenomena is not limited to the Asia Pacific region, and has become a regular feature in many countries. The increase in fake news led the ASEAN Ministers Responsible for Information (AMRI) to release the Framework and Joint Declaration to Minimise the Harmful Effects of Fake News. The document states that "[t]here have been instances where information has been distorted to create fake news stories with the intention to provoke violence, sow hate, fear, distrust and discord among the people. Such cases have the potential to undermine confidence in political institutions and erode social harmony of a country" (AMRI, 2018, p. 3). While the statement was made at the ASEAN level, implementation of actions to curb misinformation are almost exclusively at the domestic level, and hence subject to national governments' interpretation and constitute a limited response to what is essentially a global phenomenon.

Although nothing in the Joint Declaration intimated the criminalisation of fake news, most ASEAN countries responded to fake news during the Covid-19 pandemic with penal sanctions and restrictive measures, in the name of national security, thus raising concerns over infringement of the freedoms of speech, expression, and of the press. For example, Malaysia enacted Emergency (Essential Powers) (No. 2) Ordinance 2021 in March 2021, after repealing the infamous Anti-Fake News Act 2018. ("Malaysia", 2021) It defines "fake news" as "any news, information, data and reports, which is or are wholly or partly false relating to Covid-19 or the proclamation of emergency, … in any other form capable of suggesting words or ideas." The law criminalises persons who create, publish, and disseminate fake news or provide financial assistance to such actions; and requires persons investigated to grant police and other authorized officers access to computerized data and to disclose traffic data (Allen & Gledhill, 2021).

In 2020, The Phnom Penh Post reported that the Ministry of Information identified a total of 1,343 cases of fake news, disinformation, unfair criticism of the country's leadership and insults to the King. The Director-General of Information and Broadcasting at the Information Ministry, Phos Sovann, revoked three media licenses as a result (Dara, 2021). Many of these cases, however, were based on legitimate political expression that may have been critical of the government, but not directly

of the King. For example, three environmental activists who documented pollution contaminating Phnom Penh's main river were charged with insulting the King, though no explanation was given by the police about how reporting on waste water run off was linked in any way to the Royal Family ("Cambodia", 2021).

Singapore, likewise, passed the Protection from Online Falsehoods and Manipulation Act 2019

(POFMA) authorising a government minister "to declare that information posted online is 'false,' and to order the content's 'correction' or removal if deemed to be in the public interest." (Human Rights Watch [HRW], 2020a) According to Human Rights Watch (2020a), POFMA's "mere existence has already led critics of the government to self-censor online". The law has been used against anti-government activists, such as Alex Tan and Gilbert Goh, and oppositions parties such as the Singapore Democrat Party (Xiang Teo, 2022).

Indonesia's 2008 law on Electronic, Information and Transaction aims to punish persons who spread fake and misleading news. As Ross Tapsell (2019) observes, most arrests under this "hoax law" were directed against people who opposed the country's president. He attributes this trend in arrests to the requirement that the police report directly to the president, and to the close relationship between the police force and the Ministry of Communications and Information. Arrests are thus largely based on the anti-government content of the news, "leading to a perception that the government does not tolerate criticism and is using the security forces as an instrument of political repression" (Tapsell, 2019).

In 2020, the Philippines' President Rodrigo Duterte was granted emergency powers under the Bayanihan to Heal as One Act, penalizing "individuals or groups creating, perpetuating, or spreading false information regarding the Covid-19 crisis on social media and other platforms, such information having no valid or beneficial effect on the population, and are clearly geared to promote chaos, panic, anarchy, fear, or confusion" (University of the Philippines Department of Political Science, n.d.). Ironically, early in 2018, during a Senate hearing on the proliferation of fake news, a journalist declared that "most of the sources of disinformation is being perpetrated by government officials on taxpayers' money. And the number 1 source of fake news is President Duterte himself" (Elemia, 2018). This comment highlights the fact that the Philippines state has hosted a number of disinformation and fake news sites and ran a coordinated campaign which later resulted in the election of Ferdinand Marcos Jnr as president in May 2022 (Sochua, 2022).

In Thailand, Section 14 of the Computer Crime Act, (amended in 2017), covers "bringing into a computer system computer data which is false in a manner likely to cause loss to the maintenance of national security, public security, national economic security or an infrastructure involving national public interest or in a manner causing public anxiety…" The wording of the can be interpreted so broadly as to include possibly any criticism of government. Anansaringkarn observes that even though most fake news cases involve minors -- the large number so of high school student protestors in 2021, for example -- they were still pursued by government because "they involve criticism against public authorities or government officials" (Anansaringkarn, 2021).

While governments have the right to address "fake news," they should not exercise that right at the expense of legitimate dissent. As Ric Neo writes, when governments complain of 'fake news' in the media over materials which challenge the legality of government actions, such imputation also serves as a weapon for achieving another outcome, that is the delegitimising of the news itself (Neo, 2020). Thus, as 'fake news' is used as a justification to enact censorship laws in the name of national security, it is immediately thrown at government opponents, to tarnish their credibility and diminish their capacity to critically engage the government. A major irony is that many States in the region are actively engaged in generating disinformation themselves, as demonstrated by the re-writing of history in the Philippines to clean the record of Ferdinand Marcos's family, or the terrible consequences of the Myanmar military disinformation which fuelled violence against the Rohingya. Clearly, probing into 'fake news' demands more than fact-checking, and requires freedom-checking, which entails vigilance in making sure that rights and freedoms are not threatened by falsity and fear.

1.2. Attacks on human rights defenders

In many countries in 2019, human rights defenders demanded changes in the governance system, creating a momentum in a year of protests. In the opening months of 2020, they were seeking to capitalize on gains made in the previous year. By March, however, it was evident that they had to face an additional set of challenges brought about by Covid-19.

Despite restrictive measures imposed by almost all governments, the year of 2020 saw several attacks on human rights defenders. Out of 331 human rights defenders killed worldwide, a total of 54 were in Asia and the Pacific (Front Line Defenders, 2020). Together with other measures aimed at controlling or stopping the spread of Covid-19, governments suppressed activities of human rights defenders.

In Hong Kong (Baker McKenzie, 2020) and the Philippines (Republic of Philippines, 2020), the legal and formal characterization of human rights defenders as anti-state, traitors or terrorists gathered pace. The Philippines passed the Anti-Terrorism Act in 2020, and 25 human rights defenders were immediately recorded killed (Montalvan, 2020; International Federation for Human Rights, 2021).

With the objective and justification of stopping the spread of Covid-19, many countries controlled the digital space of human rights defenders and ordinary citizens. In Bangladesh, authorities ramped up their use of the Digital Security Act to open investigations into, and charge dozens of people for, their online writings criticizing the government's public health response to the pandemic (Asian Human Rights Commission, 2020). Under the similar pretext of 'maintaining peace,' the Cambodian government held many human rights defenders incommunicado under government detention facilities (Cambodian League for the Promotion and Defense of Human Rights, 2020).

1.3. Use of emergency laws

The pandemic and its dire consequences for health care, economies and well-being of populations around the world, were felt acutely in the countries of Asia and the Pacific. By the end of 2020, total Covid-19 cases in the region amounted to 14,412,593 with total deaths of 228,887.

Few countries in the region showed exemplary responses to flattening the curve of the pandemic and containing the first wave of the virus. More developed countries in the region such as Australia, Japan, Korea, and New Zealand did better than most countries in the world (Organization for Economic Co-operation and Development, 2020). Some countries such as Singapore, South Korea and Taiwan were able to draw on previous experiences with SARS and MERS outbreaks. Governments acted quickly in crafting responses while citizens, also informed by past outbreaks, often voluntarily adopted measures such as masking even before they were required to do so.

Across the Asia-Pacific region, governments used a variety of tools to respond to the pandemic and gave themselves additional legal powers to justify the measures they chose to deploy. As the scale of the pandemic started to become apparent, many governments declared a 'state of emergency.' In some cases, constitutionally-based emergency powers were invoked such as in the Philippines, Papua New Guinea and Solomon Island; in other cases, declarations were issued under national disaster or public health laws such as in South Korea, Japan and Singapore (Melbourne Forum on Constitutional-Building, 2021).

2. Democratization

2.1. Key Events in democratization in Asia-Pacific

Freedom of expression came under attack across the region in 2020. Many countries used restrictions on spreading false news to limit freedom of expression.

The Philippines' Bayanihan to Heal as One Law, passed on March 25, 2020, criminalized the spreading of fake news. This act was later used to abridge freedom of speech – of people who condemned the government for its Covid-19 response (Joaquin & Biana, 2021). Likewise, Sri Lanka arrested individuals over online posts that comment on the government's ineffectiveness in combating the virus (Freedom House, 2021).

Covid-19 further revealed the fragility of democracy and democratic norms in Asia Pacific. Cambodia's authoritarianism further deepened when the government of its 35-year ruler, Prime Minister Hun Sen, adopted repressive laws curtailing the rights to freedom of expression, peaceful assembly and association (Human Rights Watch, 2020b). The government's response to the Covid-19 pandemic reinforced existing discrimination against minority Muslim communities as reports on persons who contracted the virus mentioned their religion (Human Rights Watch, 2020c).

During the peak of Covid-19 lockdowns, the Indian central government introduced three agricultural reform laws in September 2020, triggering extensive farmers' mass protests despite restrictions on mass gatherings (Schmall, 2020). In response, the Indian government curbed mobile internet and social media which were used to organize, and call on people to join, protest actions against the laws (Curtis, 2021).

Various assaults on democratic freedoms intensified popular demands for political reform in countries such as Hong Kong (Ngai, 2020), Thailand (Kuo, 2020), Myanmar (Strangio, 2020) and the Philippines (Mongaya, 2020) all throughout 2020.

2.2. Elections

Many countries in the Asia Pacific region conducted exemplary elections notwithstanding the challenges posed by the pandemic.

In South Korea, despite Covid-19, 29 million people voted in the parliamentary elections with no outbreaks of the virus linked to the in-person voting activities (Institute for Democracy and Electoral Assistance, 2020). The country identified freedom of movement, information and

elections as its major concerns in 2020 and took utmost care to uphold these rights and freedoms, resulting in the highest voter turnout in almost 30 years (Hollingsworth & Kwon, 2020). The South Korean election resulted in only 0.6 new Covid-19 cases per 1 million people on election day, showcasing the ample safety measures that were taken.

Likewise, in 2020, Australia garnered international attention for its conduct of elections during the pandemic. While 60 countries all over the world postponed their elections due to Covid-19 (Maizland, 2020), Australian Capital Territory's general election was held in October 2020, with distinctive measures to prevent Covid-19 transmission. During the campaign, no politician was allowed to make the traditional handshake or to knock the door, and voting was held up to 19 days in order to spread out voter attendance (Mahajan, 2021). Proper Covid-19 management also gave the voting public an opportunity to analyze the efficiency and effectiveness of their respective governments in trying to curb the pandemic.

A similar trend was observed in the famously called 'Covid Elections' in New Zealand, which saw the popular vote conferred to the Labour Party largely on the basis of the success of the Labour-led government in managing the pandemic (Cox, 2020).

3. Regional Organizations

3.1. ASEAN

The divided responses of ASEAN states have delayed Southeast Asia's efforts to quickly recover from the pandemic. Southeast Asia's interconnectedness made it highly vulnerable to pandemics. Its tourism, trade and supply chains also deeply intertwine with China, which contributed to the spread of Covid-19 within the ASEAN region, as well as in South Korea and Japan. Southeast Asian states acted in response to the pandemic without consulting or informing their neighbours or the ASEAN, leading to disparate policies. Many states turned to powers like the United States or China for medical and economic assistance.

In March 2020, the region witnessed 841 infections and 11 deaths. The Philippines became the first ASEAN state to go into lockdown. In April 2020, when Cambodia went into lockdown, infections had risen to 16,919 and fatalities to 593. On 16 March 2020, Malaysia closed its borders without warning, which led to a rapid movement of Singaporean migrant workers to Malaysia hoping they could continue to work. Migrant workers in the region were left without healthcare access, savings, food security or employment, and were at the whims of local police.

Unclear and impromptu measures taken by governments created great challenges for migrant workers. Without proper accommodation, migrants had to reside in cramped spaces that were ripe for the spread of Covid-19. This was most evident in Singapore, where migrant dormitories had infection rates that were three times higher than the non-migrant population.

While ASEAN leaders conducted several meetings and summits, it failed to deliver tangible results until infections were already soaring. An ASEAN Summit and ASEAN+3 Summit on Covid-19 were held in April 2020, more than a month after the World Health Organization's declaration of a pandemic

Individual states' responses to Covid-19 were determined by its capacity to treat infections, rapidly test and trace, and provide necessary medical personnel and equipment. States like Singapore that have robust healthcare systems and economic security contained the virus at its nascent stage. States like Indonesia, however, with a weak health infrastructure struggled to forge a coherent strategy. ASEAN could have provided crucial material assistance to such states, but the pandemic exposed that it lacked a proper mechanism to do so.

Vaccination also brought its own set of challenges. No regional vaccination drive existed to bridge the gap between ASEAN states in terms of the acquisition and production of vaccines. Migrant Cambodian workers in Thailand, mostly involved in the informal sectors of Thailand's economy and have neither a formal nor legal status, were not considered in the vaccination statistics of either Thailand or Cambodia. The call to vaccinate migrants had to come from a regional body in order to even out such policy differences.

ASEAN failed to recreate the successes it achieved against avian influenza and SARS when there were frameworks for cooperation and specific duties taken up by different member states. While Singapore focused on regional epidemiologic studies, for example, Thailand monitored rising infections and Malaysia built disease-free zones and developed containment measures. These specialised responsibilities preserved human and economic resources that were already stretched thin.

The same cannot be said this time around. The ASEAN Covid-19 Response Fund was created to supply medical and non-medical supplies, but did not have comprehensive guidelines, which means that states were unable to draw from it promptly when making policy decisions.

In a virtual summit on 14 April 2020, ASEAN leaders agreed on a 'whole-of-ASEAN community approach' to combat the virus. They agreed to inaugurate a common Covid-19 response fund which was prepared

by country foreign ministers in an earlier conference. They also reached consensus on the need to address the situation on the frontline through joint procurement of medical supplies and stockpiling.

Member states have strengthened intra-ASEAN bilateral cooperation. Malaysia initially reacted to the pandemic with restrictions on the movement of people and goods across borders, including the causeway with Singapore, a critical supply route. This caused substantial problems in Singapore and led to panic buying and stranded Malaysian workers. Since then, both countries have established a special working committee to manage any complications caused by respective lockdown measures.

3.2. SAARC

Sri Lanka's Esala Ruwan Weerakoon assumed office as Secretary General of the South Asian Association for Regional Cooperation (SAARC) on 01 March 2020 and was immediately preoccupied with impeding the spread of the pandemic. Covid-19 proved to be a challenge around the world, yet it provided the SAARC countries and communities to come together to work to prevent the spread of the virus and protect those impacted by it. One of the most prominent examples was the Covid- 19 Emergency Fund for SAARC Countries. India's Prime Minister, Narendra Modi, proposed setting up a Covid- 19 emergency fund for SAARC countries which was later implemented to incorporate voluntary funding by SAARC countries (Press Information Bureau Government of India Prime Minister's Office, 2020). At the end of March 2020, World Bank noted that after India's initial $10 million contribution, there were voluntary contributions of more than $8 million from most SAARC members (Fruman & Kaul, 2020). Likewise, SAARC showed collaborative effort in trying to mitigate the impacts of the pandemic on the education sector. A virtual meeting of SAARC Ministers of Education and Higher Education on the education sector's response to Covid-19 was held on October 2020. The delegations discussed the importance of regional cooperation in addressing the adverse impacts of the pandemic on education, including through sharing of knowledge, especially through digital learning platforms (SAARC, 2020).

3.3. Pacific Islands Forum and The Alliance of Small Island States

The Pacific Islands Forum, formed in 1971, serves as a vehicle for small island states of Oceania to be advocate for their interests in the international arena. Similar to ASEAN, the Forum tends to avoid matters internal to other countries within the Forum but there is no stated commitment to noninterference as there is in ASEAN. The Alliance of Small Island States (AOSIS) is a coalition of low-lying and small island countries –including but not limited to those in the Pacific/Oceania region--that are particularly vulnerable to the impacts of climate change

and other global challenges. While in the earliest phases of the pandemic it seemed these island territories and nations might be spared the worst of the pandemic, it became clear that would not be the case for very long. In April 2020 Forum Foreign Ministers met virtually yesterday to establish a Pacific Humanitarian Pathway on COVID-19. The Chair of the Special Foreign Ministers Meeting, the Honourable Simon Kofe of Tuvalu, said that responding to COVID-19 as a region reflected the Tuvaluan concept of te fale-pili, which literally means houses in close proximity to one another and which implies a moral responsibility to protect neighbors.

During the Covid-19 pandemic, it undertook several important actions to address the specific challenges faced by its member states:

Small island developing states specific their own challenges during the pandemic and needed to have their voices be raised to garner international support. its member states in responding to the crisis. AOSIS actively advocated for the needs and concerns of its member states in international forums focusing on the Covid-19 pandemic. They called for increased support and assistance in addressing the pandemic's health, social, and economic impacts. For most small island states there was already an awareness of the interconnectedness of health and sustainable development, driven home prior to the Covid-19 pandemic owing to climate change. Hence the Covid-19 response measures for which AOSIS advocated also included measures that would contribute to long-term climate resilience and sustainable development goals.

3.4. Indigenous Groups:

Like other marginalized groups, indigenous peoples were severely affected by the COVID-19 pandemic. In the Asia-Pacific region, the pandemic negatively affected indigenous communities' health, economic, social and cultural situation, especially the women and girls. At the same time, the pandemic spurred creative and life-saving responses from indigenous peoples in the region.

While indigenous peoples live in areas that are less congested than cities and have as such less potential for outbreaks, many among them also lack internet access and information about the pandemic. Their lack of access to clean water and sanitation make them more vulnerable to the virus. When they become ill with Covid-19, they face difficulties in going to hospitals and paying for services, especially in areas where these have been privatized (Indigenous Navigator, 2020) Peoples with disabilities and indigenous communities living in voluntary isolation were rendered particularly vulnerable (Food and Agriculture Organization of the United Nations [FAO] and United Nations Office of the High Commission for Human Rights [OHCHR], 2022). The death of elders in the community

caused by the virus represented not only a personal or familial tragedy, but a loss to the community's cultural heritage and wisdom (Asia-Pacific Economic Cooperation [APEC], 2021).

With the integration of indigenous communities' livelihood to the local economies, the lockdowns made earning a living difficult for many indigenous peoples. All of a sudden, produce -- derived from agriculture, fishing or hunting – could not be sold to the market, and tourism, a traditional source of livelihood, was completely shut down. This made indigenous peoples more vulnerable economically, resulting in food insecurity, malnutrition, if not hunger (Indigenous Navigator, 2020; APEC, 2021; FAO and OHCHR, 2022; Scheyvens, R. A., Movono, A., & Auckram, S., 2021).

Restrictions on mass gatherings and travel have made community life more difficult for indigenous peoples. Indigenous communities were forbidden from carrying out their traditional cultural and social practices, negatively affecting individuals' mental health and well-being (Indigenous Navigator, 2020).

The marginalization and discrimination experienced by indigenous peoples before the pandemic worsened with Covid-19. Information about the pandemic are not translated into languages that they can understand, and they were not consulted in decision-making related to the pandemic. Facing discrimination, they face difficulties in accessing healthcare, relief aid, social protection and other essential services (Indigenous Navigator, 2020). The pandemic made it more difficult for indigenous peoples in various countries to confront the challenges that they face: forest fires in Thailand, racism in India, military attacks in the Philippines, (Asia Indigenous People's Pact, 2020), land grabbing by agribusiness corporations and illegal loggers in Cambodia, and military searches and other attacks in Bangladesh and Nepal (FAO and OHCHR, 2022).

At the same time, various ways of coping with the pandemic and stemming the spread of Covid-19 were devised by indigenous peoples. In Cambodia and Nepal, indigenous peoples mobilized locally accessible media -- such as loudspeakers and local radio and television -- to disseminate information in local languages. In Thailand, indigenous communities returned to traditional practices of land management to ward off hunger and malnutrition. In India, indigenous women produced masks, bought and distributed sanitation supplies for their communities, and promoted traditional medicine (FAO and OHCHR, 2022).

Indigenous peoples with tenure security for their ancestral lands were particularly exemplary. Some indigenous communities in Indonesia that voluntarily cut themselves off from society were largely unaffected by Covid-19. They were able to produce food for their community and

even donate some of it to nearby communities in need. Some indigenous communities in India were able to survive the lockdown by using the food grains and vegetables that they have saved from the forest. They were able to regenerate the forest over the past four decades after earning their tenure security (FAO and OHCHR, 2022). Pacific peoples, showing that they are active agents in development, used traditional ideas to harness their ecological and social systems in order to cope and improve their overall well-being (Scheyvens, R. A., Movono, A., & Auckram, S., 2021).

3.5. Gender impacts

The pandemic highlighted as well as exacerbated inequalities in the distribution of resources, and possibilities. For decades, women have been parts of the supply of cheap, unskilled or semi-skilled labourers for the industrial and service sectors. Job security and hazardous working conditions have been among the issues raised continuously by the labour movement. Women have been among the first groups to lose their jobs when economic crises hit. The UN Policy Brief on the Impact of COVID-19 on Women (United Nations, 2020) highlighted that "across every sphere, from health to the economy, security to social protection, the impacts of COVID-19 [were] exacerbated for women and girls simply by virtue of their sex."

Lockdowns during the pandemic had severe economic and social impacts, with women in the informal economy bearing a disproportionate burden due to a lack of social security. Women faced heightened responsibility for unpaid care and domestic work, with 26% of young women reporting an increase in unpaid adult care (compared to 16% of young men), and 41% reporting increases in unpaid childcare (compared to 28% of young men). In Thailand, as in other countries in the region, the pandemic's gendered impact was pronounced, particularly affecting highly feminized industries such as the food service industry, tourism, and education (United Nations Women, 2020).

A World Bank assessment concluded that women-led businesses – particularly in South Asia--faced greater challenges in accessing public support compared to those led by men, as they often had fewer and weaker social network ties.

The pandemic's effects were felt across all sectors, but the tourism industry, a major economic driver in Thailand, was especially hard-hit. The wage gap between women and men also widened significantly, increasing from 2.5% in 2015 to 10.94% in 2020 as a result of Covid-19 (UN Women, 2020). Covid-19 exacerbated pre-existing inequalities and highlighted how certain sectors, such as those lacking adequate health and social insurance protections, including migrant workers, women in the informal sector, and

those in the tourism economy, suffered disproportionately. The lockdowns and restrictions on mobility have meant that men and other members of the family stayed longer at home than before the pandemic. This increased the burden of care and household work for indigenous women, along with many rural women. Cases of gender-based violence increased while the pandemic also made it even more difficult for indigenous women to access reproductive health services (FAO and OHCHR, 2022; Scheyvens, R. A., Movono, A., & Auckram, S., 2021).

In a 2021 report to the UN Special Rapporteur on the Right to Health, Human Rights Watch reported

That in Papua New Guinea, where maternal mortality rates are among the highest in the Pacific region, failure to implement measures to ensure women and girls could safely access healthcare facilities amid the Covid-19 pandemic made pregnancy even more unsafe. In Pakistan, where maternal mortality rates were already the highest in South Asia, the closure of several major maternity wards after some staff members tested positive for the virus exacerbated an already grim situation, especially for women and girls living in poverty.

Social and structural disparities related to Covid-19 also disproportionately affected individuals based on sexual orientation and gender identity. While the general population facing the threat and fear of the pandemic, marginalized groups such as LGBTQ individuals faced unique concerns that were often overlooked or poorly addressed due to social restraints and stigma. There were barriers to accessing health care not only for women but for people from these groups as well. Mental health issues among sexuality and gender minority populations, already an issue that many faced owing to social stigma, increased in numbers and in terms of severity.

Additionally, the pandemic exacerbated the issue of violence against women, often referred to as the "hidden pandemic." In some instances, such as in Bangladesh at the outset of January 2020, the Covid-19 closures and restrictions on public gatherings disrupted government programs as well as civil society advocacy in the name of ending violence against women and prosecuting perpetrators.

More broadly across the region with more time confined inside, loss of employment, closure of schools, there was an uptick in violence against women.

4. UN Update

The Asia Pacific region received international attention as some countries resorted to, and some countries were brought within the periphery of, international justice mechanisms like the International Criminal Court (ICC) and the International Court of Justice (ICJ). On 5 March 2020, the ICC's Appeals Chamber authorized the Prosecutor to open an investigation into alleged war crimes and crimes against humanity in Afghanistan (ICC, 2020). This decision enabled the prosecutor to investigate alleged crimes committed not only in Afghanistan, but also on the territory of other countries who are party to the Rome Statute as long as they are sufficiently linked to the armed conflict and the situation in Afghanistan.

Myanmar was likewise brought before the ICJ for violation of Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948. The Gambia filed the suit on 11 November 2019 (United Nations, n.d.) and two months later, the ICJ ordered the government of Myanmar to take certain actions to protect the Rohingya via "provisional measures" while the case proceeds (ICJ, 2019). This historic lawsuit brought a critical focus on Myanmar's responsibility as a state for atrocities and human rights violations committed against the Rohingyas in Myanmar.

Countries of the Asia Pacific region continued to be monitored and evaluated by international human rights organizations for the compliance with their international human rights obligations. At the onset of 2020, Amnesty International made submissions for the UN Universal Periodic Review, 37th and 38th session of the UPR Working Group, which included evaluation of the implementation of recommendations made to Nepal on transitional justice, caste discrimination (Amnesty International, 2020a) and Singapore on the use of death penalty and continued violation of human rights (Amnesty International, 2020b),

The following are the most recent ratifications made by Asia Pacific countries in 2019-2023. The last years are considered relevant given that many meetings and consultations were held throughout the Covid-19 period:

- Enforced disappearances Korea & Maldives (2023)

- ICESCR OP Maldives (2020)

- CRC OP Armed Conflict Solomons (2023) Fiji (2021)

- CRC OP on individual communications: New Zealand (2022),

- CRC OP on Sale of Children Fiji (2021)

- CRPD Solomons, (2023) Timor Leste (2023)

- CRPD OP Timor (2023) Korea (2022)

5. Concluding comments

Covid-19 exposed and exacerbated pre-existing inequalities and other issues in the world. The same can be said of the pandemic's impacts on human rights and democracy in the Asia Pacific region.

The highly contagious and deadly nature of Covid-19 necessitated a united and immediate response that is premised on equality and common humanity. The pandemic exposed that in many global regions, neighboring countries do not have mechanisms in place for a unified and prompt response to emergencies that affect everyone. At the same time, within countries, the pandemic adversely affected the poor, migrants, and ethnic minorities, and showed that discrimination against these populations hinder effective and unified responses.

In their legitimate effort to curb fake news especially about and during the pandemic, many governments violated the right to freedom of expression and opinion of citizens, human rights defenders, critics and opposition forces. While fighting Covid-19 required restrictions on people's mobility and assembly, some governments responded too harshly to citizens who overstepped these restrictions, and even took advantage of these restrictions to violate civil and political rights.

At the same time, some countries in the region, observably the more developed ones, were able to strike a balance between the life-and-death struggle against the pandemic on the one hand and essential democratic processes on the other. Successful elections in South Korea, New Zealand, Australia and Mongolia during the darkest year of the pandemic show that declaring states of emergency and suspending human rights and democratic processes are not the only possible responses to emergencies, however grave and life-threatening.

Lessons can be drawn from successful elections and various initiatives in order to advance human rights and democracy in the region. One of these lessons is the potential of social media and the Internet to provide relevant information to citizens, enable citizens to help each other, and empower citizens to voice out their situations, views and demands.

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