POLICY BRIEF

The Role of the National Commission on Human Rights of the Republic of Indonesia related to the Impact of COVID-19 Pandemic on Human Rights and Sustainable Development Goals in Indonesia



Policy Brief

The Role of the National Commission on Human Rights of the Republic of Indonesia related to the Impact of COVID-19 Pandemic on Human Rights and Sustainable Development Goals in Indonesia

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SUMMARY

The COVID-19 pandemic has a severe impact on the fulfillment of Human Rights (Hak Asasi Manusia/HAM) and the Sustainable Development Goals (Tujuan Pembangunan Berkelanjutan/TPB/SDGs) agenda, globally. Indonesia is certainly no exception. Furthermore, the COVID-19 pandemic has become a monumental event that increasingly shows the dialectical relationship between human rights and the SDGs, where their principles and agendas support each other. Lack of attention to human rights standards and principles in the mitigation of COVID-19 results in set-backs in relation to the 2030 Agenda and the achievement of the SDGs. Conversely, neglecting the SDGs as a framework for response and mitigation is a missed opportunity to fulfill human rights. The National Commission on Human Rights of Republic of Indonesia (Komnas HAM RI) is obliged to ensure that the state pays attention to human rights standards and principles and the 2030 Agenda in mitigating the COVID-19 pandemic. Komnas HAM's role is explored through an in-depth analysis of its recommendations to the government during the pandemic. The analysis shows that the recommendations intersect with at least 7 SDGs. The ongoing COVID-19 pandemic demands more attention to human rights principles and the 2030 Agenda, such as the leave no one behind principle, the need to reform social protection policies, or guaranteeing citizens' right to health, by overcoming unequal distribution of health workers.

INTRODUCTION

The COVID-19 pandemic impacts human rights fulfillment and the efforts to achieve the 2030 Agenda for Sustainable Development Goals (SDGs). In principle, SDGs and human rights are closely related: the SDGs can only be achieved through alignment of policies and programmes with human rights standards – and, conversely, the SDGs serve as a strong framework for realizing human rights. Therefore, the National Commission on Human Rights of Republic of Indonesia (Komnas HAM RI) has an important role and position to ensure that the mitigation of COVID-19 is in line with human rights standards and principles and the TPB agenda. One of them is by monitoring and providing recommendations to the government regarding mitigation of the pandemic.

In relation to this, Komnas HAM RI has prepared *Tata Kelola Penanggulangan COVID-19 dalam Perspektif HAM (2020)* document. Komnas HAM RI highlighted 18 issues which -based on the analysis of this research – were intersected with seven SDGs, namely, Goal 1 (no poverty), Goal 2 (zero hunger), Goal 3 (good health and well-being), Goal 4 (quality education), Goal 8 (decent work and inclusive growth), Goal 9 (industry, innovation and infrastructure), and Goal 16 (peace, justice and strong institutions).

FINDINGS

The implementation of social protection policies is one of the issues highlighted by Komnas HAM RI. It is closely related to Targets 1.3 and 1.5 of the SDGs. The government has issued several policies to address social and economic impacts on the people due to the pandemic.[1] However, Komnas HAM RI considered that some of the programs were not well-targeted, and were executed slowly, due to lack of data and overdue declaration of the health emergency status.

Groups of people with disability, women and children [2] are the most affected in the population, since the support were not well-targeted to their needs. Therefore, food sufficiency and accessibility were disturbed. Those were the significant issues in reaching Target 2.1 of the SDGs.

In relation to Goal 3 of the SDGs, Komnas HAM RI highlighted unequal distribution of medical personnel in Indonesia as one of the challenges during the pandemic. Many primary health facilities had no doctors.[3] Inequality of health facilities and infrastructure in Indonesia has hindered the fulfillment of citizens' rights to access them. Komnas HAM RI also highlighted inadequate fulfillment of rights to health for groups with disabilities besides poor data collection on number of disabled people and refusal of treatment due to the absence of capable medical personnel to handle them.[4]

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1 In 2020 the government has allocated funds amounting to IDR 230.21 trillion, while in 2021 IDR 408.8 trillion for social protection programs, see: "Sri Mulyani Sebut Realisasi Anggaran PEN 2020 83,4 Persen, Ini Perinciannya", Bisnis.com, published on 4 January 2021, https://ekonomi.bisnis.com/read/20210104/9/1338615/sri-mulyani-sebut-realisasi-anggaran-pen-2020-834-persen-ini-perinciannya.

2 Description of Children in Indonesia, see: "COVID-19 dan Anak-Anak di Indonesia: Agenda Tindakan untuk Mengatasi Tantangan Sosial Ekonomi", published on 11 May 2020, https://www.unicef.org/indonesia/sites/unicef.org.indonesia/files/2020-05/COVID-19-dan-Anak-anak-di-Indonesia-2020_1.pdf.

3 See: "Pemenuhan SDM Kesehatan di Fasilitas Pelayanan Kesehatan Daerah Terpencil, Perbatasan dan Kepulauan dan Daerah Kurang Diminati", Direktorat Jenderal Bina Pembangunan Daerah Kementerian Dalam Negeri, accessed on 14 February 2021, http://bppsdmk.kemkes.go.id/pusdiksdmk/wp-content/uploads/2019/11/PAPARAN-DIR-SDMK.pdf.

4 "Tata Kelola Penanggulangan COVID-19 dalam Perspektif HAM", Komnas HAM RI, published on 12 October 2020, https://www.komnasham.go.id/index.php/publikasi/2020/10/12/109/tata-kelola-penanggulangan-covid-19-dalam-perspektif-ham.html.

In the education sector, the COVID-19 pandemic has caused hundreds of thousands of schools to close and impacted more than 62.5 million students ranging from pre-school to tertiary levels.[5] The Distance Learning Policy (*Pembelajaran Jarak Jauh*/PJJ) has become burdensome for some parents, students, and even teachers. Transition to online learning requires telecommunication infrastructure that is evenly distributed and accessible by every citizen. Teachers' competence must also be improved to adjust to the PJJ which is still ongoing for some time to come. It is closely related to SDG Target 4.c.

The growing unemployment was another impact arising from the pandemic. Statistics Indonesia (*Badan Pusat Statistik*/BPS) recorded that the unemployment rate in Indonesia until August 2020 reached 9.77 million people.[6] The number of informal workers also increased to 60.47%.[7] Moreover, neglected workers' rights such as unilateral termination of employment (*Pemutusan Hubungan Kerja*/PHK), severance pay that was detrimental to workers, and the safety of workers from being infected with COVID-19 were also emerging issues during the pandemic, which were closely related to SDG 8. In the 2020 complaint data of Komnas HAM RI, there were 52 cases of violations of workers' rights committed mostly by companies. Most of the complaints were related to issues around payment of wages and unilateral layoffs.

The loss of the right to life for medical and health personnel as well as excessive working hours resulted in physical and mental problems. In this case, human rights violation was potentially related to justice for medical personnel considering small incentives that they received, proposal for additional incentives that were also refused, and the realization of incentives was not being maximized. Furthermore, Indonesian migrant workers (*Pekerja Migran Indonesia*/PMI) also encountered various human rights issues during the pandemic, such as stigma of being "the virus carrier", and there was no rights protection scheme when they returned.

Development of technological infrastructure, particularly information technology, in the mitigation of epidemics was linked to SDG 9. Several steps of technology utilization have been taken by the government to provide health consulting services and crowd tracking. However, Komnas HAM RI recorded breaches of COVID-19 patient data that were owned

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5 "COVID-19 and Learning Inequities in Indonesia: Four Ways to Bridge the Gap", World Bank Blogs, published on 21 August 2020, https://blogs.worldbank.org/eastasiapacific/covid-19-and-learning-inequities-indonesia-four-ways-bridge-gap.

6 "Ekonomi Indonesia Triwulan III 2020 Tumbuh 5,05 Persen (q-to-q)", Badan Pusat Statistik, published on 5 November 2020, https://www.bps.go.id/pressrelease/2020/11/05/1738/ekonomi-indonesia-triwulan-iii-2020-tumbuh-5-05-persen--q-to-q-.html.

7 Ibid.

by government agencies.[8] It was a violation of the right to privacy that was difficult to redress and reduce impacts on other human rights. The utilization of technology in contact tracing of COVID-19 cases in Indonesia has not been maximized and was still below the standard due to limited data availability. As a result, the public's right to information was not fulfilled, either.

SDG 16 focused on democratic values. Emergency situation such as the COVID-19 pandemic had a significant impact on the sustainability of democracy in Indonesia. The enactment of health emergency status through Presidential Decree Number 11 of 2020, without expiration, was contradicting the Siracusa Principles. Related to target 16.6 and 16.7, which focused on building accountable institutions and participatory decision-making, discrepancies between regional and the central government data and under-reporting of mortality data disregarding the right to seek and receive or share information and ideas on health problems.

CONCLUSION

The COVID-19 pandemic had severe impacts on the achievement of the SDGs and the realization of human rights. The seven goals which have been discussed reflect how the SDG achievements in various sectors encountered severe obstacles and challenges in the face of the pandemic. In the aspect of right to health, the limited number of medical and healthcare personnel that were unequally distributed throughout the regions had a profound effect, causing health services to focus strictly on COVID-19 and disrupting the general provision of health services. There were also issues to be more concerned about, such as the right to information, protection of vulnerable groups and women, and social protection policies, particularly social assistance.

The mitigation of the COVID-19 pandemic, which implicated set-backs to the protection and fulfillment of human rights, shows that human rights values, norms and principles have not been adequately adopted by the state. Komnas HAM RI must ensure that the state adopts human rights values and principles for the safety and dignity of all its citizens. The SDGs must become the framework for Komnas HAM RI in formulating and evaluatingpolicies, programming and administrative practices. The vital role of Komnas HAM RI in the SDGs needs to be paralled with cooperation between the government and civil society.

8 See: "230 Ribu Data Pasien COVID-19 di Indonesia Bocor dan Dijual", Cnnindonesia.com, published on 20 June 2020, https://www.cnnindonesia.com/teknologi/20200620083944-192-515418/230-ribu-data-pasien-covid-19-di-indonesia-bocor-dan-dijual.

RECOMMENDATIONS

1. Recommendations for the government:

    a. The government is encouraged to design better social protection governance through two considerations. The first, implementation of social support still has many problems, as stated in this study. Secondly, big amount of allocated budget makes it very vulnerable to criminal acts of corruption. Reform of the social protection program needs to be carried out immediately based on the life cycle and parallel with human rights norms, principles and standards as stipulated in the 1945 Constitution of the Republic of Indonesia, the Human Rights Law, and various fundamental human rights instruments internationally.

    b. The government is encouraged to build better and more sustainable health governance. By ensuring availability and distribution of medical and healthcare personnel, medical equipments, vaccines, and protection of health workers' right to life. Good policies and programs to address the availability and inequality of medical and health personnel are required to ensure fulfillment of citizens' rights to health as well as guaranteing health workers safety and right to life.

    c. In mitigation of COVID-19, the government needs to create initiatives aligned with human rights, and integrate them in SDG planning and programming. Besides working principles/paradigms, the 2030 Agenda also provides more technical but comprehensive mechanisms for follow-up, such as evaluation tools and indicators, ensururing no one is left behind. It is essential to involve related institutions such as Komnas HAM RI to define and to implement them.

2. Recommendations for Komnas HAM RI:

    a. Komnas HAM RI needs to maintain consistency in monitoring the mitigation of the COVID-19 pandemic, either from health or social and economic aspects to leave anyone behind, which is in line with human rights standards.

    b. Komnas HAM RI needs to continue and to develop more comprehensive initaitives which integrate SDGs and human rights, and use it to ensure that governance for the mitigation of the COVID-19 pandemic is in line with the SDGs and with human rights standards and principles.


KOMNAS HAM RI