

UNITED NATIONS SPECIAL PROCEDURES AND COVID-19 WORKING DOCUMENT COVERING INFORMATION AS OF 28 APRIL 2020

Executive Summary

Since the very beginning of the COVID-19 pandemic the United Nations Special Procedures have responded issuing advice to States and other stakeholders, creating innovative tools that promote and protect human rights compliance, and continuing their preventive and monitoring work.

The result is a series of documents, issued individually or collectively through a variety of means, which cover a broad range of human rights issues. What has been most apparent is the diversity of mandates who have engaged on this topic, demonstrating how integral human rights are to the protection of people during this crisis, and the need to work jointly to address the different perspectives involved in efficient and effective responses to the crisis: a notable example is the statement issued on 26 March 2020 on the right of every person to life-saving interventions, triggered by the Special Rapporteur on the Right to Physical and Mental Health, in the process of preparation of which intervened more than 60 mandates.

This is in addition to the various reports and guidance material already in the public domain issued by mandate holders that are also relevant to the COVID-19 pandemic and can be used by States to ensure human rights are respected as an integral part of effective responses to the current public health emergency.

More documents are under development and will be released over the coming weeks.

To this date, mandate holders have issued the following actions:

a. Press releases and statements

The first COVID-19-related press release was issued on 16 March 2020 and since then SPs have issued 45 statements and press releases in total, of which 29 have been issued individually and 16 collectively. A general systematization of the content of these releases is included later in this document. In addition, mandate holders have engaged with the media through other means, including for example interviews.

b. Dispatches

- on 2 April 2020 the Special Rapporteur on Extrajudicial, Summary or Arbitrary Killings issued her first Human Rights Dispatch, on police use of force and lethal force in states of emergency.

c. Open letters and Key Principles

- on 27 March 2020 the Independent Expert on Sexual Orientation and Gender Identity issued an open letter on main trends of disparate impact of COVID-19 on LGBT communities around the world, and seeking advice and input on COVID-19-specific impact;
- the Special Rapporteur on Adequate Housing has released 5 Guidance Notes on COVID-19 and the right to housing as follows: Protection of Residents of Informal Settlements - March 28; Protection of people living in homelessness – April 2; Protection of Renters and Mortgage Payers – April 8; Prohibition on Evictions; April 22; and Financialization and the Future 28 April. Each Guidance Note has an accompanying explainer-video of 2 minutes to capture different audiences and for use with media. These Guidance Notes were preceded and informed by three multi sector/stakeholder global roundtables hosted by the Rapporteur on March 23, 25th and 31st, as well as two global roundtables of city

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- and local government officials hosted by UCLG – United Cities and Local Governments in partnership with UN-Habitat on May 25th and April 1st;
- on 6 April 2020 the Working Group of Experts on People of African Descent issued advice in the form of five key areas of concern at how policy may effectively license intersectional racial discrimination and fuel racial disparities that are already measurable;
 - on 14 April 2020 the Special Rapporteur on the rights to freedom of peaceful assembly and of association issued 10 key principles for human rights compliant responses to COVID-19;
 - on 15 April 2020 the Special Rapporteur on the Rights of Persons with Disabilities provided States with two documents prepared jointly with the World Health Organization, other United Nations entities and organizations of persons with disabilities, containing practical guidance to address the rights of persons with disabilities in the context of COVID-19;
 - on 15 April 2020, the Independent Expert on debt and human rights issued a document detailing a number of measures “covering a wide range of economic, financial, monetary, fiscal, tax, trade and social policies” recommended in the context of COVID-19; and
 - on 22 April 2020 the Special Rapporteur on independence of judges and lawyers issued seven key principles to ensure that judges, justice workers, prosecutors and lawyers maintain functioning legal systems during COVID-19.

d. Reference tools

- on 30 March 2020 the Special Rapporteur for the Protection and Promotion of Human Rights while Countering Terrorism published an online-based tracker that monitors COVID-19 State responses affecting civic freedoms and human rights and specifically monitors emergency powers emerging across the globe. The tracker was developed by the mandate in partnership with ICNL, ECNL and other global partners.

e. Campaigns

- the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance issued the podcast ‘Entrepreneurs of intolerance’ compound COVID-19 racist backlash;
- the Special Rapporteur on Water and Sanitation has issued a video campaign composed of three videos focusing on hand washing; access to sanitation as a measure to prevent disease including COVID-19; and COVID-19, water and gender equality; and
- the Independent Expert on Sexual Orientation and Gender Identity has launched a social media campaign to inform of trends and recommendations issued by SPs in relation to COVID-19, which also includes actions of outreach and a series of online town hall meetings.

f. Outreach

- on 4 April 2020 the Special Rapporteur on violence against women, its causes and consequences issued a call for submissions on all relevant information on the increase of gender-based violence against women and domestic violence in the context of the COVID-19.

g. Communication procedures

- collectively or individually, SPs have continued examining allegations of human rights violations or concerns through the communication procedure and have so far issued 29

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letters related to concerns directly connected to COVID-19 or the measures adopted in the context of the pandemic.

h. Reports

- several mandate holders are planning to focus one of their upcoming reports to the Human Rights Council or the General Assembly on issues related to COVID-19. The report of the Special Rapporteur on freedom of expression to the upcoming session of the Council on disease pandemics and the freedom of opinion and expression is already available.

The Special Procedures mandate holders submit to the consideration of the Human Rights Council the importance of continued work on human rights promotion and protection. Paraphrasing the words of an ample group of SPs, COVID-19 is “a wake-up call for the revitalization of universal human rights principles, and that these principles and trust in scientific knowledge must prevail over the spread of fake news, prejudice, discrimination, inequalities and violence.”¹

The body of evidence included in this document clearly demonstrates that any efficient and effective response to the pandemic must be a human rights response to the pandemic, and that human rights provide a vehicle to achieve positive outcomes.

SPs remain firmly committed to this endeavor.

¹ Press release of 26 March 2020.

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PRESS RELEASES

The findings, conclusions and advice included in these documents can be systematized under the following key issues:

I. Some findings of SPs in relation to the crisis and crisis-related measures

On the severity of the current crisis
On excessive use of force
On suspension of guarantees
On consequences of the state of exception
On the rise of discrimination, hate crimes and incitement to hatred
On care for caregivers
On poverty
On intersectionality
On the disproportionate impact of the crisis on women in many interrelated areas of their lives

II. Legal framework guiding responses to the pandemic

On requirements for emergency measures
On arbitrary use of emergency measures

III. A human rights approach to the pandemic

On the necessity of and the meaning of a human rights based approach
On connections with SDGs
On the principle of non-discrimination
On the principle of participation
On the principle of empowerment
On the principle of accountability
On the principle of non-retrogression

IV. Specific responses

In general
On the impact of measures requesting people to stay home
On the availability of equipment
On training and guidance for caregivers
On domestic violence against women
On access to justice
On access to information
On the protection of journalists
On right to association and assembly at the workplace
On right to privacy
On financial stimuli and similar measures
On financial aid
On business enterprises and private industry
On unilateral sanctions
On culture in response to COVID-19
On access to reproductive health services
On access to services for victim of gender-based violence

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V. Specific groups, communities and populations

In general

Women and girls

Children

Persons with disabilities

Older persons

Lesbian, gay, bisexual, trans and gender diverse persons

People of African Descent

Minorities

Victims of violence

Migrants, asylum seekers and trafficked persons

Internally displaced persons

Persons who use drugs

Persons deprived of liberty

VI. Country-specific statements and findings

On Cambodia

On the Central African Republic

On Eritrea

On the Islamic Republic of Iran

On Israel and the Occupied Palestinian Territory

On Myanmar

On the Democratic People's Republic of Korea

VII. Medium- and long-term measures

In general

On future policies

On international cooperation

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United Nations Special Procedures Systematisation of press releases and statements concerning COVID-19

Disclaimer

This reference guide is a working document issued by the Coordination Committee which reflects public actions taken by mandate holders until 28 April. All mandate holders hope that this working and living document will facilitate stakeholders' access to the various outputs of special procedures in a consolidated manner, and request users that, for official and academic citation, they nonetheless use the original texts.

The source of texts systematized under the different headings are the documents published in the OHCHR web page. Text has been cut and pasted from the original into the systematization. After each transcribed text, the document includes the reference to the original statement or release: press releases are referenced using their date of publication; in the case of several publications in one day they are given an additional number according to the order in which they were published.

All actions taken by Special Procedures Mandate Holders are available on a dedicated webpage: <https://www.ohchr.org/EN/HRBodies/SP/Pages/COVID-19-and-Special-Procedures.aspx>. The infographics attached to this document reflect these actions in a glance.

I. Some findings of SPs in relation to the crisis and crisis-related measures

On the severity of the current crisis

- SPs “[r]ecognize the severity of the current health crisis.”²
- SPs recognize that COVID-19 is now a global public health emergency posing unprecedented challenges, creating new vulnerabilities, and exacerbating existing ones.³
- SPs recognize that the situation presented by the COVID-19 pandemic requires countries to take extraordinary measures to protect the health and well-being of the population.⁴
- SP recognizes that COVID-19 will impact each country differently depending on the health infrastructure, the spread of the virus, the political, economic and social context, as well as the country's preparedness.⁵
- SP recognizes that as COVID-19 spreads, efforts should be focused on slowing down its spread and ensuring that the most vulnerable people receive the protection and care they are entitled to. Preventing the spread of this virus requires outreach to all, and ensuring equitable and non-discriminatory access to information, prevention, medical care and treatment for all persons, irrespective of their citizenship, nationality or migratory status.⁶
- SPs welcomed the decision adopted by some States to grant temporary residency rights, including access to social and health benefits to migrants including asylum seekers, amid the fight against the pandemic.⁷

² Press release of 16 March 2020

³ Press release (2) of 16 April 2020

⁴ Press release (2) of 16 April 2020

⁵ Press release (2) of 16 April 2020

⁶ Press release (2) of 16 April 2020

⁷ Press release (2) of 3 April 2020

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- SPs welcomed that some States have recently taken exemplary initiatives to reduce overcrowding in prisons and other detention settings by promoting early release and reducing the intake of prisoners, with the view to protecting the health of prisoners and staff.⁸
- SPs welcomed the decision adopted by some States to grant temporary residency rights, including access to social and health benefits to migrants including asylum seekers, amid the fight against the pandemic.⁹
- SPs recognize the increased risk of domestic violence against women during lockdowns and the need to ensure access to protection measures, including restraining orders, safe shelters and help lines for victims.¹⁰
- SP notes that “[t]he pandemic has caused a flare-up in existing religious intolerance in many countries [...] scapegoating religious or belief communities, including Christians, Jews, and Muslims for the spread of virus [and that m]igrants, refugees and asylum seekers from different minority groups have also been similarly stigmatised. [...] Those targeted also have faced verbal abuse, death threats, physical attacks and experienced discrimination accessing public services, including denial of vital health services.”¹¹
- SP finds that “[t]he policies of many States reflect a social Darwinism philosophy that prioritises the economic interests of the wealthiest, while doing little for those who are hard at work providing essential services or unable to support themselves [and that] Governments have shut down entire countries without making even minimal efforts to ensure people can get by. Many in poverty live day to day, with no savings or surplus food. And of course, homeless people cannot simply stay home [...] After pushing millions inside without a plan, some governments have responded with gratuitous and counter-productive violence to low-income people forced to leave their homes to survive.”¹²

On excessive use of force

- SPs express grave concern at the multiplication of accounts of police killings and instances of excessive use of force within the context of COVID-19 emergency measures.¹³ There are several reasons for this: the imposition by legislators of ill-defined laws that grant, or at least appear to grant, “exceptional” excessive powers to the police; the existence of institutional cultures in policing which tolerate – even rely upon – the use of force; greater public tolerance for police violence under circumstances of real and/or perceived threats; a weakening of institutional arrangements for monitoring, reporting and oversight; press censorship and suppressions of scrutiny from civil society; as well as dehumanization of certain groups in society; etc.¹⁴

On suspension of guarantees

- SP expresses concern in cases in which governments have seized on the crisis to suspend constitutional guarantees, to pass sweeping emergency laws and to rule by decree. In many cases, it appears the measures adopted are geared more at cementing control and cracking down on oppositional figures than at ensuring public health. A trend towards the militarization of crisis

⁸ Press release (2) of 16 April 2020

⁹ Press release (2) of 3 April 2020

¹⁰ Press release of 27 March 2020

¹¹ Press release of 22 April 2020

¹² Press release of 1 April 2020

¹³ Press release (2) of 17 April 2020

¹⁴ SumEx – Human Rights Dispatch No. 1, p. 1

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- management is similarly worrying. Several States have also delayed planned elections, without exerting full efforts to exploring safe alternatives to in-person voting.¹⁵
- SP expresses concern at “[c]ivil society organizations are also facing numerous restrictions and limitations on their work. In some States, new associations are not being registered, where they are unable to demonstrate internal rules geared to the current crisis situation. While civil society workers have a key role to play in responding to the crisis and providing support to vulnerable populations, their ability to play that role has been limited by restrictive laws as well as by funding shortages, themselves brought on in part by limitations on access to cross-border funding. Members of civil society together with other workers, moreover, have been constrained by lack of access to necessary personal protective equipment. In this context, accounts of cases where labor representatives have faced retaliation for speaking out concerning dangerous situations at the workplace are particularly troubling.”¹⁶

On consequences of the state of exception

- SPs express concern that restrictive measures adopted worldwide to fight COVID-19 intensify the risk of domestic violence against women and children, as already suggested by initial police and hotline reports. For too many women and children, home can be a place of fear and abuse. That situation worsens considerably in cases of isolation such as the lockdowns imposed during the COVID-19 pandemic. The risk is aggravated in a time when there are no or fewer shelters and help services available for victims; when it is difficult to access those that are still open; and when there is less community support; fewer police interventions and less access to justice as many courts are closed. The emergency measures needed to fight COVID-19 have increased their burden regarding domestic work and the care of children, elderly relatives and sick family members. Restrictions of movement, financial constraints and generalized uncertainty embolden perpetrators and provide them with additional power and control.¹⁷
- SP expresses concern about reports of abandoned older persons in care homes or of dead corpses found in nursing homes. Older persons do not only face a disproportionate risk of death but they are further threatened by COVID-19 due to their care support needs or by living in high-risk environments such as institutions. Particular concerns about older persons with underlying health conditions and those who are already socially excluded, living in poverty, having limited access to health services, or living in confined spaces such as prisons and residential care homes.¹⁸
- SP expresses concern that decisions around the allocation of scarce medical resources such as ventilators in intensive care units may be made solely on the basis of age, denying older persons their right to health and life on an equal basis with others.¹⁹
- SPs express concern that millions of children worldwide may be more exposed to violence, sale, trafficking, sexual abuse and exploitation during the COVID-19 pandemic. At a time of lockdowns and isolation at home and elsewhere, children are at a greater risk of experiencing violence and exploitation, as well as challenges to their mental health. This is especially true of those who are already in vulnerable situations, and Where adequately staffed and equipped child protection services and law enforcement services are missing, the victims are bound to endure the abuse and violence by their very caregivers or the members of the inner circle of trust.²⁰

On the rise of discrimination, hate crimes and incitement to hatred

¹⁵ Press release of 14 April 2020

¹⁶ Press release of 14 April 2020

¹⁷ Press release (2) of 27 March 2020

¹⁸ Press release of 27 March 2020

¹⁹ Press release of 27 March 2020

²⁰ Press release of 7 April 2020

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- SP expresses concern about numerous reports of xenophobia, racism, and exclusion of minorities in different parts of the world, ranging from calls to deny access to medical care to undocumented migrants to the licensing of violence in the guise of enforcement of social distancing measures to the absence of information about the pandemic in minority languages, including sign languages.²¹
- SP expresses concern that the exploitation of COVID-19-related fears by groups and politicians to scapegoat minorities is leading to an alarming rise in verbal and physical abuses against Chinese and other minorities, with some even being denied access to health care and information about the pandemic, a UN rights expert said. COVID-19 can also be a virus that exacerbates xenophobia, racism, hate and exclusion.²²
- SP expresses concern that people who are perceived or known to be of Chinese or other East Asian descent have been subject to racist and xenophobic attacks related to the virus. These attacks have ranged from hateful slurs to denial of services to brutal acts of violence. COVID-19-related expressions of racism and xenophobia online have included harassment, hate speech, proliferation of discriminatory stereotypes, and conspiracy theories. Not surprisingly, leaders who are attempting to attribute COVID-19 to certain national or ethnic groups are the very same nationalist populist leaders who have made racist and xenophobic rhetoric central to their political platforms.²³
- SP expresses concern that State officials have adopted alternative names for the COVID-19 coronavirus. Instead of using the internationally recognized name of the virus, these officials have adopted names with geographic references, typically referring to its emergence in China. This sort of calculated use of a geographic-based name for this virus is rooted in and fosters racism and xenophobia. In this case, it serves to isolate and stigmatize individuals who are or are perceived to be of Chinese or other East Asian descent.²⁴
- SP expresses concern at reports of Chinese and other Asians being physically attacked; of hate speech blaming minorities including Roma, Hispanics, people of African descent, and others for the spread of the virus; and of politicians calling for migrants to be denied access to medical services.²⁵
- SP expresses concern that the treatment of Roma, Sinti and Travellers minorities remains a major human rights issue particularly where their vulnerability is compounded by continued obstacles in accessing public health information in their own languages during the COVID-19 pandemic.²⁶
- SP expresses concern about the alarming rise of hate speech and scapegoating of the Roma. Right-wing extremist and xenophobic groups have been targeting and blaming Roma and other minorities for spreading the COVID virus or accusing them of not respecting public authorities' protection measures.²⁷
- SP expresses concern about the lack of representation of people of African descent at high levels, which thwarts the leveraging of expertise and protection toward their needs in response to COVID-19.²⁸
- SP expresses concern that antisemitic hate speech has risen alarmingly since the outbreak of the COVID-19 crisis. Certain religious leaders and politicians continue to exploit the challenging times during this pandemic to spread hatred against Jews and other minorities. 'Conspiracy' theory

²¹ Press release of 30 March 2020

²² Press release of 30 March 2020

²³ Press release of 23 March 2020

²⁴ Press release of 23 March 2020

²⁵ Press release of 30 March 2020

²⁶ Press release of 8 April 2020

²⁷ Press release of 8 April 2020

²⁸ Press release of 6 April 2020

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- prevails in claiming that Jews or Israel are responsible for developing and spreading COVID-19 virus to reduce the non-Jewish population and to control the world.²⁹
- SP expresses concern that migrants in irregular situations, asylum seekers, exploited and trafficked persons may be particularly at risk of COVID-19 because their living or working environment may expose them to the virus without necessary protection. Some migrants, including asylum seekers, do not have access to minimal protection against the contagion, not even clean water to wash their hands. Many live in overcrowded shelters or detention centres without the possibility to observe physical distance. Some migrants are working in agriculture or in informal sectors without any protection measures.³⁰
 - SP expresses concern that internally displaced persons are at heightened risk of exposure to COVID-19 due to limited access to healthcare, water, sanitation, food and adequate housing, and often face discrimination. Those in camps or collective sites often find themselves living in overcrowded conditions, with emergency shelters not physically and structurally adequate for mitigation of COVID-19 transmission. Their vulnerability is heightened in contexts of armed conflict.³¹
 - SP stressed that “[a]ny incitement to hatred or violence based on religious, belief or ethnic identity is simply not acceptable.”³²

On care for caregivers and essential workers

- SP expresses concern that shortages in critical protective equipment continue to be a grave concern for doctors, nurses, emergency first-responders and other medical professionals working on the frontlines of the global fight against the coronavirus pandemic in nearly all countries battling the coronavirus. Of particular concern is the inequality in the distribution of necessary personal protective equipment within and between countries.³³
- SR notes that “judges, magistrates, public prosecutors and their staffs need to be put in conditions to perform their functions. They deserve special health attention in testing programs considering that they necessarily will be in contact with several individuals and groups.”³⁴

On poverty

- SPs find that further precautions to protect the right to life and dignity should be taken in view of the fact that so many people have no home in which to remain confined, or live in dense and promiscuous conditions, and do not have the means by which to sustain their families under isolation.³⁵
- SP finds that people in poverty are disproportionately threatened by the coronavirus. They are more likely to work in jobs with a high risk of exposure, live in crowded and insecure housing, reside in neighbourhoods that are more vulnerable because of air pollution, and lack access to healthcare. Communities of colour, who face a persistent racial wealth gap, are at particular risk and are dying at much higher rates.³⁶

²⁹ Press release (4) of 17 April 2020

³⁰ Press release (2) of 3 April 2020

³¹ Press release of 1 April 2020

³² Press release of 22 April 2020

³³ Press release (3) of 27 March 2020

³⁴ Press release (3) of 22 April 2020

³⁵ Press release (2) of 17 April 2020

³⁶ Press release (3) of 16 April 2020

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- SP finds that the poor have fewer resources to cushion the economic effects and are more adversely affected by measures to slow the spread of the virus. Low-paid workers are more susceptible to mass layoffs and pay cuts, while fewer low-income children can access classes online.³⁷
- SP finds that personal hygiene, the main measure to prevent contagion, is unavailable to the 2.2 billion persons who have no access to safe water services. Limited access to water makes them more likely to get infected. Infection leads to illness and isolation measures, making it difficult for people without social security to continue earning a living. Their vulnerability increases, which results in even more limited access to water. Governments need to implement measures to break this cycle.³⁸
- SPs find that the loss of household income will disproportionately hit the world's most vulnerable children, thus making them an easy prey for child labour, domestic servitude, prostitution, forced begging and other exploitative situations, with likely lasting effect on these victims.³⁹
- SPs advice that women also face a higher risk of harm from the social and economic shocks linked to measures to curb the pandemic, as they are represented disproportionately in precarious, informal, poorly paid work, including domestic work and lack adequate social protection.⁴⁰
- SR notes that “[m]any Governments’ responses to COVID-19 have had devastating effects on people in poverty [; that d]espite often far-reaching policy reversals and huge financial support packages, the most vulnerable have been short-changed or excluded”, and warns that “COVID-19 could push more than half a billion additional people into poverty.” The International Labour Organization estimates that the equivalent of almost 200 million full-time jobs will disappear in the coming months, while lost income could total US\$3.4 trillion this year [and w]hile some States have taken important initiatives such as direct cash payments, suspension of evictions and coverage of furloughed employees’ salaries, for the most part support measures have been utterly inadequate and the most vulnerable populations have been neglected. This is cruel, inhumane and self-defeating, since it forces them to continue working in unsafe conditions, putting everyone’s health at risk.⁴¹

On intersectionality

- SR expresses particular concerns about women at higher risk of domestic violence, such as women with disabilities, undocumented migrant women and victims of trafficking.⁴²
- SR highlights that the situation of displacement might increase the already high vulnerability of older people and people with underlying health conditions to COVID-19. Displaced people with disabilities or belonging to minority groups or indigenous communities might face even more barriers in accessing essential services and healthcare.⁴³
- SR notes that sanctioned countries are especially hard-hit as they cannot use their revenues to purchase imports of equipment, medicines, antiviral and food from global markets. The pandemic is triggering a serious economic crisis with serious negative humanitarian effects, especially for the most vulnerable ones in the poorest sectors of the population: women, elderly, youth, and children.⁴⁴
- SPs advice that measures to mitigate the risks to health and life posed by COVID-19 must consider the specific risks faced by women and girls, based on factors such as their sex, gender, age,

³⁷ Press release (3) of 16 April 2020

³⁸ Press release of 23 March 2020

³⁹ Press release of 7 April 2020

⁴⁰ Press release of 20 April 2020

⁴¹ Press release (2) of 22 April 2020

⁴² Press release (2) of 27 March 2020

⁴³ Press release of 1 April 2020

⁴⁴ Press release of 3 April 2020

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disability, ethnic origin, and immigration or residence status among others. Otherwise, many different forms of discrimination they already face would be exacerbated [...] Some women already enduring discrimination are at particular risk of being further marginalised. Indigenous, migrant and elderly women, as well as women with disabilities lack inclusive information on prevention strategies and on how and where to get health services. Rural and poor women without access to clean water at home must collect water in crowded public spaces to cover basic needs.⁴⁵

- SR notes that “[t]he economic impact of the pandemic and the extended regulations on lockdown or stay-at-home orders are dramatic and severe. Especially for the poor, migrants, women, detainees, children and other groups at risk. But also for the institutions themselves. Among them, specifically the day-to-day functioning of something crucial for any society as the judiciaries, considering the impact of the pandemic and of the lockdown on judges, justice workers, prosecutors and lawyers.”⁴⁶

On the disproportionate impact of the crisis on women in many interrelated areas of their lives

- SPs are concerned that in the absence of gender sensitive intersectional responses, different forms of systemic discrimination already faced by women and girls will be exacerbated. The dramatic increase in women’s caregiving responsibilities, the rise in what was already an epidemic of sexual and domestic violence, the continued feminization of poverty, the proliferation of barriers to healthcare, especially pregnancy-related healthcare, will profoundly jeopardize women’s safety and well-being, economic security, and participation in political and public life, both during and after the pandemic.⁴⁷

II. Legal framework guiding responses to the pandemic

On requirements for emergency measures

- SPs acknowledge “[that the use of emergency powers is allowed by international law in response to significant threats.”⁴⁸
- SPs “[urgently remind States that any emergency responses to the coronavirus must be proportionate, necessary and non-discriminatory.”⁴⁹
- SPs advise that any restrictions on human rights – such as access to health services or freedom of movement – must be strictly justified, proportionate and should only be curtailed for a length of time no longer than necessary and in a non-discriminatory manner.⁵⁰
- SP advises that the prohibition against arbitrary deprivation of life, torture and other ill-treatment, is absolute and non-derogable at all times. Use of force remains guided by the principles of legality, necessity, proportionality and precaution. They demand that the use of force and of firearms must be avoided, and that all possible non-violent means must be exhausted before resorting to violent ones.⁵¹
- SP advises that limitations on rights imposed must be in accordance with the principles of legality, necessity and proportionality. It is inadmissible to declare blanket restrictions on human rights and fundamental freedoms. In all cases, moreover, it is vital that any penalties applied are not disproportionate, that they do not themselves contribute to the further spread of infections, and that

⁴⁵ Press release of 20 April 2020

⁴⁶ Press release (3) of 22 April 2020

⁴⁷ Press release of 20 April 2020

⁴⁸ Press release of 16 March 2020

⁴⁹ Press release of 16 March 2020

⁵⁰ Press release of 19 March 2020

⁵¹ Press release (2) of 17 April 2020

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they take account of the contingencies of the moment, including the reduced functioning of judicial systems and the financial hardship faced by many.⁵²

- SPs advise that measures must be “[m]otivated by legitimate public health goals.”⁵³
- SPs advise that measures “[m]ust be publicly declared.”⁵⁴
- SPs advise that measures “[m]ust be notified to the relevant treaty bodies when fundamental rights including movement, family life and assembly are being significantly limited.”⁵⁵
- SPs advise that restrictions must “[b]e narrowly tailored and should be the least intrusive means to protect public health.”⁵⁶

On arbitrary use of emergency measures

- SPs note that emergency measures can be a more direct threat to their life, livelihood, and dignity than even the virus itself. There are other ways to police than force first.⁵⁷
- SP advises that emergency declarations based on the COVID-19 outbreak “[s]hould not function as a cover for repressive action, to quash dissent or used to silence the work of human rights defenders under the guise of protecting health.”⁵⁸
- SP advises that a state of emergency should be guided by human rights principles and should not, in any circumstances, be an excuse to quash dissent or disproportionately and negatively impact any other group.⁵⁹
- SP advises that law enforcement agencies should only use force when strictly necessary.⁶⁰
- SP advises that lethal force should only be used to protect against an imminent risk to life and even then, reasonable precautions must always be taken to prevent loss of life.⁶¹
- SP advises that breaking a curfew, or any restriction on freedom of movement, cannot justify resorting to excessive use of force by the police; under no circumstances should it lead to the use of lethal force.⁶²
- SP advises that public health emergency must not be used as a pretext for rights infringements. It is imperative the crisis not be used as a pretext to suppress rights in general or the rights to freedom of peaceful assembly and of association in particular. The crisis is no justification for excessive force to be used when dispersing assemblies, as the Special Rapporteur on extrajudicial, summary or arbitrary executions has emphasized, nor for disproportionate penalties to be imposed. States have an obligation to inform the Secretary General of the United Nations if and when a state of emergency has been declared and of any resulting derogation of rights, which must themselves be in compliance with the Siracusa Principles. It is vital that any limitations imposed be removed and that full enjoyment of the rights to freedom of peaceful assembly and association be restored when the public health emergency caused by COVID-19 ends. In this regard, States should incorporate sunset clauses into any states of emergency or laws passed in relationship to the current crisis, guaranteeing their automatic expiry when the public health emergency has ended. It is particularly important in the context of a crisis moreover that judicial and parliamentary checks and balances

⁵² Press release of 14 April 2020

⁵³ Press release of 16 March 2020

⁵⁴ Press release of 16 March 2020

⁵⁵ Press release of 16 March 2020

⁵⁶ Press release of 16 March 2020

⁵⁷ Press release (2) of 17 April 2020

⁵⁸ Press release of 16 March 2020

⁵⁹ Press release (3) of 17 April 2020

⁶⁰ Press release (2) of 17 April 2020

⁶¹ Press release (2) of 17 April 2020

⁶² Press release (2) of 17 April 2020

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be strengthened, in order to avoid excessive and broad power in the executive branch, and to ensure a check on the arbitrary exercise of executive authority.⁶³

- SP advises that additional law enforcement powers may be put in place as part of the emergency response; and as exceptionally provided in the COVID-19 related emergency laws. Such powers should be carefully balanced against the right to health, as well as the right to privacy. Law enforcement powers should not be an obstacle to the promotion and protection of individual and public health. At the same time, increased surveillance provided by some emergency laws may further expose people who use drugs and other criminalised populations to law enforcement, and imprisonment, immediately or in the future. Lack of adequate safeguards regarding health data has already lead to public outcry and privacy harms in some countries which have attempted to use social media data to track drug users through geo-location in a COVID-19 situation. To prevent unnecessary intake of prisoners and unsafe drug consumption practices, moratoria should be considered on enforcement of laws criminalising drug use and possession.⁶⁴

III. A human rights approach to the pandemic

On the necessity of and the meaning of a human rights based approach

- SPs call on States to put “[h]uman rights at the centre of the pandemic response.”⁶⁵
- SPs advise that the principles of non-discrimination, participation, empowerment and accountability need to be applied to all health-related policies.⁶⁶
- SP advises that the right to dignity requires that all persons under their authority should enjoy equality of access to health services and equality of treatment.⁶⁷
- SP advises to put finance at the service of human rights and to support the less well-off through bold financial approaches, today said a UN human rights expert.⁶⁸
- A sensitive human-rights approach is needed to confront the COVID-19 crisis, and that includes the lifting of any coercive measures among States.⁶⁹

On connections with SDGs

- Governments worldwide and the international financial institutions should remain true to their commitment under the 2030 agenda and to their promise “to leave no one behind” in their response to the COVID crisis.⁷⁰
- Governments need to accelerate efforts to achieve the 2030 Sustainable Development Goals, because a healthy environment is an effective way to prevent pandemics and protect human rights.⁷¹

On the principle of non-discrimination

⁶³ Press release of 14 April 2020

⁶⁴ Press release (2) of 16 April 2020

⁶⁵ Press release of 16 March 2020

⁶⁶ Press release of 26 March 2020

⁶⁷ Press release of 19 March 2020

⁶⁸ Press release of 20 March 2020

⁶⁹ Press release of 3 April 2020

⁷⁰ Press release (2) of 9 April 2020

⁷¹ Press release of 15 April 2020

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- SPs note that the scarcity of resources or the use of public or private insurance schemes should never be a justification to discriminate against certain groups of patients.⁷²
- SPs advise that everyone, without exception, has the right to life-saving interventions and this responsibility lies with the national authorities. It is essential that governments introducing measures to impede the spread of the COVID-19, undertake a range of additional actions to reduce the potentially negative impact such measures may have on people's lives.⁷³
- SPs advise that authorities must speedily address any evidence of racism, xenophobia and bigotry during the pandemic. Whether it occurs in the differential treatment by authorities during health care delivery, through the imposition of restrictions, through attacks in social media and other forums towards individuals accused of being infected, or through other means, discrimination and racism must be combated by reliable public information and by strong statements opposing it.⁷⁴
- SPs advise that political rhetoric and policy that stokes fear and diminish the equality of all people is counterproductive. To treat and combat the spread of COVID-19 effectively, individuals must have access to accurate health advice and sufficient healthcare without fear of discrimination.⁷⁵
- SP advises that all can take steps to resist this rise in discriminatory and hate speech against Asian and other minorities in social media, including by joining our voices in messages of support with the hashtags #IAmNotAVirus or #JeNeSuisPasUnVirus.⁷⁶
- SP advises that accessible, affordable treatment is essential, and planning should begin now to ensure that any vaccine is made available widely and fairly, not rolled out first to the wealthy and only eventually to those most at risk.⁷⁷
- SP advises States to "ensure COVID-19 measures are not twisted for economic or political gain and clamp down on hate speech blaming religious or ethnic groups for the crisis, [...] and notes that "States must be non-discriminatory in assisting those in need and ensure that everyone has fair access to all public and health services."⁷⁸

On the principle of participation

- SP expresses concern that at the international level, especially in finance and economic policy, there are few, if any, rights-based decision-making guidelines. At national level, women, minorities, indigenous and rural communities and internally displaced persons are once again not found at the negotiation table on issues which will have profound and long-lasting impact on the world economy and cause a major setback in the sustainable development agenda.⁷⁹
- SP expresses concern that laws limiting public gatherings, as well as freedom of movement, have been passed in many States. Civil society organizations have rarely been consulted in the process of designing or reviewing appropriate measures of response, and in several cases the processes through which such laws and regulations have been passed have been questionable. In addition, those laws and regulations have often been broad and vague, and little has been done to ensure the timely and widespread dissemination of clear information concerning these new laws, nor to ensure that the penalties imposed are proportionate, or that their implications have been fully considered. In many cases, it appears these measures are being enforced in a discriminatory manner, with opposition figures and groups, together with vulnerable communities, constituting prime targets.⁸⁰

⁷² Press release of 26 March 2020

⁷³ Press release (2) of 16 April 2020

⁷⁴ Press release of 19 March 2020

⁷⁵ Press release of 23 March 2020

⁷⁶ Press release of 30 March 2020

⁷⁷ Press release (3) of 16 April 2020

⁷⁸ Press release of 22 April 2020

⁷⁹ Press release (2) of 9 April 2020

⁸⁰ Press release of 14 April 2020

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- SP expresses concern that older persons have become highly visible in the COVID-19 outbreak but their voices, opinions and concerns have not been heard. Instead, the deep-rooted ageism in our societies has become even more apparent. This is seen in some cruel and dehumanizing language on social media and in the exclusive emphasis on older persons' vulnerability ignoring their autonomy.⁸¹
- SP advises that “[c]onsultations with civil society should take place, if possible, before new measures are adopted.”⁸²
- SP advises that civil society’s participation in multilateral institutions must be secured. The UN and other multilateral institutions should take steps to ensure civil society organizations can continue to participate in all policy decisions, including those related to the COVID-19 response, especially in the case of public-private partnerships. It should also continue to make available broadcasts and archival footage of open sessions of UN human rights bodies and other meetings, and where feasible, should facilitate civil society’s participation via video link. UN Agencies and bodies should undertake proactive outreach to civil society organizations in the absence of in-person meetings, with due consideration to adapting online meetings and consultations to the security needs of human rights defenders and the challenges in exercising freedom of association online. UN Country Teams are particularly important at this moment, and their engagement with civil society around COVID-19 responses and human rights should be strengthened, both to ensure the effectiveness of UN/government partnerships and interventions, and to monitor potential restrictions on civil society in the context of COVID-19.⁸³
- SP notes that “[i]nclusive dialogue will ensure that all communities implement and adhere to the required public health measures voluntarily, including by analysing how religious practices may be adapted in response to COVID-19 preventive measures, such as organising virtual religious services.”⁸⁴
- SR further advises that “States, all religious leaders and faith actors should step up in promoting social inclusion and solidarity as well as combating incitement to hatred through engagement and education. Resolution 16/18, United Nations Strategy and Plan of Action on Hate Speech, Rabat Plan of Action, #Faith4Rights toolkit, Fez Plan of action and UNESCO’s programme to prevent violent extremism through education are some useful tools for such engagement and education.”⁸⁵
- SP advises that “[o]rganizations of people with disabilities should be consulted and involved in all stages of the COVID-19 response.”⁸⁶
- SP urges States to work with Jewish communities and organisations to strengthen monitoring of hate speech or crimes, and to develop strategies to support victims of antisemitism. It is imperative for the civil society organisations and faith-based actors to signal a zero-tolerance policy towards antisemitism online and offline.⁸⁷
- SPs call on States to include internally displaced people in their decision-making process. Internally displaced persons know best the specific challenges they face. Their participation in identifying these challenges and designing tailored responses to COVID-19 is essential.⁸⁸
- SP advises that all governments should enable disadvantaged and marginalised and vulnerable individuals and groups to meaningfully participate in decision-making processes, essential to

⁸¹ Press release of 27 March 2020

⁸² Press release of 14 April 2020

⁸³ Press release of 14 April 2020

⁸⁴ Press release of 22 April 2020

⁸⁵ Press release of 22 April 2020

⁸⁶ Press release of 17 March 2020

⁸⁷ Press release (4) of 17 April 2020

⁸⁸ Press release of 1 April 2020

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- overcome structural inequalities and discrimination, to ensure their place as key actors in the development of countries, and to ensure the equal sharing of benefits.⁸⁹
- SP advises that participatory approaches, reaching all concerned segments of the society, be developed and adequately financed, to make certain that every decision on recovery measures hit the right target and live-up to the commitment to leave no one behind.⁹⁰
 - SP advises States to ensure inclusive participation. Active citizenship is key in times of crisis. Civil society must be regarded as an essential partner of governments in responding to the present crisis, in terms of helping to frame inclusive policies, disseminating information, building shared and cooperative approaches, and providing social support to vulnerable communities. States must ensure the right to freedom of association is fully respected, including by registering associations without constraint and by ensuring that civil society organizations are able to conduct advocacy freely, including on the international level. States should also support civil society organizations' participation in the design and implementation of effective public health strategies. States should provide financial support to civil society organizations delivering vital social support, including in particular organizations which support and advocate for persons with disabilities and vulnerable communities. States must ensure that the ability of such organizations to access the communities they serve is not inappropriately limited. In addition, the crisis must not be used to prevent civil society organizations, defense lawyers, and journalists from undertaking vital work monitoring the police, prisons, migrant detention centers and other components of State legal processes.⁹¹
 - SPs advise that Governments ensure that women from diverse groups and backgrounds are included in decisions at the local, national and international level in handling the COVID-19 pandemic. [...] At this critical time, States must ensure that policy decisions are taken with the equal and meaningful participation of women from diverse groups. The crisis is an opportunity to address structural inequalities and deficits that have consistently held women back and re-imagine and transform societies. We recommend that women's voices be heard and their leadership recognised, so that the solutions they recommend can be implemented.⁹²

On the principle of empowerment

- SPs advise all to empower children to participate actively in responding to this crisis, including through peer-to-peer initiatives. That way, we can make sure that children's dignity and rights are protected and that no child bears the collateral consequences of this unprecedented pandemic.⁹³

On the principle of accountability

- SPs advise that independent oversight and review of measures taken during the crisis should be guaranteed, in order to ensure the rights-compliant, non-discriminatory application of the law throughout the crisis.⁹⁴

On the principle of non-retrogression

- SPs warn of regressive measures that may be put in place as part of the national response to COVID-19 and which may roll back achievements and gains in a number of sectors, particularly in the area of reproductive and sexual health services⁹⁵.

⁸⁹ Press release (2) of 9 April 2020

⁹⁰ Press release (2) of 9 April 2020

⁹¹ Press release of 14 April 2020

⁹² Press release of 20 April 2020

⁹³ Press release of 7 April 2020

⁹⁴ Press release of 14 April 2020

⁹⁵ Press release of 20 April 2020

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IV. Specific responses

In general

- SPs recommend discussion, instruction, consultation and community engagement – as operating principles for the police, when implementing emergency measures. This is what international law demands because it is what protection of human rights in a time of contagion requires.⁹⁶
- SP advises that the COVID-19 crisis highlighted the need to establish collaborative networks to foster mutual understanding, promote dialogue and inspire solidarity.⁹⁷

On the impact of measures requesting people to stay home

- SP finds that “[a]s governments worldwide are relying on people to stay home to prevent the spread of the novel coronavirus, they must take urgent measures to prevent anyone falling into homelessness and ensure access to adequate housing for those without. Housing has become the front line defence against the coronavirus. Home has rarely been more of a life or death situation.”⁹⁸
- SP finds that “[1].8 billion people worldwide live in homelessness and grossly inadequate housing, often in overcrowded conditions, lacking access to water and sanitation – making them particularly vulnerable to contracting the virus, as they are often suffering from multiple health issues.”⁹⁹
- SP advises that “[b]y ensuring access to secure housing with adequate sanitation, States will not only protect the lives of those who are homeless or living in informal settlements but will help protect the entire world’s population by flattening the curve of CV1.”¹⁰⁰
- SP advises that as people are being called upon to stay at home, it is vital that Governments take urgent measures to help people without adequate housing, including people who are homeless. Around the world, a large number of homeless people who use drugs are now facing additional challenges for the lock down and other strict emergency measures. There is an urgent need to take specific measures to ensure that social care and harm reduction services continue in the community for this specific population. In any circumstances, COVID-19 related criminal sanctions should not target vulnerable population of the society such as homeless people who use drugs. On the contrary, they should be protected from disproportionate or discriminatory targeting by law enforcement. Furthermore, States should consider implementing the recommendations of the COVID-19 Guidance Note on Protecting Residents of Informal Settlements.¹⁰¹
- SPs note that in camps, prevention and response measures must be adopted based on risk assessments involving the camp population. A physical re-planning of camps bearing in mind health imperatives of self-quarantines may be required, while ensuring that physical distancing does not result in lack of support to the most vulnerable.¹⁰²
- SPs note that travel restrictions and the increase in the numbers of online users also will likely result in a significant spike in cybercrimes, such as sexual grooming online, live streaming of child sexual abuse and the production and distribution of child sexual abuse material. Such operations entail dedicated and trained police forces to monitor the encrypted paedophile networks, lawfully access retained IP addresses to secure evidence, and engage with the overseas companies and enforcement agencies while strictly guided by international human rights law.¹⁰³

⁹⁶ Press release (2) of 17 April 2020

⁹⁷ Press release (4) of 17 April 2020

⁹⁸ Press release of 18 March 2020

⁹⁹ Press release of 18 March 2020

¹⁰⁰ Press release of 18 March 2020

¹⁰¹ Press release (2) of 16 April 2020

¹⁰² Press release of 1 April 2020

¹⁰³ Press release of 7 April 2020

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- SR finds that “[t]his is a crisis that disproportionately affects poor people, who are more likely to have health complications, live in crowded housing, lack the resources to stay at home for long periods, and work low-paid jobs that force them to choose between risking their health or losing their income.”¹⁰⁴

On the availability of equipment

- SPs advise that public and private funds are urgently needed to ensure that protective equipment and other medical supplies are universally available and accessible. States and businesses should ensure that financial obstacles are removed and that supplies are provided at no cost for low-income countries.¹⁰⁵

On training and guidance for caregivers

- SPs advise that governments should examine how the use of discretion, without adequate guidance, impacts risk and vulnerability in the crisis on the basis of race. Stressed and overwhelmed healthcare workers and local leadership need more guidance to prevent racial discrimination at this critical time, including disaggregated data to ensure equitable treatment.¹⁰⁶
- SPs advise that States must “[e]stablish clear protocols for public health emergencies to ensure that, when medical resources are scarce, access to healthcare, including life-saving measures, does not discriminate against people with disabilities.”¹⁰⁷
- SPs advise that triage protocols must be developed and followed to ensure such decisions are made on the basis of medical needs, the best scientific evidence available and not on non-medical criteria such as age or disability.¹⁰⁸

On domestic violence against women

- SP advises that Governments should make significant efforts to ensure that women and children victims of domestic violence are not left behind, as this could lead to an increase of domestic violence including intimate partner femicides,¹⁰⁹
- SP notes that “the risk is aggravated in a time when there are no or fewer shelters and help services available for victims; when it is difficult to access those that are still open; and when there is less community support; fewer police interventions and less access to justice as many courts are closed.”¹¹⁰
- SP notes that “As making phone calls might be dangerous in a context of home confinement, helplines can facilitate access by providing online chats and texting services for victims, governments should also come up with new and creative solutions to support them”.¹¹¹
- SP calls on governments not to put the protection of victims on hold and urges them to continue to combat domestic violence in time of COVID-19. Measures to protect victims must remain available or be adopted during the crisis. That includes ensuring access to protection by restraining orders and maintaining safe shelters and help lines for the victims. The police should increase their efforts for rapid action.¹¹²

¹⁰⁴ Press release of 1 April 2020

¹⁰⁵ Press release (3) of 27 March 2020

¹⁰⁶ Press release of 6 April 2020

¹⁰⁷ Press release of 17 March 2020

¹⁰⁸ Press release of 27 March 2020

¹⁰⁹ Press release of 27 March 2020

¹¹⁰ Press release of 27 March 2020

¹¹¹ Press release of 27 March 2020

¹¹² Press release of 27 March 2020

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On Access to justice

- SP notes that “[i]ncreased support and guarantees for a functioning independent justice is urgent, bringing it closer to the people by encouraging creative steps to guarantee this. The health crisis is eroding economic and social stability, context in which a functioning judiciary is more essential than ever.”¹¹³
- SP notes that “[a]n immediate streamline -to the essential- on the services being provided by the justice systems on certain matters that may be considered a priority is an urgent decision that must be taken by an independent judicial system, broadly understood. Considering the current global crisis and the institutional and budgetary constraints, in many countries this is an urgent and inevitable option so to prevent social exclusion and to guarantee protection of human rights.”¹¹⁴
- SP notes that “[t]he temporary reduction of demand on the justice systems on matters that may not be considered a priority in this critical situation, like prosecutions of minor offenses, civil or economic cases, could be postponed in this streamlining process.”¹¹⁵

On access to information

- SPs advise that human health depends not only on readily accessible health care. It also depends on access to accurate information about the nature of the threats and the means to protect oneself, one’s family, and one’s community. The right to freedom of expression, which includes the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, through any media, applies to everyone, everywhere, and may only be subject to narrow restrictions.¹¹⁶
- SPs advise that in no cases may laws or regulations be applied in a discriminatory manner, and information explaining how new measures are being put into effect should be made publicly available and easily consultable by all.¹¹⁷
- SP expresses concern about numerous reports of xenophobia and exclusion of minorities in different parts of the world, ranging from calls to deny access to medical care to undocumented migrants to the absence of information about the pandemic in minority languages, including sign languages.¹¹⁸
- SPs advise that relevant information on the COVID-19 pandemic and response should reach all, without exception. Information should include details on how the emergency impacts specific populations and on the risks faced by people who use drugs, and promote safe drug use practices. States should ensure that harm reduction information is available and accessible in a context of the increased COVID-19-related isolation. Against this backdrop, internet access is essential to ensuring that information reaches those affected both by the virus and measures to address the crisis. Governments should not resort to internet disruptions or shutdowns and should ensure the broadest possible access to internet service, and take steps to bridge digital divides.¹¹⁹
- SP advises that freedom of expression must be ensured. The right of civil society actors, including journalists and human rights defenders, to freely seek, receive and impart ideas and information, whether concerning the crisis and its management or other subjects, must be ensured. Laws criminalizing ‘false news’ as such, which have a long history of abuse, including through being deployed to target human rights defenders, must be avoided in particular.¹²⁰

¹¹³ Press release (3) of 22 April 2020

¹¹⁴ Press release (3) of 22 April 2020

¹¹⁵ Press release (3) of 22 April 2020

¹¹⁶ Press release (2) of 19 March 2020

¹¹⁷ Press release of 14 April 2020

¹¹⁸ Press release of 30 March 2020

¹¹⁹ Press release (2) of 16 April 2020

¹²⁰ Press release of 14 April 2020

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- SPs advise that it is essential that governments provide truthful information about the nature of the threat posed by the coronavirus. Governments everywhere are obligated under human rights law to provide reliable information in accessible formats to all, with particular focus on ensuring access to information by those with limited internet access or where disability makes access challenging.¹²¹
- SP advises that States should “[r]eassure persons with disabilities that their survival is a priority.”¹²²
- SPs advise that information on any new measures adopted must be widely disseminated and translated into local and indigenous languages, and appropriate time must be given for the public to familiarize themselves with these laws before criminal penalties are imposed.¹²³
- SP advises that information about how to prevent and contain the coronavirus should be accessible to everyone. Public advice campaigns and information from national health authorities must “[b]e made available to the public in sign language and accessible means, modes and formats, including accessible digital technology, captioning, relay services, text messages, easy-to-read and plain language.”¹²⁴
- SPs advise that internet access is critical at a time of crisis. It is essential that governments refrain from blocking internet access; in those situations where internet has been blocked, governments should, as a matter of priority, ensure immediate access to the fastest and broadest possible internet service. Especially at a time of emergency, when access to information is of critical importance, broad restrictions on access to the internet cannot be justified on public order or national security grounds.¹²⁵
- Internet access is particularly crucial in times of crisis; existing and new limitations on access to the internet, or censorship of particular websites and forms of information, are hence particularly troubling in this period.¹²⁶
- SP notes that “not all religious or belief communities or those living in marginalised conditions can access online information regarding COVID-19 and best practices to avoid transmission [and urges] civil society and faith-based organisations to widely communicate and assist those in vulnerable situations, regardless of their belief or ethnic background.”¹²⁷
- SP notes that to combat disinformation, it is critical that States establish effective strategies and channels of communication to provide accurate and reliable information to the public.¹²⁸

On the protection of journalists

- SPs advise that the right of access to information means that governments must be making exceptional efforts to protect the work of journalists. Journalism serves a crucial function at a moment of public health emergency, particularly when it aims to inform the public of critical information and monitors government actions. We urge all governments to robustly implement their freedom of information laws to ensure that all individuals, especially journalists, have access to information.¹²⁹

¹²¹ Press release (2) of 19 March 2020

¹²² Press release of 17 March 2020

¹²³ Press release of 14 April 2020

¹²⁴ Press release of 17 March 2020

¹²⁵ Press release (2) of 19 March 2020

¹²⁶ Press release of 14 April 2020

¹²⁷ Press release of 22 April 2020

¹²⁸ Press release of 22 April 2020

¹²⁹ Press release (2) of 19 March 2020

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- SP advises that exemptions should be foreseen for civil society actors, particularly those monitoring human rights, trade unions, social services providing humanitarian assistance, and journalists covering the management of the crisis.¹³⁰
- SPs express concern that the crisis has also been used to limit access to information broadly. Several States have adopted new measures penalizing the spreading of ‘false news,’ or have increased reliance on similar provisions of law already in place, while individuals reporting on the crisis have been cautioned, detained or expelled.¹³¹
- SP advises that the rights to freedom of peaceful assembly and of association apply online just as they do offline. In this time when physical assemblies are restricted, it is all the more necessary that access to and use of the internet be ensured. In addition to refraining from restrictions such as internet shutdowns or online censorship, States should take measures to ensure access to the internet extends to the entirety of the global population, and that it is affordable. In the context of civil society organizations specifically, States should ensure that they may complete their registrations online, and should provide opportunities for them to participate, via online fora, in policy development. In all cases, ensuring the rights to peaceful assembly and association online requires that individuals’ rights to privacy are fully respected and protected.¹³²
- SPs express concern that false information about the pandemic could lead to health concerns, panic and disorder. In this connection, it is essential that governments and internet companies address disinformation in the first instance by themselves providing reliable information. That may come in the form of robust public messaging, support for public service announcements, and emergency support for public broadcasting and local journalism (for instance, through government health advertisements).¹³³
- SPs advise that resorting measures such as content take-downs and censorship may result in limiting access to important information for public health and should only be undertaken where they meet the standards of necessity and proportionality. Any attempts to criminalise information relating to the pandemic may create distrust in institutional information, delay access to reliable information and have a chilling effect on freedom of expression.¹³⁴

On right to association and assembly at the workplace

- SP advises that the right to freedom of association extends to the right to form labor unions and other forms of association within the workplace, and the right to freedom of peaceful assembly extends to the right to strike. The crisis underscores the need for workplace protections and measures that ensure the right to health of all employees. In no cases may employees be fired for organizing, nor for speaking up as to the need for enhanced protection and safety at their workplaces.¹³⁵

On right to privacy

- SPs note growing use of tools of surveillance technology to track the spread of the coronavirus, and advise that such tools be limited in use, both in terms of purpose and time, and that individual rights to privacy, non-discrimination, the protection of journalistic sources and other freedoms be rigorously protected. States must also protect the personal information of patients. We strongly

¹³⁰ Press release of 14 April 2020

¹³¹ Press release of 14 April 2020

¹³² Press release of 14 April 2020

¹³³ Press release (2) of 19 March 2020

¹³⁴ Press release (2) of 19 March 2020

¹³⁵ Press release of 14 April 2020

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- urge that any use of such technology abide by the strictest protections and only be available according to domestic law that is consistent with international human rights standards.¹³⁶
- SPs advise that travel restrictions and the increase in the numbers of online users also will likely result in a significant spike in cybercrimes, such as sexual grooming online, live streaming of child sexual abuse and the production and distribution of child sexual abuse material. Such operations entail dedicated and trained police forces to monitor the encrypted paedophile networks, lawfully access retained IP addresses to secure evidence, and engage with the overseas companies and enforcement agencies while strictly guided by international human rights law.¹³⁷
 - SP advises that countering online hate speech also will not succeed if the mainstream or social media do not take seriously the reports of cyberhate targeting Jews and other minorities. They must remove any posts that incite to hatred or violence in addition to identifying and reporting fake news.¹³⁸

On financial stimuli and similar measures

- SR expresses concern that some stakeholders promote an approach consisting in ‘saving the economy’ at any costs, including by putting the health and lives of the majority of their populations at stake. This approach is often accompanied by a lack of serious efforts to reduce inequalities. In these terms, ‘saving the economy’ means prioritising the benefit of a certain elite.¹³⁹
- SP advises that fiscal stimulus and social protection packages aimed directly at those least able to cope with the crisis are essential to mitigating the devastating consequences of the pandemic and calls on Governments to consider the introduction of an emergency universal basic income.¹⁴⁰
- SP advises that measures must be carefully designed to make sure that their principal contribution goes well beyond only bailing out large companies and banks," he said.¹⁴¹
- SP advises that there is a risk that measures introduced and resources allocated to mitigate against the economic downturn caused by COVID-19, such as lowering interest rates, will enable global financial actors to use the pandemic and the misfortunes of many to dominate housing markets without regard for human rights standards, as they did in the aftermath of the 2008 global financial crisis, and that States must prevent the predatory practices of institutional investors in the area of residential real estate.¹⁴²
- SP advises that States must take immediate measures to effectively deter hoarding of essential protective equipment, exploitation of demand or profiteering from the current crisis.¹⁴³
- SP observes that measures to support businesses and shield populations from the negative impact of restriction measures are largely imposed from the top-down, and the regular consultation and participation processes are frequently disrupted by confinement or circumvented.¹⁴⁴
- SP advises that States dramatically increase spending that targets inequalities and poverty caused by the COVID-19 crisis, and not just bail out corporations, banks and investors without human rights or social conditions attached. Public investments should also aim at reaching small and mid-size enterprises, creating long-term sustainable employment, prioritising human rights and promoting a greener economy.¹⁴⁵

¹³⁶ Press release (2) of 19 March 2020

¹³⁷ Press release of 7 April 2020

¹³⁸ Press release (4) of 17 April 2020

¹³⁹ Press release (2) of 15 April 2020

¹⁴⁰ Press release of 20 March 2020

¹⁴¹ Press release of 20 March 2020

¹⁴² Press release of 18 March 2020

¹⁴³ Press release (3) of 27 March 2020

¹⁴⁴ Press release (2) of 9 April 2020

¹⁴⁵ Press release (2) of 15 April 2020

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- SP advises that Governments operating as payers of last resort to cover companies' costs and pay salaries during the crisis, if needed, would only be justified if it is implemented to avoid retrogression in economic and social human rights.¹⁴⁶

On financial aid

- SP recommends States to immediately prohibit water cuts to those who cannot pay water bills. It is also essential that they provide water free of cost for the duration of the crisis to people in poverty and those affected by the upcoming economic hardship. Public and private service providers must be enforced to comply with these fundamental measures.¹⁴⁷
- SP recommends that public services are provided free of charge for those who cannot afford them. Debt-servicing should be suspended for individuals who would otherwise be unable to cope with the public health crisis. Mass evictions must absolutely be prevented," the Independent Expert urged.¹⁴⁸
- SP recommends moratoriums on evictions due to rental and mortgage arrears; deferrals of mortgage payments for those affected by the virus; extension of winter moratoriums on forced evictions of informal settlements; and increased access to sanitation and emergency shelter spaces for homeless people.¹⁴⁹
- SP recommends that States cease all evictions; provide emergency housing with services for those who are affected by the virus and must isolate; ensure that the enforcement of containment measures (eg: curfews) does not lead to the punishment of anyone based on their housing status; provide equal access to testing and health care; and provide adequate housing which may require the implementation of extraordinary measures as appropriate in a state of emergency, including using vacant and abandoned units and available short-term rentals.¹⁵⁰
- SP recommends that private debt payments should be suspended for individuals financially crippled by the health crisis. During this period, these loans should not bear interest.¹⁵¹
- SP recommends, with respect to those facing job loss and economic hardship, that States must: provide direct financial assistance for or defer rental and mortgage payments; enact a moratorium on evictions due to arrears; introduce rental stabilization or reduction measures; and, at least for the duration of the pandemic, suspend utility costs and surcharges.¹⁵²
- SP recommends measures including unconditional cash transfers to maintain an adequate standard of living, provision of emergency shelters, a halt in evictions and cuts in the provision of electricity and water services must be considered immediately.¹⁵³
- SP recommends that those working in the informal sector, who are self-employed, and who cannot work from home need economic and fiscal incentives to stay at home. They will otherwise need to go to work and thereby put at risk their personal and family health and those of the broader community.¹⁵⁴

On business enterprises and private industry

¹⁴⁶ Press release (2) of 15 April 2020

¹⁴⁷ Press release of 23 March 2020

¹⁴⁸ Press release of 20 March 2020

¹⁴⁹ Press release of 18 March 2020

¹⁵⁰ Press release of 18 March 2020

¹⁵¹ Press release (2) of 15 April 2020

¹⁵² Press release of 18 March 2020

¹⁵³ Press release (2) of 15 April 2020

¹⁵⁴ Press release of 20 March 2020

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- SP notes that robust collaboration between private industry and law enforcement is key to ensure early detection of cyber cases and the effective blocking and removal of child sexual exploitation material online.¹⁵⁵
- SPs stress that “Governments and business must prioritise the wellbeing and rights of all in society, and particularly vulnerable workers, as they try to keep firms and economies afloat during the COVID-19 pandemic”.¹⁵⁶
- SPs note that “the global health and economic crisis is an unprecedented test for governments and businesses not to lower human rights standards and urged them not to cut corners in the push for economic growth. It is vital to protect workers who are most vulnerable to abuse and loss of livelihood.”¹⁵⁷
- SPs note that “Companies have an independent responsibility to treat all with dignity and respect human rights and must ensure the health and safety of workers during the health crisis.”¹⁵⁸
- SPs stress that “Companies should also assess the impacts of business decisions and activities on workers in their supply chains and expect the same from their business partners and suppliers”. The three pillars of the Guiding Principles – “Protect, Respect and Remedy” – provide a globally agreed baseline for conduct both during the ongoing crisis and for a post-COVID-19 world.¹⁵⁹

On unilateral sanctions

- SP calls for immediate lifting of unilateral sanctions to prevent hunger crises in countries hit by the COVID-19 pandemic.¹⁶⁰
- SP stressed that the current pandemic is challenging the whole system of human rights, including such fundamental rights as the right to life and right to health.¹⁶¹
- SP calls to lift or at least suspend all sanctions that hamper the ability of states to effectively fight the COVID-19 pandemic and to deprive of vital medical care and food those, who need it, especially the most vulnerable ones.¹⁶²
- SP calls to immediately review and withdraw measures that may impede countries’ efforts to response to the COVID-19 pandemic, including those which prevent the purchase or shipment of medicine, medical equipment, or other essential goods; impede financing for the purchase of medicine, medical equipment, or other essential goods or obstruct delivery of humanitarian aid.¹⁶³

On culture in response to COVID-19

- SP supports “stay at home orders and social distancing, while recognizing that the hardships they cause must also be addressed”. SP unequivocally opposes “attempts to use human rights or cultural rights arguments to try to subvert these public health efforts inappropriately by for example organizing public religious gatherings or public protests against social distancing in ways that put others at risk.”¹⁶⁴
- SP notes that “We need nothing less than a global cultural plan to keep alive the cultural life which helps keep us alive. It should be locally driven, and globally supported and coordinated.”¹⁶⁵

¹⁵⁵ Press release of 7 April 2020

¹⁵⁶ Press release 28 April 2020

¹⁵⁷ Press release 28 April 2020

¹⁵⁸ Press release of 28 April 2020

¹⁵⁹ Press release of 28 April 2020

¹⁶⁰ Press release of 31 March 2020

¹⁶¹ Press release of 3 April 2020

¹⁶² Press release of 31 March 2020

¹⁶³ Press release of 3 April 2020

¹⁶⁴ Public statement of 28 April 2020

¹⁶⁵ Public statement of 28 April 2020

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- SP stresses that "Human rights guarantees apply online and public powers need to ensure access to and participation in cyberspace for all. We must confront the digital divide, and find other safe ways to re-imagine cultural life and build connection in conformity with public health"¹⁶⁶

On access to reproductive health services

- SP notes that restrictions on the provision of health services essential to women and girls, such as pre and post-natal care, termination of pregnancy and the availability of contraceptives, imposed in many countries to address the excessive demands on health services caused by the pandemic, affects women and girls' health disproportionately¹⁶⁷.

On access to services for victim of gender-based violence

- SPs warns that women and girls are at greater risk of domestic violence including sexual abuse without any recourse during the pandemic. Home isolation makes them more vulnerable to abuse by partners and family members, while their access to counseling and other emergency services, including alternative housing and legal assistance as well as access to courts has been drastically reduced¹⁶⁸.

V. Specific groups, communities and populations

In general

- SPs find that persons in vulnerable situations such as people living in poverty and those living in slums, homeless persons, minorities, individuals in detention, women and children victims of domestic violence, migrants and refugees, trans women and all those who defend their rights, are already affected disproportionately by the virus. No-visitor policies in nursing homes and home care exacerbate the risk of violence, maltreatment, abuse and neglect of older persons and others living in institutions. All these people who are often disproportionately affected by the virus, because of their precarious conditions of existence, should not be victimized further because of state of emergency measures.¹⁶⁹
- SPs advise that emergency declarations based on the COVID-19 outbreak "[s]hould not be used as a basis to target particular groups, minorities, or individuals."¹⁷⁰
- SPs advise that people with disabilities, older persons, minority communities, indigenous peoples, internally displaced people, people affected by extreme poverty and living in overcrowded settings, people who live in residential institutions, people in detention, homeless people, migrants and refugees, people who use drugs, LGBT and gender diverse persons – these and other groups need to receive support from governments.¹⁷¹

Women and girls

- SPs advise that States must take additional social protection measures so that their support reaches those who are at most risk of being disproportionately affected by the crisis. That includes women,

¹⁶⁶ Public statement of 28 April 2020

¹⁶⁷ Press release of 20 April 2020

¹⁶⁸ Press release of 20 April 2020

¹⁶⁹ Press release (2) of 17 April 2020

¹⁷⁰ Press release of 16 March 2020

¹⁷¹ Press release of 26 March 2020

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- who are already at a disadvantaged socio-economic position, bear an even heavier care burden, and live with a heightened risk of gender-based violence.¹⁷²
- SPs find that women are particularly exposed, with many on the frontlines in the COVID-19 fight, providing essential medical and other services, and keeping communities running [...] The disproportionate share of women’s care responsibilities, due to cultural stereotypes on gender roles within the family, has increased significantly, affecting physical and mental health.”¹⁷³
 - SP advises that States must uphold the human rights of women and children by combatting domestic violence in the context of the COVID-19 lockdowns and come up with urgent measures to protect the victims of such violence.¹⁷⁴
 - SPs find that women face restrictions on the provision of health services essential to women and girls and are at greater risk of domestic violence while shelters do not have sufficient capacity for all victims who need protection. Femicides are being reported with alarming frequency. States should provide universal health care for all women and girls, including uninterrupted access to a full range of sexual and reproductive health services.¹⁷⁵
 - SPs call that the measures taken by governments to mitigate the risks to health and life posed by COVID-19 must take into account the specific attributes and circumstances faced by women and girls. States must refrain from any action that will exacerbate the already disproportionate economic and social impact of this pandemic on women and girls.¹⁷⁶
 - SPs note that women are represented disproportionately in precarious, informal and poorly paid work, including domestic work. Owing to the lack of adequate social protection packages, they are at a higher risk of harm from the social and economic shocks linked to measures that are being introduced to curb the pandemic.¹⁷⁷
 - SPs warn that many women and girls face multiple and intersectional forms of discrimination, and are at risk of being further marginalized including, but not limited to, women and girls from minorities, indigenous, migrant and rural communities, older women, and women and girls with disabilities, who are particularly negatively affected by the crisis.¹⁷⁸
 - SPs call States to ensure that policy decisions are taken with equal and meaningful participation of women from diverse groups and take into account the gendered risks and realities which are exacerbated by other circumstances such as, poverty, location in a rural area or “food desert”, and identities such as ethnic origin, disability, and age as well as pre-existing structural deficits.¹⁷⁹

Children

- SPs advise that States must boost child protection measures. Parents, caregivers, service providers and law enforcement officials all need extra support to minimise the increased risks to children. Ensure that adequately staffed and equipped child protection services and law enforcement are available and accessible to all children. This includes toll-free 24-hours hotlines, free texting services, remote psychological and social services, and mobile shelters for minors.¹⁸⁰
- SPs advise that all should make significant efforts to support frontline operators in the child protection services, neighbourhood and community watchdogs and law enforcement.¹⁸¹

¹⁷² Press release of 26 March 2020

¹⁷³ Press release of 20 April 2020

¹⁷⁴ Press release of 27 March 2020

¹⁷⁵ Press release of 20 April 2020

¹⁷⁶ Press release of 20 April 2020

¹⁷⁷ Press release of 20 April 2020

¹⁷⁸ Press release of 20 April 2020

¹⁷⁹ Press release of 20 April 2020

¹⁸⁰ Press release of 7 April 2020

¹⁸¹ Press release of 7 April 2020

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Persons with disabilities

- SP expresses concern by the immense challenges that persons with disabilities are experiencing due to emergency measures, which have resulted in the disruption of support networks essential for their survival; the rise of discriminatory triage protocols that restrict access to health care and life-saving measures, including ventilators; and their isolation in institutions, nursing homes, psychiatric and other facilities that have become hotspots of the pandemic, where 40 to 50 per cent of the fatalities take place.¹⁸²
- SP notes that “[c]ontainment measures, such as social distancing and self-isolation, may be impossible for those who rely on the support of others to eat, dress and bathe.”¹⁸³
- SP notes that “[t]he situation of people with disabilities in institutions, psychiatric facilities and prisons is particularly grave, given the high risk of contamination and the lack of external oversight, aggravated by the use of emergency powers for health reasons. Limiting their contact with loved ones leaves people with disabilities totally unprotected from any form of abuse or neglect in institutions.”¹⁸⁴
- SP notes that States have “[a] heightened responsibility towards this population due to the structural discrimination they experience.”¹⁸⁵
- SP notes that States “[m]ust take additional social protection measures to guarantee the continuity of support in a safe manner throughout the crisis.”¹⁸⁶
- SP notes that “[r]easonable accommodation measures are essential to enable people with disabilities to reduce contacts and the risk of contamination. People with disabilities should be allowed to work from home or receive paid leave to guarantee their income security. Family members and caregivers of people with disabilities may also require reasonable accommodation to provide support to people with disabilities during this period.”¹⁸⁷
- SP notes that States access to “[a]dditional financial aid is also vital to reduce the risk of people with disabilities and their families falling into greater vulnerability or poverty. Many people with disabilities depend on services that have been suspended and may not have enough money to stockpile food and medicine, or afford the extra cost of home deliveries.”¹⁸⁸

Older persons

- SP finds that “[o]lder persons do not only face a disproportionate risk of death but they are further threatened by COVID-19 due to their care support needs or by living in high-risk environments such as institutions.”¹⁸⁹
- SP expresses particular concerns “about older persons with underlying health conditions and those who are already socially excluded, living in poverty, having limited access to health services, or living in confined spaces such as prisons and residential care homes.”¹⁹⁰
- SP finds that “[o]lder persons must be provided with ways to stay in touch online, including those in residential care homes and remote areas,” she urged [and that t]riage protocols must be

¹⁸² Open letter of 15 April 2020, p. 1

¹⁸³ Press release of 17 March 2020

¹⁸⁴ Press release of 17 March 2020

¹⁸⁵ Press release of 17 March 2020

¹⁸⁶ Press release of 17 March 2020

¹⁸⁷ Press release of 17 March 2020

¹⁸⁸ Press release of 17 March 2020

¹⁸⁹ Press release of 27 March 2020

¹⁹⁰ Press release of 27 March 2020

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developed and followed to ensure such decisions are made on the basis of medical needs, the best scientific evidence available and not on non-medical criteria such as age or disability.”¹⁹¹

Lesbian, gay, bisexual, trans and gender diverse persons

- SPs find that “LGBT and gender diverse persons have the right to life-saving interventions and this responsibility lies with the government. The scarcity of resources or the use of public or private insurance schemes should never be a justification to discriminate against LGBT and gender diverse persons – these and other groups need to receive support from governments.”¹⁹²
- SPs find that “members of [LGBT and gender diverse] communities, peoples and populations are amongst the most marginalized and excluded because of stigma and discrimination, and they are and will continue to be among those most at risk.”¹⁹³

People of African Descent

- SPs call “on member states to commit to equity in the current public health crisis and to recognize the current risk that the historical exploitation of the bodies and resources of people of African descent poses to decision-making today, including driving racial disparities in access to health care and treatment. Structural racial discrimination may further exacerbate inequality in access to health care and treatment leading to racial disparities in health outcomes and increased mortality and morbidity for people of African descent. The 2001 Durban Declaration recognizes that “social biases and discrimination prevailing in public and private institutions” continue to create barriers for people of African descent, including in the realization of human rights, a particular concern in the global coronavirus response. States must recognize the specificity of needs in particular communities, or risk deprioritizing people of African descent as a matter of law and policy.”¹⁹⁴

*Minorities*¹⁹⁵

- SP expresses concerns at numerous reports of xenophobia and exclusion of minorities in different parts of the world, ranging from calls to deny access to medical care to undocumented migrants to the absence of information about the pandemic in minority languages, including sign languages.¹⁹⁶
- SP advises that combatting the epidemic requires tackling its darker sides. Firm actions by States and all of us to safeguard the human rights of the most vulnerable and marginalised, including minorities, indigenous communities and migrants, are urgent and necessary.¹⁹⁷

Victims of violence

- SPs advise that protection includes ensuring restraining orders and maintaining safe shelters and help lines for the victims. The police should increase their efforts for rapid action. As making phone calls might be dangerous in a context of home confinement, helplines can facilitate access

¹⁹¹ Press release of 27 March 2020

¹⁹² Press release of 26 March 2020

¹⁹³ Open letter of 27 March 2020

¹⁹⁴ Press release of 6 April 2020

¹⁹⁵ The reader is advised that several press releases make specific mention of particular cases of minority groups, communities and populations having reported concerns. These are not presented in detail in this document.

¹⁹⁶ Press release of 30 March 2020

¹⁹⁷ Press release of 30 March 2020

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- by providing online chats and texting services for victims, States should also come up with new and creative solutions to support them.¹⁹⁸
- SPs advise that measures to protect victims of domestic violence must remain available or be adopted during the crisis.¹⁹⁹
 - SPs advice that states must ensure access to support services, emergency measures and legal assistance for those at risk of or who are subjected to domestic and sexual violence.²⁰⁰

Migrants, asylum seekers and trafficked persons

- SPs advise that States urgently adopt inclusive measures aimed at protecting migrants, asylum seekers, and trafficked persons such as prevention measures, testing, medical treatment, health services and social assistance.²⁰¹
- People who have been granted residence permits on grounds of trafficking and have a job or are participating in a training programme should be allowed to obtain work permits through facilitated procedures. Such a measure aims to avoid precariousness and to ensure their full access to healthcare.²⁰²
- SPs advise that Governments must adopt measures ensuring every individual in the national territory, regardless of their migration status, is included and has access to health services in order to achieve successful containment of the COVID-19 pandemic.²⁰³
- SPs advise that States to issue automatic extension for at least six months of all protection and assistance programmes for migrants in vulnerable situations and trafficked persons that are close to their expiration date, to ensure continuity of survivors' social inclusion process.²⁰⁴
- SPs advise that the protection granted to unaccompanied children close to adulthood must also be extended for a minimum period of six months. Particular attention should be given to inadequate or overcrowding facilities where migrants are accommodated. Residents at such facilities, whether open or closed, should be provided with accurate and accessible information on the COVID19 outbreak, practical advice on preventing infection and access to clean water, sanitation facilities and other prevention materials.²⁰⁵
- SPs express concern about the lack of targeted response by governments, concerning in particular migrants' access to healthcare, which is hampered by irregular migration status and must be ensured through the establishment of clear firewalls between essential services and migration checks.
- SPs express concern about the conditions of migrants in overcrowded administrative detention centres, where there is no possibility to keep the necessary physical distance.²⁰⁶

Internally displaced persons

- SP advises that Governments must ensure that all internally displaced persons have access to water, sanitation, facilities for personal hygiene, adequate housing and food. They must be informed about the disease risks, prevention and treatment. Those who require medical treatment for

¹⁹⁸ Press release (2) of 27 March 2020

¹⁹⁹ Press release (2) of 27 March 2020

²⁰⁰ Press release of 20 April 2020

²⁰¹ Press release (2) of 3 April 2020

²⁰² Press release (2) of 3 April 2020

²⁰³ Press release (2) of 3 April 2020

²⁰⁴ Press release (2) of 3 April 2020

²⁰⁵ Press release (2) of 3 April 2020

²⁰⁶ Press release (2) of 3 April 2020

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COVID-19 must have access to appropriate health care in a timely manner and without discrimination.²⁰⁷

Persons who use drugs

- SP notes that, globally, some 35 million people, up from an earlier estimate of 30.5 million reported in 2016, are affected by drug use disorders and require treatment and harm reduction services. The latest available data indicates that the death toll has been also higher: 585,000 people died as a result of drug use in 2017. In the current COVID-19 context, people who use drugs face unique needs and risks, due to criminalisation, stigma, discrimination, underlying health issues, social marginalisation and higher economic and social vulnerabilities, including a lack of access to adequate housing and healthcare. Vulnerable groups of people who use drugs should be recognised as a high-risk population in order to mitigate the spread of the pandemic.²⁰⁸
- SP advises that harm reduction services, including opioid agonist therapy (OAT), needle and syringe programmes (NSPs), the distribution of naloxone (a medicine that can reverse the effects of an opioid overdose), and overdose prevention sites are essential for the protection of the right to health of people who use drugs. In the COVID-19 emergency context, these should be acknowledged as key services and thus remain available, accessible, acceptable and of adequate quality without discrimination.²⁰⁹
- SP advises that harm reduction service providers should be recognised as workers providing key services and exceptional measures should be encouraged to ensure that they operate in a safe environment (including ensuring adequate personal protective equipment). Harm reduction services should reach people where they are, in a context of heightened isolation and lock down. The distribution of sterile commodities should be supported via peer-to-peer (secondary) distribution and home delivery (to prevent further strain on national health systems) should be made available. Clients should have access to adequate personal protective equipment and essential services without discrimination and fear of harassment or repercussions. National authorities should provide necessary guidance to law enforcement authorities to permit the implementation of harm reduction services.²¹⁰
- SP advises that people who use drugs are vulnerable to HIV, tuberculosis (TB) and hepatitis, as well as overdose. Ongoing access to medicines - including anti-retroviral treatment (ART) for people living with HIV/AIDS, anti-TB drugs including second-line treatment, antiviral and interferon drugs for hepatitis, and naloxone - is essential in maintaining the health of vulnerable populations. States should consider adopting measures to ensure adequate production/import of these medicines and allow people who use drugs, harm reduction service providers, and health services to stock-up on medicines for HIV, TB, hepatitis and overdose reversal.²¹¹
- SP notes that funding of harm reduction and related services should be safeguarded. Additional funding may have to be made available to support exceptional measures for the provision of these services.²¹²
- SP notes that the availability and accessibility of controlled medicines must be safeguarded for the treatment of drug dependence, palliative care, including for older persons,² and other treatment. Compliance with complex procedural requirements for scheduled medicines may create barriers to supply of these medicines. In the current COVID-19 context, States should adopt the necessary measures to ensure that the international supply chains of these substances are not disrupted. As

²⁰⁷ Press release of 1 April 2020

²⁰⁸ Press release (2) of 16 April 2020

²⁰⁹ Press release (2) of 16 April 2020

²¹⁰ Press release (2) of 16 April 2020

²¹¹ Press release (2) of 16 April 2020

²¹² Press release (2) of 16 April 2020

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recently recommended by the International Narcotic Control Board, States should ensure the maintenance of sufficient buffer stocks of controlled substances to guarantee availability throughout the duration of the COVID-19 pandemic.²¹³ States should use simplified control procedures for the export, transportation, storage and provision of medicines containing controlled substances, in order to ensure people can maintain consistent access to these medicines, and avoid symptoms of withdrawal.²¹³

- SP notes that around one third of all people who use drugs are estimated to be women. Women who use drugs are consistently reported to be at higher risk of HIV and hepatitis C infection. Available research also indicates that intimate partner violence is more commonly experienced by women who use drugs than women in the broader population. This phenomenon is likely to be exacerbated in a context of heightened isolation and stress. It is thus essential that gender-sensitive harm reduction services, non-judgemental sexual and reproductive health services, and domestic violence services are kept operational, and equipped to remain effective. In this regard, States should implement the recommendations of the *Interim Technical Note on the protection from sexual exploitation and abuse during response to COVID-19*.²¹⁴

Persons deprived of liberty

- SP notes that the disproportionate presence of people of African descent in jails and prisons and in camps for refugees and the internally displaced in many parts of the world is particularly concerning, given the extreme contagion, the lack of protective measures, and the use of incarcerated people's labor. The ongoing availability of people of African descent to serve in this crisis should not be construed as disability.²¹⁵
- SPs note that confinement measures and the disrupted provision of already limited child protection services exacerbate the vulnerability of children living in psychiatric and social care institutions, orphanages, refugee camps, immigration detention centres and other closed facilities, as cases of violence, sexual abuse and exploitation of children confined in these premises are likely to go undetected.²¹⁶
- SPs note that prisons and other places of detention are high-risk environments for the spread of infectious diseases. A disproportionate number of people who use drugs are imprisoned around the world due to criminalization of personal use and possession of drugs, including thousands on death row, in violation of international human rights law.²¹⁷
- SPs note that preparedness and response plans to COVID-19 adopted by prisons and other detention facilities should include targeted measures to safeguard the health of people who use drugs. In this connection, States should consider the *Interim Guidance Note on COVID-19: Focus on Persons Deprived of Their Liberty*.²¹⁸
- SPs called on the government to permanently release those arbitrarily detained. SP notes that in overcrowded facilities where it is impossible for all residents to practise physical distancing, alternatives venues should be identified, and consideration should be given to releasing those who have a place to stay in the community. It is crucial to establish protocols with local health providers to ensure access to testing, medical consultation and treatment of all residents in immigration facilities.²¹⁹

²¹³ Press release (2) of 16 April 2020

²¹⁴ Press release (2) of 16 April 2020

²¹⁵ Press release of 6 April 2020

²¹⁶ Press release of 7 April 2020

²¹⁷ Press release (2) of 16 April 2020

²¹⁸ Press release (2) of 16 April 2020

²¹⁹ Press release (2) of 3 April 2020

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- SP notes that thousands of people around the world are held in public and private drug detention and rehabilitation centres, often on a compulsory basis, or pursuant to decisions of the drug courts and tribunals. As highlighted in the 2012 Joint UN Statement on compulsory drug detention and rehabilitation, these centres “raise human rights issues and threaten the health of detainees,” In the context of the COVID-19 emergency, and in line with the International Guidelines on Human Rights and Drug Policy, where compulsory drug treatment centres operate, States “should take immediate measures to close such centres, release people detained in such centres, and replace such facilities with voluntary, evidence-based care and support in the community.” In particular, States should review the necessity and reasonableness of drug detention. Effective measures should be put in place, and adequately funded, to ensure that those released from prisons and other detention settings have continuity of care, access to adequate housing and healthcare in the community.²²⁰
- SP observes that “[h]igh levels of incarceration with huge and unbearable amount of detainees, affect human rights standards and increase the risk of the prison’s population and staff of being infected with the virus. In several countries, for instance, prisons are filled with person under pre-trial detentions. Effective steps should be taken immediately so that pre-trial detentions are applied only in extraordinary and specific. As well, that the pertinent responsible bodies review the situation of persons imprisoned for political reasons, minor offenses or that are close to finish their conviction terms. Immediate and effective actions are needed in processes in which the judiciary, governments and the legislative have their responsibilities and challenges to act.”²²¹
- SP notes that “[d]espite the availability of alternative options, many States continue to detain vulnerable people in jails, prisons and immigration detention centers in crowded conditions and without adequate healthcare. For some, this will be a death sentence.”²²²

VI. Country-specific statements and findings

SPs have since the outbreak of the pandemic continued to monitor the human rights situations of States covered by country-specific mandates with a particular focus on COVID-19. Some of the countries concerned, as well as others which are not covered by country-specific SPs, are facing specific human rights issues. SPs have during the course of the past weeks released several press statements in relation to COVID-19 shedding light on specific human rights issues occurring in the countries concerned.

This compendium only includes statements by country-specific mandates. In addition to these, statements of thematic mandates in relation to specific country situations can be accessed through the SP and COVID-19 webpage.

Cambodia

- SR warned that the Cambodian Government's new state of emergency law in response to the COVID-19 pandemic risks violating the right to privacy, silencing free speech and criminalising peaceful assembly.²²³

Central African Republic

- IE warned that the Central African Republic is struck by the COVID-19 pandemic and is heading towards a certain health disaster if hostilities do not stop immediately.²²⁴

²²⁰ Press release (2) of 16 April 2020

²²¹ Press release (3) of 22 April 2020

²²² Press release of 1 April 2020

²²³ Press release (3) of 17 April 2020

²²⁴ Press release of 26 March 2020

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Eritrea

- SR urged the State to reduce the risk of COVID-19 spreading in its overcrowded jails by immediately releasing all political prisoners, low-risk offenders and others such as the sick and elderly who are particularly vulnerable to illness or death.²²⁵

Islamic Republic of Iran

- SPs called on the Islamic Republic of Iran to expand its temporary release of thousands of detainees to include prisoners of conscience and dual and foreign nationals still being held despite serious risk of COVID-19 infection.²²⁶
- SPs expressed dismay that the Islamic Republic of Iran violated international human rights law by executing by hanging child offender Shayan Saeedpour who had escaped from prison during protests concerning COVID-19 on 27 March 2020.²²⁷

Myanmar

- SR urged Myanmar to allow free flow of information and aid to protect the right to health in the COVID-19 crisis.²²⁸

Israel and the Occupied Palestinian Territory

- SR urged Israel, the Palestinian Authority and Hamas to live up to their international legal responsibilities by ensuring that the right to health is fully provided to Palestinians in Gaza and the West Bank, including East Jerusalem, during the COVID-19 pandemic.²²⁹

Democratic People's Republic of Korea

- SR urged the People's Republic of Korea and the international community to join forces to prevent a COVID-19 outbreak in the country.²³⁰

VII. Medium- and long-term measures

- SPs note that COVID-19 is a wake-up call for the revitalization of universal human rights principles. These principles and trust in scientific knowledge must prevail over the spread of fake news, prejudice, discrimination, inequalities and violence.²³¹
- SP advises that lessons learnt from the 2008-9 financial crisis gives a head-start for tackling current and future challenges. That period saw a rise in world hunger, unemployment, a high increase in evictions, foreclosures, homelessness, entrenched inequalities and pushed too many into poverty.²³²
- SPs note that the crisis is an opportunity to reflect on and reverse the ideology according to which economic growth is the only way forward. In particular, it calls to question and change

²²⁵ Press release of 2 April 2020

²²⁶ Press release (1) of 17 April 2020

²²⁷ Press release of 21 April 2020

²²⁸ Press release of 9 April 2020

²²⁹ Press release of 19 March 2020

²³⁰ Press release of 26 February 2020

²³¹ Press release of 16 March 2020

²³² Press release (2) of 15 April 2020

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- consumption patterns and behaviours, if we are serious about trying to ensure the full enjoyment of human rights by all and to protect the environment.²³³
- SP observes that the year prior to the current crisis was marked by an unprecedented wave of protests around the world. While the demands and concerns of the protesters differed from context to context, protesters consistently called for more democratic governance, greater respect for human rights, increased equality, an end to austerity, and meaningful steps to combat climate change and widespread corruption. The current crisis is unlikely to alleviate these demands; if anything, the economic downturn caused by the crisis, combined with financial measures that enhance inequality, will only serve to exacerbate underlying causes. It is vital in this context that States' responses to the crisis take citizens' demands fully into account, and that States take measures to adopt more democratic governance structures, to enhance rights protection and fulfillment, to reduce inequality, and to ensure that the transition to greener and more sustainable energy sources receives increased support and attention.²³⁴
 - SP notes that three-quarters of emerging infectious diseases are 'zoonoses' -meaning they jump from wild or domesticated animals into humans. This includes Ebola, SARS, MERS, and now COVID-19. A range of environmentally damaging human activities raise the risk of future zoonotic diseases. To reduce the catastrophic risks posed by zoonoses will require an end to deforestation, limiting the destruction of natural wildlife habitat, clamping down on illegal wildlife trade, urgently addressing climate change, and making changes to industrial agriculture, Intensive livestock operations, and human diets.²³⁵
 - SP notes that people living in areas that have experienced higher levels of air pollution face increased risk of premature death from COVID-19. Similarly, access to clean water is essential in preventing people from contracting and spreading the virus. The global pandemic highlights the vital importance of a safe, clean, healthy and sustainable environment. A number of governments nevertheless announced that they are lowering environmental standards, suspending environmental monitoring requirements, reducing environmental enforcement, and restricting public participation. Such policy decisions are likely to result in accelerated deterioration of the environment and have negative impacts on a wide range of human rights including the rights to life, health, water, culture, and food, as well as the right to live in a healthy environment.²³⁶
 - SP notes that democracy cannot be indefinitely postponed. The Special Rapporteur recognizes that designing appropriate electoral approaches in the context of the current global pandemic is complex, and that there are no easy solutions. Limitations on assemblies in many countries impair individuals' ability to campaign and participate in rallies, to conduct voter outreach and to monitor election processes. Civil society's ability to engage with candidates, or with the broader public in the context of elections, is also constrained. In light of these challenging circumstances, it is all the more important, as highlighted below, that freedom of expression is respected and that the rights to freedom of peaceful assembly and of association online are fully ensured. States should provide transparency as to their decision-making processes in the context of elections, moreover, and should consult with civil society in determining appropriate approaches. While limitations on in-person voting may be necessary in some cases, States should take all measures possible to ensure the timely carrying out of elections, including through the utilization of alternative voting procedures such as mail-in ballots. In all cases, the integrity of electoral processes must be ensured.²³⁷

²³³ Press release of 20 March 2020

²³⁴ Press release of 14 April 2020

²³⁵ Press release of 15 April 2020

²³⁶ Press release of 15 April 2020

²³⁷ Press release of 14 April 2020

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- SP note that a key benchmark of any new policy must be that it does not deepen existing structural inequalities, or create new vulnerabilities, but rather ameliorates and creates new opportunities that are just and equitable²³⁸.
- SP call on States to take a gender sensitive intersectional approach in their responses to COVID-19, including ensuring universal and free testing and access to treatment, providing paid sick leave for workers in the formal and informal sectors, ensuring safe access to support services for women and girls at risk of or who are subjected to domestic and sexual violence, harassment and abuse, and uninterrupted access to a full range of sexual and reproductive health services. Specific attention should be paid to women and girls from marginalized groups and their specific needs in terms of accessibility and adequacy of information about the pandemic, the ability to maintain social distance, and access to testing and treatment as well as other necessities including food, housing, sanitation and essential support services. Provide protection against discrimination and abuse of domestic workers, many of whom are migrant workers, including income support and measures to limit their risk of exposure in the workplace, as well as timely access to testing and treatment. Systematically gather disaggregated outbreak-related data, to examine and report on the gender-specific health effects of COVID-19, both direct and indirect as well as on the gender-specific human rights impacts of COVID-19 and utilize this data in the formulation of responses.²³⁹

On future policies

- SP advises that States could impose a one-off wealth tax but they should also undertake a more ambitious reform programme.²⁴⁰
- SP advises States that this is the right time to seriously engage in structural reforms for redistributive justice including progressive taxation reforms, where millionaires and billionaires and large corporate conglomerates are requested to contribute to the society in a proportional measure to their fortunes.²⁴¹
- SP advises States to invest in nutrition, housing, education sectors and local small-scale environmentally sustainable farming and agricultural production.²⁴²
- SP advises that so-called 'cost-saving' policies, implemented in many countries, must be reversed urgently so that States are able to meet the human rights and fiscal challenges posed by the COVID-19 crisis.²⁴³
- SP advises that Governments and international actors should start, as soon as possible, gathering adequate data on the impact of the COVID-19 crisis, the expert said. Data should be disaggregated at least by gender, age, disability, income, race and ethnicity. The collection of that data should be based on the principles of participation, informed consent and self-identification.²⁴⁴
- SR notes that “[t]his pandemic has exposed the bankruptcy of social support systems in many countries. While some governments have embraced far-ranging measures previously dismissed as unrealistic, most programs have been short-term, stop-gap measures that merely buy time rather than address the immense challenges that will continue well into the future. Now is the time for deep structural reforms that will protect populations as a whole and will build resilience in the face of an uncertain future.”²⁴⁵
- SPs herald “States for recognizing the urgency of this moment, and for seeking to ensure the basic needs of citizens, but also calls on Member States to recognize the equal urgency in ordinary times.

²³⁸ Press release of 20 April 2020

²³⁹ Press release of 20 April 2020

²⁴⁰ Press release (2) of 15 April 2020

²⁴¹ Press release (2) of 15 April 2020

²⁴² Press release (2) of 15 April 2020

²⁴³ Press release of 20 March 2020

²⁴⁴ Press release (2) of 9 April 2020

²⁴⁵ Press release of 1 April 2020

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It is the obligation of the state, as duty bearers, to ensure access to education, housing, internet, educational and health tools, and basic necessities required to guarantee human rights at all times, and for all citizens. This pandemic offers a stark counterpoint to claims that no resources exist to guarantee equal access to education or health, and key resources like internet and computers in many states. In this regard, the pandemic does not present merely a new crisis, but complicates ongoing crises in communities of African descent globally.”²⁴⁶

On international cooperation

- SP calls for an immediate moratorium on sovereign debt repayment for the poorest and debt-distressed countries. “Debt restructuring and reliefs should be adopted by all creditors in order to ensure not only financial but also health and social sustainability of the debts. The case for *state of necessity* has never been so strong.”²⁴⁷
- SP notes that international solidarity is needed more than ever. Financial limitations are sharply constraining civil society’s ability to contribute to the response to the COVID-19 crisis. Even prior to the crisis, civil society’s access to funding was limited by laws restricting cross-border support. States should repeal laws that unduly constrict civil society’s ability to access funding, including international funding in particular. Where possible, moreover, states should provide both financial and other forms of support to civil society organizations and should recognize the key role many civil society organizations play in ensuring public health broadly.²⁴⁸
- SP recommends that States where the need is greatest, in particular least developed countries, small island developing States, landlocked developing countries and countries affected by sanctions, receive targeted international support to put in place participatory processes.²⁴⁹
- SP recommends that States ensure that countries with fewer resources have the necessary protective equipment for all their health care providers.²⁵⁰
- SP advises that States must scale up humanitarian assistance to internally displaced persons and protect humanitarian workers and welcomes the adoption of the Global Humanitarian Response Plan COVID-19 and appeal for its wide support by the international community, including among the G20.²⁵¹
- SR notes that “COVID-19 has also exposed dramatic inequalities among countries. While some States see the curve flattening, the coronavirus is poised to wreak havoc in poorer countries. Wealthy States should direct support to governments that need it, suspend or cancel foreign debt, and stop monopolising medical equipment and coronavirus tests. The assault on the World Health Organization, at a time when multilateral cooperation is crucial, is as unjustified as it is unconscionable, and is totally self-defeating.”²⁵²

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²⁴⁶ Press release of 6 April 2020

²⁴⁷ Press release (2) of 15 April 2020

²⁴⁸ Press release of 14 April 2020

²⁴⁹ Press release (2) of 9 April 2020

²⁵⁰ Press release (3) of 27 March 2020

²⁵¹ Press release of 1 April 2020

²⁵² Press release of 1 April 2020