**United Nations Special Rapporteur on the Right to Development’s Thematic Report on COVID-19 Recovery Plans and Policies from a Right to Development Perspective**

**Written submission by the Asia Pacific Forum on Women, Law and Development (APWLD)[[1]](#footnote-0)**

**Background**

COVID-19 has brought upon an unprecedented wealth inequality. The world’s ten richest men have more than doubled their wealth during the pandemic, while the incomes of 99 percent of the world’s population have fallen and more than 160 million people are pushed into poverty.[[2]](#footnote-1) Governments have failed to tax the rich and have continued to privatise public goods and services, including public healthcare and scientific research. Inequality between countries is expected to rise for the first time in a generation.[[3]](#footnote-2) As a result of the pandemic, public debt increased in almost 108 developing countries where 32 of them have allocated almost 20 percent of their GDP in debt servicing in 2020.[[4]](#footnote-3) With heightened borrowing to address the pandemic, many Asia and the Pacific countries are now facing high interest rates from international financial institutions, major economic conditions and decreasing safety nets. This is on top of the pre-pandemic international trade structures and drive for foreign direct investments, and trade rules such as Investor State Dispute Settlement which have further pushed many Asia and the Pacific countries into poverty and debt. This widens the vulnerability of developing countries in Asia and the Pacific, and prevents them to provide better social and public services for their peoples, particularly to women and girls who already lack access to these services and face systematic discrimination. Developing countries facing increasing debt distress have been forced to significantly reduce social spending and now face the prospect of austerity measures.

There is no denying that women in Asia and the Pacific have been disproportionately affected by the COVID-19 pandemic.[[5]](#footnote-4) Lockdowns and stay-at-home regulations increased women’s unpaid care work, including the home-based education of children, often at the expense of their own mental and physical well-being and risked the loss of jobs.[[6]](#footnote-5) A marked increase was documented in gender-based violence in a number of countries in Asia and the Pacific regions during the COVID-19 pandemic.[[7]](#footnote-6) Women working in informal sectors and rural women were hit hardest by the economic downturn brought about by the pandemic.[[8]](#footnote-7) The pandemic also exacerbated pre-existing structural barriers to adequate healthcare, including sexual and reproductive healthcare. Large-scale income loss combined with precarious social protection systems paved the way for severe economic hardships, asset losses, food insecurity, hunger and rising poverty, all of which are affecting women indiscriminately.

COVID-19 pandemic has once again brought attention to the inadequacy of neoliberal economic policies to protect human rights, including the adverse impact of privatisation and inadequate funding for public health and social protection which pushed millions into extreme social and economic hardships and rights violations.[[9]](#footnote-8)

Rather than addressing the urgent needs for food, livelihoods and public services, including healthcare, by women and their communities, several Member States in the region resorted to militaristic responses to curtail collective action to hold governments accountable to their human rights obligations. For instance, an Anti-Terror Law was speedily passed in the Philippines, while human rights defenders were put into detention in Bangladesh for criticising government’s failure to provide adequate healthcare and social protection to its citizens.[[10]](#footnote-9)

Asia Pacific Forum on Women, Law and Development (APWLD) is making the written submission to the UN Special Rapporteur on the Right to Development for the mandate’s upcoming thematic report on COVID-19 recovery plans and policies. In line with [APWLD’s submission to the mandate of the Special Rapporteur on the right to development in 2018](https://apwld.org/new-resources-promoting-and-fulfilling-the-right-to-development/), our written submission draws analysis from our Development Justice framework and from APWLD and its members’ documentation and feminist research on the impact of COVID-19 crises to women’s human rights. The submission proceeds in two sections: first section provides an overview of COVID-19 recovery plans and policies from the Development Justice framework while the second section offers APWLD’s recommendations for the road to recovery based on the principles of human rights and Development Justice.

**Overview of Asia and the Pacific Member States’ Response to COVID-19**

1. **National-level Economic Measures for COVID-19 Recovery**

Countries in Asia and the Pacific region have implemented fiscal and monetary measures to contain COVID-19 and to ease shock to jobs and minimum living standards. Some notable fiscal measures and stimulus package can be seen in several countries in the region, among others:

* **Mongolia:** (i) significantly increased universal child allowance which accounted to nearly 80 percent of the social protection of the COVID-19 fiscal stimulus, (ii) Implement a comprehensive set of fiscal measures to protect vulnerable households and small business (1.79 billion USD, equivalent to 13.7 percent of GDP in 2019), (iii) provided monthly food stamps for poor household, (iv) suspension of utilities fee with Government of Mongolia covered the payment for electricity, heat, water and waste bill for one whole year (December 2020 to December 2021)
* **Indonesia:** The Government of Indonesia announced a total State Stimulus Package in handling COVID-19 outbreak worth IDR 744.28 trillion (USD 52.26 billion). Most of the fiscal measures went to the Social Protection initiatives (IDR 243.33 trillion) to support middle to lower class society through staple food cards, pre-employment cards, and cash social assistance. The budget for the pre-employment card program will be raised to IDR 20 trillion from the initial IDR 10 trillion, which will be sufficient to cover 5.6 million laid-off workers, informal workers and micro and small business owners. The budget will also be used to provide free electricity for some 31 million customers, support for low-cost housing (IDR 1.5 trillion to cover financing for 175,000 new homes under subsidised housing program), and basic logistical support and basic needs (IDR 25 trillion). Government of Indonesia also provided notable allocation for the healthcare sector (IDR 97.26 trillion), which is allocated for funding the procurement of COVID-19 vaccine, purchase of medical equipment such as test kits and ventilators, incentives for medical workers, and the subsidy of the Social Security Agency (BPJS Kesehatan) premium.[[11]](#footnote-10)
* **Nepal:** The Nepalese government allocated 2.3 percent of Gross Domestic Product (GDP) to cover the expenditures of its COVID-19 response package in 2020. The government programme included a temporary increase in healthcare expenditures (1.3 percent of GDP), two months of food rations for the most vulnerable people (0.5 percent of GDP) and income support for those who had lost formal sector employment (0.2 percent of GDP). However, given the unlimited fiscal capacities of the country, most of the resources to finance the COVID-19 support package were obtained from cuts (amounting to 1.7 percent of GDP) in other areas of the public budget.[[12]](#footnote-11)
* **Bangladesh:** The government announced an emergency response programme worth a mere 1 percent of Gross Domestic Product (GDP) at the onset of the pandemic, compared to other developing countries in the region that spent on average 2.2 percent of GDP in emergency responses to the pandemic. Measures adopted in Bangladesh included additional support for the healthcare sector, direct cash relief transfers for vulnerable populations, subsidies for agricultural activities and wage support for workers in industries hit hardest by the pandemic.[[13]](#footnote-12)
* **Japan:** The government of Japan adopted several fiscal measures to finance its COVID-19 response package in 2020 alone.
  + The Emergency Economic Package Against COVID-19 of ¥117.1 trillion (20.9 percent of 2019 GDP), adopted in April 2020, aimed to support measures against The package aims at five objectives, including to: (i) develop preventive measures against the spread of infection and strengthen treatment capacity (ii) protect employment and businesses (iii) regain economic activities after containment (iv) rebuild a resilient economic structure and (v) enhance readiness for the future.
  + In May 2020, the Government of Japan announced the second FY2020 draft supplementary budget (passed on June 12). The package, worth ¥117.1 trillion (20.9 percent of 2019 GDP), covers (i) health-related measures, (ii) support to businesses, (iii) support to households, (iv) transfers to the local governments, and (v) raising the ceiling of the COVID-19 reserve fund. The specific measures include expansion of the work subsidies, provision of subordinated loans by the public financial institutions to affected firms, and subsidies to affected firms for their rent payments.
  + In December 2020, the Government of Japan adopted the Comprehensive Economic Measures to Secure People's Lives and Livelihoods toward Relief and Hope. The package, worth ¥73.6 trillion (13.1 percent of 2019 GDP), covers measures to: (i) contain COVID-19, (ii) promote structural change and positive economic cycles for Post-Corona era, and (iii) secure safety and relief with respect to disaster management, together with allocation of the COVID-19 Reserve Fund. The specific measures include incentives for firms to invest in digitalization and green technologies, as well as an extension of the ongoing COVID-19 responses such as concessional loans to affected firms.[[14]](#footnote-13)

As can be seen in some of the examples above, the composition of fiscal policy packages varies widely across countries and that their capacities to respond to COVID 19 is unequal and exacerbates inequalities between countries.[[15]](#footnote-14) The capacity of high-income countries to deploy levels of financial resources unavailable in other countries has generated a major “fiscal stimulus gap” which has in turn shaped the uneven trajectory of the recovery process.[[16]](#footnote-15) The government response in low incomes countries like Bangladesh and Nepal has lagged behind the severity of the situation.

Some of the systemic challenges that hinder an adequate and more equitable fiscal policy stimulus to protect the needs of their populations and for COVID-19 recovery are the following:

* 1. **Weak fiscal capacity resulted in weak fiscal response during COVID-19[[17]](#footnote-16)**

Asia and the Pacific regions announced fiscal packages of an estimated 7 per cent of their GDPs in earlier months of 2020 in response to COVID-19.[[18]](#footnote-17) However, across the countries in the region, the size and composition of fiscal packages varied significantly. Poorer developing countries like Lao PDR, Cambodia, Myanmar/Burma, Vietnam, Pakistan, Nepal and Sri Lanka announced fiscal packages of less than 2 percent of their GDPs.[[19]](#footnote-18) Similar trends were noticed in the Pacific islands. Further, countries with smaller fiscal packages focused their spendings on health related measures, leaving little fiscal space to provide livelihoods and social protection to communities most adversely affected by COVID-19. A strong correlation could be seen between the fiscal capacities of developing countries and the ratio of their public debt to GDP for the developing countries in the region.[[20]](#footnote-19)

The economic crisis brought upon by COVID-19 combined with the existing debt distress has reduced governments’ fiscal capacities significantly. Domestic fiscal revenues are projected to decline by 2 percent of GDP in low-income countries in Asia and the Pacific regions.[[21]](#footnote-20) In this context, several governments are introducing cuts in public sector expenditures. For example, according to Eurodad, the Government of Nepal allocated 2.3 per cent of its GDP, equivalent to USD 740 million, to finance its COVID-19 response package in 2020. However, given the insufficient multilateral support provided to the country and the limited fiscal capacities of the government, most of these resources were taken from other areas of the public budget in which cuts amounted to 1.7 percent of GDP in 2020, equivalent to USD 547 million.[[22]](#footnote-21) These policy moves are likely to become permanent to off-set the domestic revenue loss. This will have an adverse impact on public sectors and will weaken the public services at a time when they are needed the most.

Further, to respond to the financial crisis brought on by COVID-19, many developing countries, facing restricted domestic financing resources and capacities and insufficient multilateral financial support, have resorted to taking on increasing levels of debt from private lenders and non-Paris Club members.[[23]](#footnote-22) Despite historically low global interest rates, these loans have come with high borrowing costs for developing countries. The UN has raised the alarm about the COVID-19 pandemic turning into a protracted debt crisis for developing countries. Debt risk has been rising for a decade, and public debt in emerging markets has surged to levels not seen in 50 years. According to UNCTAD in 2020 and 2021, developing countries’ repayments on their public external debt alone will rise to between USD 2.6 trillion and USD 3.4 trillion.[[24]](#footnote-23) In GDP terms, average debt ratios for 2021 are projected to rise by 10 percent of GDP in emerging market economies, and about 7 per cent of GDP in low-income countries.[[25]](#footnote-24)

Public debt levels in Nepal, for example, are set to increase from 30.1 to 43.8 percent of GDP between 2019 and 2023. In absolute terms, this represents an increase of USD 7.2 billion. Heavier debt burden is set to further limit the capacity of the Nepalese government to respond to the needs of its population. As a result of the significant increase in the volume of public debt, the share of government finances devoted to debt service will increase from 24.4 percent in 2019 to 28.5 percent in 2022. This will place further constraints on the government's fiscal capacity to invest in public healthcare and social protection services.

Similar trends are being projected for other low-income countries in the region, including Myanmar/Burma and Bangladesh.[[26]](#footnote-25),[[27]](#footnote-26) These countries are projected to have higher debt service payments each year between 2023 and 2030. The additional amounts in their debt service payments are projected to be higher than their average COVID-19 response package each year until 2030.[[28]](#footnote-27) The massive increment in debt service payments will have a direct effect on these governments’ fiscal capacities to invest in public sectors, including healthcare.

While IFIs and MDBs have responded swiftly to provide emergency reliefs to developing countries, multilateral support was predominantly in the forms of loans, with debt relief and supporting grants accounting for less than 4 percent of total support. Moreover, Asia-Pacific least developed countries need to pay USD 4.1 billion in debt servicing to the same MDBs and IFIs in 2021-2022, leaving little to no net inflows.[[29]](#footnote-28)

A report on the analysis of External Debt Sustainability in Mongolia states that under the assumed pandemic scenario, Mongolian external debt will increase by 30% from its steady-state over the next 10–28 quarters. Therefore, the country needs to pay greater attention to external debt sustainability for the next several years. Between 2022 and 2024 the Government of Mongolia and other banks are scheduled to make payments for the bonds issued on international markets. It is also calculated that a total of USD 14.5 billion of debt repayment will be made in the next four years. As a response to the pandemic, World Bank and Asian Development Bank (ADB) gave COVID-19 Response Fund in the form of loans. These measures will further push Mongolia’s debt into an unsustainable territory due to the country’s increasing burden of public external debt and more waves of austerity measures coming in.[[30]](#footnote-29)

Stronger international and multilateral assistance together with regional and global dialogue and actions for more targeted debt relief are essential for the sustainable recovery of countries severely affected by COVID-19*.*[[31]](#footnote-30)

* 1. **Austerity measures amid loss of livelihoods & healthcare crises**

To respond to the economic impact of COVID-19, several governments in Asia and the Pacific region have resorted to adopting austerity measures, on the advice of the International Monetary Fund (IMF).[[32]](#footnote-31) Country level agreements with the IMF persistently use the same neoliberal policies as in the past. For example, the new agreement with several governments in the Global South insists on a reduction in the government’s primary budget deficit by as much as 5 percent of GDP until 2025. The most commonly proposed austerity measures in the IMF loans include wage bill cuts and freezes (31 countries), increases to or the introduction of value-added tax (VAT) (14 countries), and general public expenditure cuts (55 countries).[[33]](#footnote-32) The burden of austerity measures are experienced by all members of the society, but the most severe outcomes are experienced by women and other marginalised groups who are already at an economic disadvantage. Macroeconomic policies such as austerity measures will deepen existing economic insecurity and vulnerabilities of women, particularly the most marginalised such as rural, indigenous, migrant and urban poor women. The Independent Expert on the effects of foreign debt and other related international financial obligations of States warned in 2020 that, learning from the 2008 economic crisis, “austerity cannot be an option.” The Bachelet Report and reports by the Special Rapporteur on extreme poverty and human rights emphasise the role of social protection in cushioning the impact of the economic crisis, particularly for women.[[34]](#footnote-33) Austerity measures will pose enormous challenges to addressing peoples’ needs in relation to healthcare, water and sanitation, social protection, jobs, and housing and will violate their fundamental economic and social rights.[[35]](#footnote-34)

* 1. **Continuation of neoliberal policies and prioritisation of military budgets over healthcare expenditures**

Government spending on public health in many countries in the region has failed to match growth, let alone increase to the level required to meet its obligations to deliver universal quality public health. The COVID-19 pandemic laid bare the utter inadequacy of public health systems to respond to a public health crisis in almost all countries in Asia and the Pacific region. The weakend public healthcare systems in many countries in the region are a result of decades of neglect as well as limited public spending on public healthcare and increased privatisation of health care at the behest of global financial institutions like IMF and the World Bank and free trade agreements (FTAs). Reduction in social spending, privatisation of previously state-owned sectors and liberalisation of trade and financial markets have been advocated for by these institutions for decades under the Washington Consensus to increase economic growth and domestic revenue to pay off external debts.[[36]](#footnote-35) Sharp cuts in public spending on healthcare and increased privatisation of healthcare has led to very weak public healthcare systems with limited capacities to provide large-scale coverage under normal circumstances and even less so during a pandemic.[[37]](#footnote-36) In fact, studies found a positive correlation between out-of-pocket health expenditure and rise in the rates of COVID-19 prevalence and mortality. These findings are in line with earlier studies that illustrated the inadequacy of private healthcare systems to address infectious diseases. Some researchers have argued that publicly funded and managed health systems are the most effective and efficient when it comes to managing infectious diseases like COVID-19 at the national level. [[38]](#footnote-37) However, international financial institutions (IFIs) that have promoted privatisation are doubling down on their failed model and using the crisis to expand private health. The World Bank, for example, uses the existing public health limitations to justify further funding of privatisation in several countries in the region, including India.

At the same time, several countries in the region have prioritised military and defence spending over public spending on health and social protection. In India, for example, a rise in the military budgets has been documented for 2021-22.[[39]](#footnote-38)

1. **A pandemic of declining civil liberties, human rights and democracy**

COVID-19 has fuelled the breakdown of democratic institutions across many countries in Asia and the Pacific regions, with the lack of autonomy and thwarting of bodies such as the parliament, election commission, investigative bodies, human rights commissions, judiciary and so on. In the guise of virus control and prevention, governments have resorted to abuse of power, silencing of their critics, restricting media freedom, and weakening of important accountability mechanisms.[[40]](#footnote-39)

In India, there is the widespread use of disinformation campaigns where the distinction between facts and fiction is lost. Part of the disinformation strategy is the suppression and fudging of data, for instance with the suppression of data on COVID-19, but also on measuring growth rates, jobs and so on. Further, communication blackouts have become the playbook for every agitation in India, and the government has sought the restriction of social media when they are critical of the government. There is also an increased use of surveillance, both online and offline, to thwart dissent.[[41]](#footnote-40)

Sri Lanka witnessed shuttering down of any media reports that deviated from the official message on the pandemic. Elections were postponed as the pandemic got worse, resulting in an absent legislature beyond the constitutional deadline, stalling accountability of the prime minister.[[42]](#footnote-41)

In Malaysia, increased political instability due to a sudden change of government in the previous year, and the declaration of emergency due to COVID-19 prevented the convening of legislative processes (parliament and state assemblies). The government also brought in laws by proclamation, and they used new emergency powers to increase jail time for spreading ‘fake news’ about the coronavirus pandemic or the emergency itself.[[43]](#footnote-42)

In the Philippines, the criminalisation of activists, disinformation, and the repression of journalists were documented. The government also used the pandemic to heighten ‘red-tagging’ and crackdown on activists.[[44]](#footnote-43)

In China, increased surveillance and use of invasive technologies was introduced in the guise of tracking virus infections. The government also cracked down on individuals and entities that shared information contradicting the official messages.[[45]](#footnote-44)

Alarming events took place in Myanmar/Burma where in February 2021 a military-led coup overturned the general election results, unlawfully detained democratically elected officials of Burma, and began a violent crackdown against peaceful protestors and those boycotting the government. There were massive disappearances, bodies were not released to families, and there was desecration of bodies.[[46]](#footnote-45) There was also a total shutdown of the internet, and all means of communications, as well as electricity black outs. There were mass arrests and detentions.

It will be difficult to reverse the authoritarian and militaristic laws and policies introduced during the pandemic, and therefore women’s organising and democratic accountability will be challenging across the region after the health crisis recedes.

**Grassroots Women’s Recommendations for COVID-19 Recovery Plans: Building Back Differently, Justly and Sustainably Using Development Justice**

Development Justice is a transformative development framework that aims to reduce inequalities of wealth within and across countries, and to ensure that the most marginalised benefit from development and become active agents of change. The Development Justice framework builds upon the Rio Principles (1992) and other international agreements in the area of development and human rights, including the Programme of Action of the International Conference on Population and Development (1994) and the Beijing Declaration and Platform for Action (1995), among others. Further, this framework reiterates the principles of common but differentiated responsibility and respective capacities and the right to development. It embraces a holistic rights-based approach and is grounded in international human rights obligations and people’s sovereignty and autonomy. It seeks to ensure the principles of universal and indivisible human rights, equality, equity, non-discrimination, inclusive participation and decision-making, and non-retrogression.[[47]](#footnote-46)

The current framework of “Building Back Better” fails to address the major systemic issues laid bare by the COVID-19 crises. Instead, it promotes multistakeholderism and a partnership framework that provides a more enabling environment for the private sector and the international financial institutions to have control over public goods and services. A feminist recovery for Development Justice is critical to address the COVID-19 crisis. Feminist and women human rights group have long demanded a post-COVID19 recovery that centers the wellbeing, health and safety of the peoples in an intersectional manner, that aims toward just and equitable transition for an equal healthy planet, guided by international solidarity, multilateralism and strengthened democratic rights, while promoting a comprehensive paradigm shift and adequate and equitable financing.

We lay out following recommendations to build Back Differently, Justly and Sustainably, and urge Member States to adopt these measures on an urgent basis as part of their COVID-19 recovery plans:

1. **Progressive Financing for Development**

**Enact progressive tax policies to increase fiscal space for low and middle-income countries:**

1. Enact and implement progressive and transparent tax policies including country-by-country reporting for multinational companies and elimination of tax havens.
2. End over-reliance on “indirect” taxes like sales tax and VAT, which tend to take a bigger bite out of the income of poorer people.
3. Challenge regressive tax policies and increase rates of “direct” taxes on the incomes of high earners and the most profitable businesses. Introduce or increase taxes on property, wealth, and other assets.
4. Create a global tax body capable of ensuring corporations are taxed as single entities with those taxes distributed fairly across countries.
5. Lift the constraints on the ability of governments to manage their own common wealth and end the Washington Consensus.
6. Develop and implement a more democratic and participatory approach to state budgeting processes, such as participatory gender budgeting.

**Undertake women’s human rights assessment of economic stimulus packages issued by IMFs and MDBs**

1. Establish independent mechanisms to systematically undertake gendered and human rights assessments of loan conditions or macroeconomic policy advice of global policy institutions like IMF and the World Bank.
2. Increase the influence of women over international financial institutions through negotiation and raise awareness on women’s human rights so they could use them in negotiating trade agreements with a conscious concern.

### **Cancel sovereign debt payments and provide financing that does not create debt to developing countries**

1. Permanently cancel all principal, interest and charges on sovereign external debt due in 2020 and it should not accrue into the future. Cancelling debt payments is the fastest way to keep money in debtor countries and free up resources to tackle the urgent health, social and economic crises resulting from the COVID-19 pandemic.
2. The parliaments need to assess the trade and international financial agreements that are at country level in a step-by-step method before commitment. Feminist organisations and marginalised groups should be consulted during the negotiations on trade and social safety net.

### **Suspend patents and lift trade rules that impede access to medicines and medical technologies and that limit government actions required to address large-scale health crisis**

1. Put a waiver on the Trade Related Aspects of Intellectual Property Agreement (TRIPS) of the WTO on all medicines, medical devices and other medical products that will allow the suspension of future and current patents on all such products. In the meantime governments must fully use the TRIPS flexibilities such as compulsory licensing, including unfettered rights to import those medical necessities made under compulsory licence in other countries. Unilateral measures that prevent countries from obtaining essential medical equipment and medicines must end immediately.
2. Suspend trade rules that impose corporations' interests through ISDS, which undermine the regulatory capacity of the states to protect public interest and public health as well as prohibit nationalisation or expropriation of public services or of private facilities for production.

**B. Strengthen Public Services and Social Protection**

### **Provide universal, free access to health care and services**

1. Provide basic universal healthcare to all by expanding public spending on health, including allocation of a greater share of the public budget for the health sector.
2. Review health financing policies periodically to ensure that the needs of vulnerable groups, especially women and girls, are not left out.

**Ensure social protection for all marginalised peoples**

1. “Introduce economic support packages for vulnerable women and measures to confront women’s increasing time and income poverty. This includes efforts to recognise, reduce and redistribute the increased burden of unpaid care and domestic work.”[[48]](#footnote-47)
2. Migrants, immigrants and refugees, including undocumented migrants and those who are in detention, should be included in the comprehensive policy responses of governments to the pandemic – from health responses to economic relief packages.

**Decent work and livelihoods**

1. Employers should be made to keep paying workers where possible and governments must provide wage subsidies directly to workers who can no longer earn a decent living as a result of pandemic induced economic fallout
2. Workers must be guaranteed just living wages, leave entitlements and universal social protection.
3. Ensure a universal implementation of a living wage as a floor wage to fulfil governments’ obligations to ensure decent work for all under Goal 8 of the SDGs and in line with the International Labour Organisation Conventions and Recommendations and to address economic inequality.[[49]](#footnote-48)

**C. Accountability and Participatory Democracy**

#### Ensure that freedom of expression and independence of media is not compromised and that people have access to fact-based information. Provide support for media—including financial assistance and technical support – to make sure independent media can thrive.

#### All countries need to establish both decision making and oversight committees. Decision making should be guided by public health experts, multi-party parliamentary representatives, representatives of different levels of government and public administration, including local governments, independent human rights commissions where they exist, trade unions and civil society.

1. Emergency restrictions should be clearly communicated, enacted in a transparent manner, well grounded in law and evidence, necessary to serve a legitimate purpose, and proportionate to the threat.[[50]](#footnote-49)
2. Emergency restrictions affecting basic rights, including freedoms of assembly, association, or internal movement, should be limited in duration, subject to independent oversight, and imposed and extended based only on transparent criteria.[[51]](#footnote-50)
3. Individuals should have the opportunity to seek remedies and compensation for any unnecessary or disproportionate rights violations committed during the emergency restrictions.[[52]](#footnote-51)
4. Free and prior informed consent must be respected and must explicitly involve transparency on data collection and usage. Civil societies should be involved in the establishment of national legislation and policymaking on data collection, management and usage.

1. APWLD is Asia Pacific’s leading feminist, membership driven network. Our 236 members

   represent organisations and groups of diverse women from 27 countries in the region. We use

   capacity development, research, advocacy and activism to claim and strengthen women’s human

   Rights. For questions about the submission, please reach out to Samreen Shahbaz (samreen@apwld.org) [↑](#footnote-ref-0)
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