

United Nations Human Rights Council
Virtual informal conversation with the UN High Commissioner for Human Rights
09 April 2020

JOINT NGO STATEMENT ON CIVIL AND POLITICAL RIGHTS

As States are undertaking extraordinary measures to curb the spread of COVID-19, we recognize the good faith efforts of many States to effectively protect the right to life, right to health, and other human rights and well-being of their populations, and curb the spread of COVID 19. However, we urge States to implement these measures in the context of the rule of law and legal protection of human rights: all responses to COVID-19 must be evidence-based, legal, necessary to protect public health, non-discriminatory, time-bound and proportionate.

All responses to COVID-19 must be deeply rooted in the cross-cutting principles of respect of human dignity, independence and autonomy of the person, non-discrimination and equality, respect of diversities and inclusion. Any response must comply with international standards on emergency legislation and be firmly grounded on the respect for the rule of law and human rights. Extraordinary measures are legitimate only under exceptional circumstances in so far as they aim at responding to an immediate threat to public health and only to the extent necessary and proportionate to counter such threat.

To date, there are more than 1,400,000 [confirmed](#) cases of COVID-19 around the world. The next few weeks are crucial as measures put in place by States will determine the course of the pandemic. Resources will come under severe strain and there may be more shortages of personnel and protective equipment which will put States and entire populations under immense pressure. More cases may be reported by some countries which will lead to stricter measures being implemented. However, despite the challenges faced by governments across the globe, any responses to the pandemic that are merely a pretext to restrict civic space, or do so to an extent that is not necessary or proportionate to the specific threats to public health posed by the COVID-19 outbreak, are incompatible with international human rights law.

We are particularly concerned by States abusively resorting to **emergency powers and undue restrictions on fundamental rights**, including freedom of expression and right to access information. Across the globe, journalists, defenders and other independent or critical voices are threatened and punished for speaking out about the extent of the situation in their countries or the measures adopted in response to the pandemic including in **Tajikistan, Niger, Egypt, [Thailand](#), Saudi Arabia, El Salvador, Bangladesh and China.**

Governments are adopting legislative measures curtailing fundamental freedoms including in [Hungary](#), **Armenia**, **Azerbaijan**, and **the Philippines**. Some governments are abusing their powers to suppress peaceful assemblies including in **Hong Kong**.

Some governments including **India**, **Myanmar**, and **Bangladesh**, have enforced **Internet restrictions and shutdowns** which prevent many people from accessing vital information about how to protect themselves against the virus. These restrictions also negatively impact the growing number of people who are working remotely so that they can practice physical separation.

Access to **information** is critical in efforts to curb the spread of COVID-19. Governments must share key information about the pandemic, such as important decisions, the number of cases geographically disaggregated, availability of equipment and supplies, clear advice and other important information should be proactively made available as soon as it is available. The information should be widely available to all persons, and not just selected government officials or other intermediaries as is the case for instance in **Uzbekistan**. In this way ensuring that individuals, communities and health workers can behave in response to accurate information.

Among the most **vulnerable** communities are those with high levels of congestion, and without access to basic hygiene facilities, such as safe water and proper sanitation, as it is the case in prisons, refugee camps and other detention centres. People there may not have access to the internet which makes it difficult for them to get current information on how to protect themselves against the virus.

Migrants in detention centers including in **Mexico** and **Greece** are living in dire conditions without access to adequate hygiene facilities and the impossibility to practice physical distancing due to overcrowding. All asylum seekers who arrived in Greece since 1 March 2020 are systematically denied access to asylum. We commend States such as **Portugal** which have temporarily regularised asylum seekers with pending applications to ensure that they have access to healthcare, including preventive healthcare, and social security on equal grounds with the rest of the population.

Women and children who experience or are at risk of domestic violence may be forced to remain in dangerous situations with an abusive partner or relative. At the same time, access to support services and places of safety may be reduced as shelters are impacted by public health measures and criminal justice resources are diverted.

We are concerned by governments confining persons with **disabilities** within institutions in several countries including [France](#), in a manner that violates the rights of persons with

disabilities enshrined in the UN Convention on the Rights of Persons with Disabilities and further constitutes an increased threat for persons with disabilities to contract COVID-19.

We are concerned by the disruption of national protection mechanisms for human rights defenders including in **Colombia** and by attempts to weaken norms to protect uncontacted indigenous groups and evict them from their territories in **Brazil**.

We are concerned by governments that have imposed restrictions which have led to human rights violations against **LGBT+** persons, including in **Peru, Uganda, and Colombia**. Governments need to ensure that their policies are inclusive and that all public officials are trained on LGBT+ rights.

Several countries have released **prisoners** as part of their response to curb the spread of the pandemic. These actions are commendable as detention facilities and prisons are high risk areas. We urge countries including **Egypt, Bahrain, Kuwait, Iran, Israel, Libya, Morocco, Syria, Turkey, India, and the UAE** to include human rights defenders, peaceful protesters and prisoners of conscience among those being released -- they should not have been detained in the first place.

We are further concerned by the expanding state practice worldwide to monitor and closely control people's movements, even at the cost of their **privacy**. Efforts to contain the virus must not be used as a cover to usher in a new era of greatly expanded systems of invasive digital surveillance. **Israel** and **Taiwan** are notable examples of how technological surveillance is being used in this context and how disproportionate the impact of such measures may be when they are not strictly defined and limited.

The unprecedented challenges presented by COVID-19 present an opportunity for States and civil society organisations to work together to defeat the virus.

We urge States to ensure transparency and accountability as there are risks that without strong oversight and transparency, the measures being taken will be less effective. In particular, we urge States to:

1. Ensure all measures adopted in relation to the COVID-19 pandemic fully take into account and **comply with States' international human rights obligations**, and that any associated restrictions on human rights are necessary, proportionate, inclusive, time-limited and meet all other requirements under international human rights law, and maintain regular contact with [civil society](#) including in assessing compliance of such measures with international standards.

2. Ensure that COVID-19 is not used as a pretext for imposing unjustified restrictions on **civil society**, targeting of human rights defenders and journalists, unjustified curbs on fundamental rights and freedoms, and authoritarian power grabs.
3. Ensure the COVID-19 pandemic is not used as an excuse to impose forced returns or refoulement in violation of international human rights law; or as a pretext to suspend or derogate from the fundamental right to seek **asylum**.
4. Ensure that is the independent **judiciary** itself, and not other branches of government, who decide on any measures limiting access to or operations of the courts of law, and ensure that independent courts remain able to evaluate and if necessary nullify any unlawful imposition or unjustified extension of emergency measures, or the unlawful curtailment of the rule of law and existing human rights.
5. Ensure that **judiciaries** and other relevant state authorities give particular consideration to **urgent cases**, where delay is most likely to cause irreparable harm, or where protective measures are required for persons deprived of liberty, migrants including asylum-seekers and refugees as well as internal migrants, women and children, LGBT+ community, older persons, persons with disabilities, religious minorities and other vulnerable groups who do or may face increased risks of violence, abuse or neglect, whether as a result of general confinement measures, or who would otherwise be at greater risk if access to protective measures were suspended, denied or limited.
6. Ease the pressure on the prison system and lower the risk to the health of the **prison** population, and the population more broadly, by releasing detainees and in particular immediately and unconditionally releasing all human rights defenders and prisoners of conscience who were imprisoned for their human rights activities, or for expressing critical views
7. Pay special attention to traditionally **marginalized or vulnerable groups** and ensure access to appropriate support, resources and protection mechanisms including regarding any issues of stigmatization, exclusion, violence, hatred, labelling and the targeting of victims of COVID-19.
8. Ensure that no one is left behind in the national policies and strategies to deal with the COVID-19 pandemic and that such policies and strategies are inclusive and effectively protect against **discrimination** on any ground such as race, colour, sex, disability language, religion, caste or descent, political or other opinion, national or social origin, property, birth or other status. Communication and information should be delivered in accessible formats, while making sure that all measures taken do not perpetuate any form of disability-based discrimination and consider persons with disabilities on an equal basis with others.

9. Apply a **gender** perspective in all policies relating to the prevention, combat of, and recovery from the COVID-19 pandemic.
10. Maintain reliable and unfettered access to the **internet** so that all have the right to access and share information. End all unjustified interference with internet connectivity.
11. Protect the role of independent **media** news and public interest journalism. Ensure that measures to contain the virus, as well as the fight against disinformation, are not used as a pretext to muzzle the media or implement regressive regulations against media freedoms.
12. Ensure any use of **surveillance** to track the spread of coronavirus is limited in purpose and time, abides by strict and explicit human rights safeguards consistent with international human rights standards guaranteeing the rights to free expression and privacy, among others, as well as, non-discrimination, confidentiality and protection of journalistic sources, and other norms and principles.

Endorsed by:

1. Al Mezan Centre for Human Rights
2. Al-Haq, Law in the Service of Man
3. Americans for Democracy & Human Rights in Bahrain
4. Amnesty International
5. Asian Forum for Human Rights and Development (FORUM-ASIA)
6. Asian Legal Resource Centre (ALRC)
7. Cairo Institute for Human Rights Studies (CIHRS)
8. Center for Reproductive Rights
9. Centre for Civil and Political Rights
10. CIVICUS: World Alliance for Citizen Participation
11. Committee to Protect Journalists
12. Commonwealth Human Rights Initiative (CHRI)
13. Conectas Direitos Humanos
14. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
15. Franciscans International
16. Geneva for Human Rights - Global Training (GHR)
17. Human Rights House Foundation (HRHF)
18. International Bar Association
19. International Commission of Jurists
20. International Disability Alliance
21. International Federation for Human Rights Leagues (FIDH)
22. International Lesbian and Gay Association (ILGA World)

23. International Movement Against All Forms of Discrimination and Racism (IMADR)
24. International Service For Human Rights (ISHR)
25. IWRAW Asia Pacific
26. Justiça Global
27. Lawyers' Rights Watch Canada
28. Nazra for Feminist Studies
29. Right Livelihood Foundation
30. The Advocates for Human Rights
31. Union Internationale des Avocats (UIA)
32. Validity Foundation - Mental Disability Advocacy Centre
33. World Organization Against Torture

Background

This statement was delivered as a joint statement in the context of the first virtual informal conversation with the United Nations High Commissioner for Human Rights Council on 9 April 2020. It was delivered in conjunction with a [separate joint statement focused on economic, social and cultural rights](#).