
GUIDELINES FOR PROTECTING
THE RIGHTS OF WOMEN AND GIRLS
DURING THE COVID-19 PANDEMIC

Any measures taken to respond to the COVID-19 pandemic must [uphold and ensure human rights](#). States must ensure that their response is gender-sensitive and includes a differential approach that guarantees the rights of women and girls to live free of discrimination and violence, and to access the essential sexual and reproductive health services that they need as women.

The [UN High Commissioner for Human Rights](#), the [Inter-American Commission on Human Rights](#), the [Follow-up Mechanism to the Belém do Pará Convention \(MESECVI\)](#), and others have issued clear guidelines for States that should be used to craft measures to respond to the pandemic that also fulfill their human rights obligations. National and local authorities should be aware that in contexts of health, humanitarian, or other crises, gender gaps increase when the effects of these crises on women and women's rights are not taken into account.

The COVID-19 pandemic does not relieve States of their [special obligations to address the gender violence faced by thousands of women and girls](#), including trans women and intersex persons, in the region; on the contrary, it requires more rigorous measures to minimize the impacts this new health crisis may have on them. Without a differential approach, half of the population will lack effective protection during the crisis resulting from the pandemic, which will have long-term effects well after the immediate crisis passes, leading to greater exclusion and discrimination against women and girls in the Americas.

States must take into account the [multiple factors of discrimination](#) that increase women and girls' vulnerability in this context, and which affect them disproportionately. These factors include immigration status; need for international protection; need for access to time-sensitive, essential services, such as voluntary termination of pregnancy; indigenous status; status as an afro-descendent woman; disability; status as a human rights activist; identity as lesbian, non-binary, or intersex; situations of sexual violence; trafficking in human being; and work in informal sectors.

The involvement of women in decision-making processes related to the pandemic and preparation of contingency plans at the local, national, regional, and global levels is also key.

HOW TO USE THESE GUIDELINES

This document can be used as a roadmap for national and local government authorities to better understand the human rights obligations they must fulfill as regards women and girls' rights during the pandemic, in accordance with the different human rights treaties their countries have ratified.

The principles of equality and non-discrimination provided by these human rights instruments cannot be ignored during a pandemic; on the contrary, they must continue to be an essential part of any government response to the COVID-19 crisis. These principles call for a differential response for particularly vulnerable groups.

For civil society and human rights organizations, these guidelines may be used as a list of minimum indicators for assessing state responses to the pandemic as regards their obligations to uphold women and girls' rights, and as a support for advocacy activities directed at getting governments and authorities to apply a human rights approach to any response.

For humanitarian and international cooperation organizations, this tool may complement efforts underway to provide technical support and assistance to States as they prepare contingency and pandemic response plans in order to ensure that these responses include a differential approach and that effective measures that were in place prior to the crisis continue to work.

This tool is also meant to be an inventory of competencies and activities that States should strengthen as they address the pandemic. This should be accompanied by the appropriation and provision of sufficient resources to allow the necessary actions to be taken to ensure proper protection for women and girls' rights during the crisis.

EMERGENCY RESPONSE: ACTIONS FOR PROTECTING THE HUMAN RIGHTS OF WOMEN AND GIRLS DURING THE COVID-19 PANDEMIC

1) THE RIGHT TO LIVE FREE OF GENDER-BASED VIOLENCE, TORTURE, AND OTHER ABUSES

In times of emergency, risks of violence to women and girls increase. As [UN Women](#) has noted, violence against women is "the most widespread human rights violation in the world." The [World Health Organization](#) has described it as "a global public health problem of epidemic proportions."

Staying home reduces the risk of catching COVID-19. However, for thousands of women and girls, staying home does not mean greater safety, but rather greater risk of violence, including sexual violence, when they are isolated with their abusers or potential abusers. This situation is [particularly alarming for girls](#). Latin America is the only region in the world where [child pregnancy is increasing](#). This is due to high rates of sexual violence, particularly by girls' family members or other people close to them, and lack of access to reproductive health services such as oral emergency contraception and legal abortion; a situation that is exacerbated by measures such as curfews and by the overwhelmed healthcare system.

During the crisis, as law enforcement agencies and the military enforce quarantines and curfews throughout the region, there is a differential risk for women who face multiple forms of discrimination, who tend to be targeted more frequently for abuse by state agents, including gender-based torture and other forms of physical, psychological, and sexual violence.

As such, during the COVID-19 crisis, addressing the risks of violence faced by women and girls associated with isolation measures, states of emergency, travel restrictions, and other response measures must be prioritized.

States must therefore ensure that protective mechanisms for women and girl victims of violence remain accessible while travel restrictions and quarantine orders are in effect. This should include measures such as the following:

- Judicial authorities should consider extending protective measures, such as restraining orders, designed to protect women victims of domestic violence and their children or other family members, without need for a formal request or other requirements.
- Competent national and local authorities should ensure that shelters remain open and/or additional facilities (public facilities or private facilities open to the public) are made available for women and girls who must leave their homes while quarantine orders are in effect in order to seek protection from their assailants; virtual and/or telephone counseling services should be provided, and appropriate measures should be taken to ensure privacy for women and girls.
- Services allowing women and girls to report violence and receive assistance should remain open, and any services and lines established to provide assistance during the pandemic should include measures allowing for the effective reporting of cases of domestic violence, disappearances, risk of femicide, and similar incidents.
- Authorities should adopt the necessary measures to allow search protocols to be carried out when women or girls are reported missing while quarantine orders are in effect.
- The authorities should ensure that an immediate, impartial investigation is carried out when there are reasonable grounds to believe that law enforcement officers or soldiers have committed acts of sexual violence, torture, or other gender-based violence. Alleged perpetrators should be prosecuted in accordance with international procedural standards.
- Travel restrictions should include exceptions for women victims of violence who need to seek assistance outside the home or who flee situations of violence or exploitation. Law enforcement agencies should be directed to consider these situations in order to prevent revictimization or prosecution of victims. States should strengthen efforts to effectively identify victims of trafficking in human beings.
- Assistance for women and girl victims of gender violence, including sexual violence, should be considered an essential service during quarantine.
- Public informational campaigns on assistance measures available during the pandemic should continue and should include information on services for women and girl victims of violence that they can access during quarantine. In order for this to work, effective communications channels should be used, taking into account the social distancing measures in place.

2) ACCESS TO SEXUAL AND REPRODUCTIVE HEALTH SERVICES

Rights to healthcare and to access to health services are fundamental rights protected under multiple regional and international human rights instruments, which establish the right of all persons to enjoy the highest possible level of physical and mental health, including sexual and re-

productive health. Violations of the rights to life, health and particularly the sexual and reproductive health rights of women, including women in situations of heightened vulnerability due to circumstances such as humanitarian or health crises, are forms of gender violence that may constitute torture or cruel, inhuman, or degrading treatment. Failure to provide these essential services is a form of discrimination against women and girls because it places their [lives, health, and physical and psychological integrity](#) at risk.

States therefore have a special obligation to ensure access to these healthcare services in accordance with principles of dignity, equality, and non-discrimination, particularly in light of the range of vulnerability or risk situations women and girls may face while quarantine and isolation measures are in effect.

States should therefore ensure availability of and access to sexual and reproductive health services as essential services and include them in efforts to prioritize assistance for specific groups during the COVID-19 crisis response, as follows:

- Care for pregnant and breastfeeding women should be prioritized. States should follow [WHO guidelines](#) on access to healthcare for pregnant and breastfeeding women.
- Voluntary termination of pregnancy services, prenatal care, and postpartum care should be considered essential services during quarantine, and any contingency plans adopted should take this into account. These services should be exempted from travel restrictions in order to ensure access.
- States should support service providers' ability to travel and continue their work, in particular by granting the necessary travel permits to medical providers, humanitarian groups, and cooperation organizations during times of quarantine and isolation.
- When travel restrictions are in place, States should adopt measures to facilitate access to voluntary termination of pregnancy services using medication and tele-health tools. They should also designate post-abortion care as an essential service during times of quarantine and isolation.
- Given that delays in voluntary termination of pregnancy services may be anticipated, States whose abortion laws are based on a gestational limits model should consider increasing flexibility in those time limits, regardless of the reason for the termination.
- Measures should be taken to emphasize care in territories and regions that have historically had greater barriers to access to these services. Local authorities should encourage implementation of these measures, with the support of national authorities.
- Emergency obstetric care should be prioritized during the crisis.
- Healthcare services should be guaranteed for women and girl victims of sexual violence during the crisis, including effective application of protocols or guidelines in effect in each country and in accordance with States' human rights obligations.
- States should consider any impact on supply and distribution chains for family planning methods and adopt measures to minimize this impact.
- States should uphold the right to active transparency with an intersectional approach by continuing to ensure the dissemination, publication, and public access to information on sexual

and reproductive health services during the pandemic and any special measures taken to ensure access during the crisis.

3) ACCESS TO JUSTICE

High levels of impunity are among the greatest challenges to access to justice for women and girl victims of violence in the region. States have a special obligation to ensure due diligence in the investigation and punishment of all cases of gender violence. The Inter-American System for the protection of human rights has found that judicial ineffectiveness in these cases encourages impunity, perpetuates gender violence, and sends a message to society that violence against women may be tolerated and accepted.

The obligation to ensure access to justice for women victims of violence should be strictly observed in contingency plans for the COVID-19 crisis. The following actions should be taken:

- The capacity of government institutions to receive and process complaints should be increased through adoption of the special measures necessary to ensure continued availability of judicial actors.
- Assistance and support services for women and girls victims of violence should be considered essential during quarantine, and local and national authorities should take steps to ensure their continued availability.
- Victims of violence should have access to flexible means of making complaints and seeking protections, such as by electronic means, telephone, or other alternative means, taking into account the travel restrictions in effect.
- Security forces and law enforcement should prioritize responding to and following up on complaints of violence against women and girls as they perform their duties during the crisis.
- Any extension of judicial time limits should take into account the obligation to ensure access to justice for women and girls victims of violence within a reasonable time and without undue delay.
- Special mechanisms should be put in place to ensure proper collection of forensic evidence in cases of physical, sexual, and/or psychological violence for use in court proceedings.
- Adequate records should be kept of complaints of gender violence made during the crisis and follow-up mechanisms should be put in place to assist victims and initiate appropriate legal actions.

4) WOMEN AND GIRLS, MIGRATION, AND HUMAN MOBILITY

In a joint statement, [UNHCR and IOM](#) said that the rights of migrants, refugees, displaced persons, and persons at risk of being stateless must be protected in the context of the pandemic response, and that even as borders are being closed, the principle of *non-refoulement* must still be observed. [Regional human rights organizations](#), too, have stressed the importance of protecting the life and health of migrants and refugees in the context of the COVID-19 crisis in light of the

extreme impact caused by state responses in the Americas, including border closings and other measures directly affecting these groups.

As such, the measures put in place to respond to COVID-19 must not be an obstacle to requests for international protection or lead to the removal the possibility of accessing such requests; nor can public health concerns justify [“the systematic use of immigration detention against individuals or groups of asylum-seekers or refugees.”](#) [UN experts](#) have called on States to take urgent measures to protect migrants and trafficked persons in their COVID-19 response plans.

The above mentioned measures should apply to migrant and refugee women and girls, and more broadly, to women and girls in movement in the countries of the region, regardless of their immigration status. Border closings will increase the use of clandestine border crossings, placing women and girls at greater risk of violence, exploitation, and trafficking in human beings, particularly trafficking for the purposes of sexual exploitation.

States should therefore adopt measures that take into account the differential impact of the crisis on women and girls in movement, including the following:

- Put in place clear service delivery mechanisms for migrants and include access to healthcare and prevention systems in pandemic contingency plans, regardless of their migratory status.
- Ensure access to essential healthcare services, including sexual and reproductive health services, for women and girl migrants, in accordance with the above guidelines.
- States should increase capacities and strengthen the implementation of protocols for identification and assistance for victims of trafficking in human beings, particularly in places where borders are closed or migration is restricted in the context of the crisis.
- Immigration authorities should consider automatically extending time limits for immigration proceedings, refugee applications, and travel permits or other appropriate measures to give migrant women and girls full access to health services and social benefits which are available to the rest of the population during the pandemic, [in line with current international standards](#).
- Given that the region has significant human mobility and humanitarian crises related to forced migrations, States should put in place clear guidelines to ensure that humanitarian aid groups may continue to perform their work, particularly those assisting victims of gender violence or providing essential sexual and reproductive health services, in the context of pandemic response efforts. Local authorities should assist in these efforts, including by issuing the necessary permits for healthcare personnel so they can travel in safety.
- States that detain migrants and asylum seekers in a discriminatory manner based solely on their immigration status, placing them at greater risk of COVID-19 infection, [should release them immediately](#) and observe the principle of using detention only in exceptional circumstances. They should ensure that migrants have access to lifesaving medical assistance without discrimination.

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