

**Human Rights Council virtual informal conversation with
the UN High Commissioner for Human Rights
Joint NGO statement on the United Nations' COVID-19 response
Thursday, 09 April 2020**

The COVID-19 crisis is powerfully demonstrating the ways in which the human rights of all people are interdependent and interrelated and that ensuring a safe and enabling environment for civil society to promote, protect and seek accountability for violations of these rights should be a universal commitment and concern.

We thank the High Commissioner and the Human Rights Council President for their leadership in convening this briefing. We hope this will be the first opportunity of many – to share good practices, address violations and provide a forum for discussion. This is a much-needed regular activity for the Council while the formal session is suspended.

Human rights must be central to the United Nations' response across the board. The crisis makes the implementation of the UN Secretary General's Call to Action on human rights even more urgent and civil society has a vital role to play in the development of an implementation plan of the Call to Action.

The UN Secretary-General should push for the immediate release of human rights defenders, journalists and indeed anyone arbitrarily deprived of liberty or forcibly disappeared, due to their exercise of human rights including freedom of expression and opinion, association or assembly. In line with the High Commissioner's [statement](#) that *"now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views"*.

The UN Secretary-General's appeal for an **"immediate global ceasefire in all corners of the world"** is already being echoed by world leaders and figures. Ending armed conflict will allow humanitarian aid to reach vulnerable populations, those that pay the highest price during war; which will include the ability to transfer necessary medical supplies and personnel. A global ceasefire will also reduce the number of injuries requiring medical attention during a time when hospitals and medical facilities are overwhelmed with COVID-19 patients. The UN should demand that States redirect public resources from weapons and war towards the production of medical equipment, medical staff, and provision of wages, rents, food and health care of those suffering from the economic impacts of the COVID-19.

We welcome the engagement by the High Commissioner and the **OHCHR** and call on the OHCHR offices on the ground and in headquarters to coordinate with civil society to establish enhanced and secure methods to effectively document and monitor the human rights situation, in particular where emergency measures have resulted in the suspension of civil liberties.

The crisis needs a multi-faceted response by the OHCHR and the HRC's mechanisms. The **Special Procedures** should continue to work together to provide clear guidance to States and respond robustly to violations. Special Procedures should address the impacts of COVID-19 in their reports to upcoming HRC sessions in a coordinated manner.

Certain **groups**, such as persons with disabilities, children, older persons, minority communities, indigenous peoples, internally displaced people, people affected by extreme poverty and living in overcrowded settings, low-wage workers, those working in the informal sectors, people who live in residential institutions, people in detention, homeless people, migrants and refugees, people who use drugs, LGBT+ and gender diverse persons,

are more vulnerable, more at risk, and are more acutely experiencing the impact of both COVID-19 and emergency measures taken by governments. . For example, measures taken increase women and girls' vulnerability to violence, exacerbate the feminisation of poverty, and put further pressure on women and girls in their caretaking roles.

We welcome the focus by the High Commissioner and the [call by 43 Special Procedures](#) regarding **marginalized groups and populations** and urge them to continue issuing guidance and recommendations highlighting the specific impacts and necessary action in this regard. This is critical to ensure that no one is left behind.

While the pandemic requires strong responses, governments have reinforced oppressive surveillance, and resorted to monitoring and data collection methods that pose serious threats to freedom of expression and the right to privacy. While States are considering the use of big data and artificial intelligence to monitor the pandemic and future outbreaks, relevant **UN human rights mechanisms** must monitor State and corporate responsibility in this field to prevent any actor from taking advantage of the crisis to violate human rights or implement systems for mass surveillance.

We call on relevant **UN human rights mechanisms** to continue including in their assessments the following elements in monitoring States' compliance with their international obligations:

- whether measures are consistent with international human rights law (including as regards to non-derogable rights);
- whether measures are legal, strictly necessary, reasonable and proportionate, time-limited and subject to review;
- whether measures are aimed at the legitimate purpose of protecting public health;
- whether there are any less restrictive or intrusive means of achieving the sole legitimate purpose of protecting public health;
- whether measures are directly or indirectly discriminatory;
- whether measures limit the freedoms or work of human rights defenders in a discriminatory or disproportionate way;
- whether measures are inclusive of all persons and communicated in accessible and understandable formats to everyone; and
- whether measures avoid disruption of vital services for certain groups including persons with disabilities without providing for appropriate replacements.

We urge **States** that have adopted derogating measures under a state of emergency to comply fully with their obligations of **international notification** under human rights treaties. **UN Treaty Bodies** should consider meeting remotely and provide for full and transparent access to NGOs in the process; where sessions are postponed, **OHCHR** should consider making use of staff and Committee members' time to process and review individual communications, given the backlog of communications pending review; where country reviews are postponed, the Committees should prioritise countries where situations are more urgent; Committees with urgent action procedures, in particular the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of Persons with Disabilities should use the procedures when relevant, notably in light of the disproportionate [vulnerability of persons with disabilities](#), and ongoing [incidents of racial discrimination](#).

The **Council** should convene a special session on the impacts of COVID-19 on human rights, once feasible. The Council should reaffirm human rights as central to States' responses to the crisis including by providing leadership

and sending a clear message that: this is not the time for business as usual, there should be a zero-tolerance policy for gross and systematic violations and any abuse of the current crisis to crackdown on human rights. States can and indeed must adopt measures to protect the human rights and welfare of their populations in the context of COVID-19. At the same time, as sixteen Special Procedures experts have [emphasised](#), *'emergency declarations based on the Covid-19 outbreak should not (...) function as a cover for repressive action under the guise of protecting health'*. We are concerned that this comes against a background of measures to curb civil society space and that previous crises have shown how emergency measures can lead to long-term restrictions on human rights.

We call on the **HRC Presidency** to continue examining possibilities to ensure that the Council is able to discharge its duties and mandate despite the crisis, including addressing human rights violations. We urge the HRC Presidency to ensure that civil society participation is not unduly restricted or disproportionately affected and to meaningfully consult with civil society on the modalities for participation. General Assembly resolution 60/251 does not make a distinction between Observers and the current crisis cannot be used as a pretext to limit civil society participation.

All UN agencies and mechanisms should ensure **full and meaningful participation of civil society**, including children, as they adapt their work in the context of COVID-19. No measures should disproportionately restrict or otherwise impact civil society access and participation and modalities should be created in full consultation with civil society. They should, *inter alia*, provide accessible and secure communication platforms to civil society organisations, and technical and financial assistance must be ensured where required for effective participation.

As the UN works out how its mechanisms and bodies can operate virtually, new and increased risks of **reprisals and intimidation** could emerge for defenders engaging online. Relevant mechanisms and bodies, including the HRC, must remain vigilant about attempts to intimidate and/or attack those who engage or seek to engage and must respond when such incidents are communicated to them.

Responding to scarcity of medical facilities and equipment, some governments have also resorted to discriminatory triage criteria de-prioritizing older persons and persons with disabilities in accessing medical care, or have authorized depriving them from life-saving equipment and medicine. The **World Health Organisation (WHO)** should urge all governments to act immediately and to the maximum of their available resources to ensure that no person is denied access to COVID-19 vital **medical care** as well as life-saving equipment or medicine on the basis of age and/or disability, and deliver medical treatment triage decision making criteria in full compliance with the principles of humanity including equal dignity and non-discrimination for all.

UN agencies and human rights country teams should monitor whether **food relief** distribution is taking place, how it is carried out, and should recommend transparency and accountability in the way it is distributed.

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. Asian Forum for Human Rights and Development (FORUM-ASIA)
5. Asian Legal Resource Centre (ALRC)
6. Cairo Institute for Human Rights Studies (CIHRS)
7. Center for Reproductive Rights
8. Centre for Civil and Political Rights
9. Centro de Estudios Legales y Sociales - CELS (Argentina)

10. Child Rights Connect
11. CIVICUS: World Alliance for Citizen Participation
12. Commonwealth Human Rights Initiative (CHRI)
13. Conectas Direitos Humanos
14. Congregation of Our Lady of Charity of the Good Shepherd
15. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
16. Dominicans for Justice and Peace
17. Franciscans International
18. Fundacion Regional de Asesoría en Derechos Humanos, INREDH
19. Geneva for Human Rights - Global Training (GHR)
20. Human Rights House Foundation (HRRH)
21. International Bar Association
22. International Commission of Jurists
23. International Disability Alliance
24. International Federation for Human Rights Leagues (FIDH)
25. International Federation of ACATs (FIACAT)
26. International Lesbian and Gay Association (ILGA World)
27. International Movement Against All Forms of Discrimination and Racism (IMADR)
28. International Service For Human Rights (ISHR)
29. Justiça Global
30. Lawyers' Rights Watch Canada
31. Nazra for Feminist Studies
32. Peace Brigades International
33. Plan International Inc.
34. Right Livelihood Foundation
35. Save the Children
36. The Advocates for Human Rights
37. The Association for Progressive Communications (APC)
38. Union Internationale des Avocats (UIA)
39. Validity Foundation - Mental Disability Advocacy Centre
40. Women's International League for Peace and Freedom (WILPF)
41. World Organization Against Torture
42. IWRAW Asia Pacific