



Human Rights Institute

25 years promoting and protecting
human rights worldwide

IBAHRI Covid-19 Human Rights Monitor

Release date: Friday 22 May 2020

1. **Gender-based violence and women's health**
2. **LGBTQI+ rights**
3. **Refugee camps**
4. **Prisoners and detainees**
5. **Asylum procedures**
6. **Disability rights**

1. Gender-based violence and women's health

Forced marriage

The Walk Free Foundation, an Australian-based organization focusing on modern slavery, estimates in their Global Slavery Index that 40 million people globally are trapped in modern slavery, 15.4 million of whom are living in forced marriages. Loss of household income, higher risk of violence in the household, and lack of access to education can lead to an increase in cases of forced marriages, including child marriage, during the Covid-19 outbreak.¹ On the 15 May, World Vision, an international children's charity, has warned that Covid-19 could put an extra 4 million girls at risk of early and enforced marriage.²

Evidence from humanitarian organisations show that families suffering from economic instabilities are often more likely to marry their daughters to alleviate hardship on the household. This is often regarded as a coping strategy to reduce the number of mouths to feed and, in context of a bride price, is used as a way of generating extra income³. Girls Not Brides, a campaign group to prevent early and forced marriage, says child marriage deprives girls of education and opportunities, jeopardises their health and increases risks of exploitation, sexual violence, domestic abuse and maternal mortality. According to UNICEF, school closures during the 2014-16 Ebola outbreak in West Africa contributed to an exponential rise in child labour, neglect, sexual abuse and teenage pregnancies. In Sierra Leone, cases of teenage pregnancy more than doubled to 14,000 during the Ebola outbreak. Further, a 'sharp increase' in teenage pregnancies and early marriages were prevalent in some affected regions, due to an increase in school dropout rates for young girls'. Further, with the onset of the COVID-19 pandemic, social distancing measures may also have an impact on civil registration systems – including marriage and birth registration – that may drive child marriages underground and disrupt data collection on the incidence of new child marriage.⁴

¹ Girls Not Brides, 'Covid-19 and Child, Early and Forced Marriage: An Agenda for Action' April 2020
www.girlsnotbrides.org/wp-content/uploads/2020/04/COVID-19-and-child-early-and-forced-marriage_FINAL-4.pdf

² World Economic Forum, 'Coronavirus could put 4 million girls at risk of child marriage' 20 May 2020
www.weforum.org/agenda/2020/05/coronavirus-early-child-marriage-covid19-pandemic

³ Bride price, bride wealth, or bride token, is money, property, or other form of wealth paid by a groom or his family to the family of the woman he will be married to or is just about to marry. The tradition of giving bride price is practiced in many Asian countries, the Middle East, parts of Africa and in some Pacific Island societies.

⁴ Girls Not Brides, 'Covid-19 and Child, Early and Forced Marriage: An Agenda for Action' April 2020
www.girlsnotbrides.org/wp-content/uploads/2020/04/COVID-19-and-child-early-and-forced-marriage_FINAL-4.pdf

Ethiopia

In the middle of March, schools have closed in Ethiopia due to emergency measures to combat coronavirus. With 26 million children out of education, this in turn increases the disproportionate gendered inequalities faced by young and adolescent girls. Although the Ethiopian penal code prohibits girls to get married before the age of 18, and punishes marriage by abduction with up to 20 years imprisonment, the practise still exist, and can exacerbate in this unprecedented crisis. ⁵So far, since the Ethiopia government instructed a nationwide lockdown in March, 500 girls are reported to have been rescued from child marriage. Asnaku Deres, Head of the Bureau of women, children, and youth affairs in Amhara, Ethiopia, highlighted that ‘In the previous days, we could easily get information through schools and be able to trace if the issue was happening and then be able to stop it. Now that is not possible because of the closure of the schools.’

According to UNICEF, Ethiopia has the 15th highest prevalence rate of child marriage in the world and the fifth highest absolute number of child brides, at over 2 million⁶. Although considerable progress has been made, the global pandemic threatens any developments in protecting young girls thus far. In a recent comparative study of Young Marriage and Parenthood, evidence found a significant proportion of young girls in Ethiopia are managing the gendered responsibilities of first-time marriage, cohabitation and parenthood, coupled with continuous limited economic resources and weak safety nets.⁷ In a recent policy brief by the Gender and Adolescence: Global Evidence Program, ‘*Exploring adolescents’ experiences and priorities in Ethiopia under covid-19*’ found that young, married girls in rural areas had limited knowledge of coronavirus, as they tend to face very high levels of surveillance from their husbands. ⁸

United Kingdom

⁵ The New Humanitarian, ‘Ethiopia: Surviving forced marriage’ 23 February 2020
www.thenewhumanitarian.org/feature/2007/02/23/ethiopia-surviving-forced-marriage

⁶ www.girlsnotbrides.org/child-marriage/ethiopia/

⁷ Phys Org, ‘Coming of age in the time of coronavirus: Young lives and families in low- and middle-income countries’ 18 May 2020
<https://phys.org/news/2020-05-age-coronavirus-young-families-low-.html>

⁸ Gender and Adolescent: Global Evidence, ‘Exploring adolescents’ experiences and priorities in Ethiopia under covid-19’ 27 April 2020 www.gage.odi.org/wp-content/uploads/2020/04/GAGE-Covid-19-Ethiopia-Young-Peoples-Voices.pdf

In the United Kingdom, the Iranian and Kurdish Women's Rights Organisation (IKWRO) has reported that local authorities under-equipped for an increase in cases of child marriage in England and Wales during the Covid-19 pandemic. IKWRO has addressed key issues to local authorities, urging them to report every potential case of child marriage, due to Freedom of Information requests reporting that 56 per cent of the departments responsible for children's social care do not keep records of those at risk of child marriage.

A report release by Karma Nirvana, a UK-based charity for victims of honour-based violence and forced marriage, indicated that from the 6 April, there was an increase in overall helpline activity of 200 per cent. The biggest increase was 169 percent rise in the number of emails to their organisation since lockdown began on 23 March, with victims self-referring to the helpline for the first time increasing by 28 percent compared with the period prior to lockdown.⁹ Since the beginning of the government-instructed lockdown, 30 per cent of new victims to Karma Nivana's helpline are directly impacted by social distancing rules and lockdown measures. Empirical data collected by Karma Nivana highlights three main issues faced by victims during lockdown:

- Fear of increased levels of abuse while in isolation with perpetrators;
- Victims planning to flee perpetrators but facing difficulties in accessing alternative housing or refuge accommodation;
- Some callers have been unable to contact their regular support service due to staff absence or service closure, and called the helpline as an alternative¹⁰

In light of the suspension of vital, in-person services, refuge centres or psychosocial support, victims are forced into an indefinite period of abuse. Various international bodies have called for the adequate assessment of honour-based violence and forced marriages to be included in, and integral to, their contingency plans.

India

In India, international organisations have reported that the government has restricted, or redirected the funding of programmes for women and girls, in order to focus solely on

⁹ Karma Nivana, 'The Lockdown Impact' 1 May 2020

<https://karmanirvana.org.uk/the-lockdown-impact/>

¹⁰ Ibid

combatting the coronavirus outbreak. As services are becoming even more necessary during these stages, this prevents young girls from accessing vital information or support during lockdown. So far, during the lockdown period March 20 to April 20, 898 child marriages were prevented by on the ground teams, in response to young and adolescent people calling the Childline helpline, an India-based charity for children. Data collated by Childline indicates that 18217 of the calls made to their services during lockdown required on ground intervention.¹¹ Childline also reported that 19 per cent of calls that required urgent intervention involved cases of child marriage, and physical, sexual and emotional abuse. As India has the highest absolute number of child brides in the world , over 15 million, urgent action must be taken to prevent the further detrimental position of young girls during this pandemic.

Women's health

Access to abortion care has been difficult for those in need of vital services in several nations, with lockdown measures and travel restrictions worsening an already precarious situation. Pre-existing obstacles such mandatory waiting periods for counselling, unnecessary hospitalization, widespread refusals of care on grounds of conscience and the limited use of medical abortion pills, may hinder access to time-sensitive services.¹² Couple with this, access to contraception has also been hindered. Barriers already in place before the pandemic, including the high cost of contraception in some countries, are even more difficult to overcome in these times of economic restrictions and limited freedom of movement. In the United Kingdom, ten per cent of girls and young women have not been able to access their usual form of contraception.¹³

Menstrual hygiene tends to be compromised during state emergencies, coupled with reduced access to sexual and reproductive health and rights (SRHR) services. This is already a reality for women and girls living in poor and marginalised communities, emergency and humanitarian contexts, incarceration facilities, and for those with special needs or disabilities

¹¹ Times of India, 'SOS calls foil 898 child marriages in lockdown ' 29 April 2020
<https://timesofindia.indiatimes.com/india/sos-calls-foil-898-child-marriages-in-lockdown/articleshow/75454861.cms>

¹² Open Democracy, 'COVID-19 and Europe's sexual and reproductive health rights' 6 May 2020
www.opendemocracy.net/en/can-europe-make-it/covid-19-and-europes-sexual-and-reproductive-health-rights/

¹³ Plan International, 'New research shows barrier to girls' rights 'exacerbated' by coronavirus crisis' 7 May 2020
<https://plan-uk.org/media-centre/new-research-shows-barrier-to-girls-rights-exacerbated-by-coronavirus-crisis>

and/or facing other barriers.¹⁴ Since lockdown started in the UK, almost a 30 per cent of girls have had issues either affording or accessing period products.¹⁵

Sierra Leone

Access to childbirth facilities has been restricted in Sierra Leone, leading to unsafe home births, and even death¹⁶. A number of reports have shown harmful practices imposed on women in childbirth, medically unjustified separations of mothers and new-born babies, refusal of a birth companion's presence and other failures to ensure adequate standards of care and respect for women's rights, dignity and autonomy in childbirth. In Slovakia, for example, the Public Defender of Rights has expressed concern about such practices in the country, stressing that they were at variance with international human rights standards and the guidelines of the World Health Organization.¹⁷

Whilst mortality rates from Covid-19 are higher in men in some contexts, the present crisis will likely have significant health impacts on girls and women beyond the immediate effects of the virus. As girls and women are disproportionately responsible for family care, they are at higher risk of infection and need of psychosocial support.¹⁸

School closures and lack of access to education

According to UNESCO, 180 countries implemented nationwide school and university closures by the end of March 2020. This affects over 87 per cent of the world's student population. If schools are closed, young girls are at an increased risk of sexual exploitation, abuse and child marriage.¹⁹

School closures will also have long-term impacts on girls' futures – particularly for poorer and more remote families – if they are unable to return after a prolonged absence, as education

¹⁴ Girls Not Brides, 'Covid-19 and Child, Early and Forced Marriage: An Agenda for Action' April 2020
www.girlsnotbrides.org/wp-content/uploads/2020/04/COVID-19-and-child-early-and-forced-marriage_FINAL-4.pdf

¹⁵ Plan International, 'New research shows barrier to girls' rights 'exacerbated' by coronavirus crisis' 7 May 2020
<https://plan-uk.org/media-centre/new-research-shows-barrier-to-girls-rights-exacerbated-by-coronavirus-crisis>

¹⁶ RFI, 'Sexual healthcare efforts falter in Africa as countries focus on Covid-19' 13 April 2020
www.rfi.fr/en/africa/20200413-sexual-healthcare-efforts-falter-in-africa-as-countries-focus-on-covid-19

¹⁷Open Democracy, 'COVID-19 and Europe's sexual and reproductive health rights' 6 May 2020
www.opendemocracy.net/en/can-europe-make-it/covid-19-and-europes-sexual-and-reproductive-health-rights/

¹⁸ Care, COVID-19's Gender Implications Examined in Policy Brief from CARE' 16 March 2020
www.care.org/newsroom/press/press-releases/covid-19s-gender-implications-examined-in-policy-brief-care

¹⁹ Human Rights Watch, 'COVID-19's Devastating Impact on Children' 9 April 2020
www.hrw.org/news/2020/04/09/covid-19s-devastating-impact-children

may become unaffordable due to economic distress or due to girls being married or becoming pregnant. In many countries, households do not have access to the internet or a television. This must be taken into account when developing distance-learning approaches. Girls are often required to look after younger siblings, which may also affect their ability to continue studies through online schooling, where this is available.²⁰

2. LGBTQI+ rights

On 17 May 2020, a joint statement released by UN experts highlighted that, in response to the pandemic, *'the suffering and resilience of LGBT persons must be visible and inform the actions of States'*. This joint statement urges states to take into account the impact of Covid-19 on lesbian, gay, bisexual, transgender and gender diverse persons when designing, implementing and evaluating the measures to combat the pandemic.²¹

Panama

As reported in the third edition of the Human Rights Monitor, Panama introduced gender-based quarantine measures in their initial lockdown stages in order to combat the spread of coronavirus. These measures were widely criticized by international bodies, as gendered restrictions did not take into account the trans community, and thereby legally authorizing the enforced detention and arrest of trans people for 'breaking curfew measures'. Due to widespread criticism, Human Rights Watch has reported that the government of Panama has taken important initial step to address the discriminatory impacts of its gender-based quarantine measures on transgender people by communicating its concern to security agencies. However, the government has yet to issue guidelines to specify that transgender people may comply with quarantine measures in accordance with their gender identity.²²

United States

²⁰ Girls Not Brides, 'Covid-19 and Child, Early and Forced Marriage: An Agenda for Action' April 2020

www.girlsnotbrides.org/wp-content/uploads/2020/04/COVID-19-and-child-early-and-forced-marriage_FINAL-4.pdf

²¹ Council of Europe, 'COVID-19: The suffering and resilience of LGBT persons must be visible and inform the actions of States' 15 May 2020

www.coe.int/en/web/commissioner/-/covid-19-the-suffering-and-resilience-of-lgbt-persons-must-be-visible-and-inform-the-actions-of-states

²² Human Rights Watch, 'Panama: Government Takes Step to End Quarantine Gender Discrimination' 18 May 2020
www.hrw.org/news/2020/05/18/panama-government-takes-step-end-quarantine-gender-discrimination

This week, California initiated new measures to implement a mandate on data collection from the LGBTQ community, in relation to Covid-19's impact on the community at large. This is the first state in the US to introduce such measures, and sheds light on the disproportionate impact of Covid-19 on the LGBTQ+ community. Senator Scott Weiner has declared that the new senate bill, SB 932, 'will allow us to understand COVID-19's impact on the LGBTQ+ community, which has long been forgotten or underserved in the public health world'.²³

Puerto Rico

For Puerto Rico, the government's attempt to remove the freedom and dignity of the LGBTQ+ community, in a newly released version of the Civil Code, has been condemned by the Human Rights Campaign. The Human Rights Campaign (HRC) has addressed significant issues with this new measure, passed by the Puerto Rican House of Representatives this week. The HRC put forward their concerns to Governor Wanda Vazquez, urging them 'to allow for a level of civic participation that is responsive to the limitations presented by the Covid-19 global pandemic' and to veto any 'eventual legislation that would threaten the rights and lives of LGBTQ people'..²⁴ Nonetheless, on 15 May, the updated Civil Code was passed in the House of Representatives. Legal experts and opposition lawmakers said ambiguous and contradictory wording in the code could create legal hurdles for transgender people. 'On its face it seems as if there's nothing wrong, but if you scratch the surface, there's an obvious intent to discriminate,' said Rafael Cox Alomar, a law professor at the University of the District of Columbia. Subsequently, given the Covid-19 pandemic, this updated Civil Code can be to target against the LGBTQ community in Puerto Rico, exemplifying how state governments are using the pandemic as a means to further discriminate against vulnerable communities.

3. Refugee camps

The Covid-19 pandemic is exacerbating the realities of migrants and refugees living in camps with each passing day. Governmental disregard, xenophobia, movement restrictions and

²³ Q Voice News, 'LGBTQ COVID-19 data collection in California's SB 932 would be a first' 13 May 2020
<https://qvoicenews.com/2020/05/13/lgbtq-covid-19-data-collection-in-californias-sb-932-would-be-a-first/>

²⁴ Human Rights Campaign, 'Human Rights Campaign Condemns Puerto Rican Legislature's Attempt to Roll Back LGBTQ Rights' 13 May 2020
www.hrc.org/blog/human-rights-campaign-condemns-puerto-rican-legislatures-attempt-to-roll-ba

unsanitary conditions are factors that are increasingly contributing to the inhuman treatment of refugees and migrants around the world. In several camps, as the supply of food has been compromised during lockdown, death by starvation is a bigger challenge than managing the Covid-19 outbreak. Governments that are violating international law and enforcing irregular and dangerous returns to home countries on the pretext of the health crisis are only contributing to the proliferation of the disease.

As millions risk starvation and illness, global action to protect the human rights of refugees and migrants amidst the global pandemic is mandatory. Adequate access to essentials such as food, water, sanitation and healthcare to the migrant and refugee populace is key to circumventing the Covid-19 outbreak, protecting not only national communities, but communities on a global scale.

Bosnia and Herzegovina

As part of the former Socialist Federal Republic of Yugoslavia, Bosnia and Herzegovina has a Constitution that lays down a highly decentralized system of governance. This is to ensure the equal distribution of power between the three major demographic groups in the region, Bosnians, Serbians and Croats. However, the present Covid-19 pandemic has highlighted some inefficiencies of this decentralized system, leading to a negative impact on the refugee and migrant population in the region.

The Vucjak camp in Bosnia and Herzegovina is currently hosting approximately 1500 migrants and refugees. The Covid-19 pandemic has exacerbated the difficult realities of migrants and refugees in Vucjak camp, as poor sanitary conditions increase the possibility of contracting coronavirus. While governmental authorities have closed Vucjak camp numerous times, migrants have always returned due to the proximity with Croatia. Currently, police forces are moving hundreds of inhabitants of this camp to organized emergency camps amidst the Covid-19 outbreak, after the local government of the region decided to cut off the water supply to the campsite. While this attracted condemnation from the international community, the Bosnian government justified this action as a means to speed up the transfer of migrants into organized emergency tent camps.

Increasingly, the Bosnian government is threatening migrants and refugees with enforced detention and imprisonment. In the midst of the coronavirus outbreak, the Bosnian Security

Minister suggested that these migrants and refugees pose a significant economic and security threat, and should be deported from the country if they are unable to prove their identity.

Ethiopia

Ethiopia has planned to shut down an Eritrean refugee camp, the Hitsats camp, and relocate the refugees to the Mai Aini and Adi Harush camps, which has already reached overcapacity. Alternatively, Eritrean refugees might be offered the possibility to live in towns, as per the announcement made by Ethiopia's Agency for Refugee and Returnee Affairs (ARRA). Home to 26,000 people, including approximately 1,600 minors, Hitsats is one of four camps in the northern Tigray region of Ethiopia, with Tigray hosting nearly 100,000 Eritrean refugees, according to the United Nations refugee agency (UNHCR).

Such relocation has not yet commenced amid the Covid-19 pandemic, however Ethiopian officials confirm that preparations are underway. While logistical concerns are being cited for the closure of the Hitsats camp, the impending closure is seen as a political ramification surrounding the management of the significant number of refugees coming from Eritrea. ARRA has previously communicated that new arrivals from neighboring Eritrea will no longer be offered "prima facie" refugee status, thus modifying the previous policy of automatically granting all Eritrean asylum seekers the right to stay.

While ARRA has assured that the relocation of refugees will be carried out in phases, UNHCR has urged Ethiopia to hold any relocation efforts on hold, stating that such movement risks making refugees vulnerable to Covid-19 disease. The refugees of the Hitsats camp have written a letter to the United Nations expressing deep concern regarding the closure of the camp.

Libya

As the already fragile situation in Libya has worsened, an increasing number of refugees and migrants are undertaking dangerous migration routes. During this year, the Libyan Coast Guard has denied entry to 3,078 individuals arriving via boat, as the nation is set to host a total of 635,000 migrants and 48,627 refugees. Those who are denied entry from sea are then transferred to state-run detention facilities, and are met with dire, inhumane living conditions. Such detention facilities are overcrowded and unsanitary, and lacking access to

running water, food and sanitation, a common occurrence in makeshift buildings that are often just abandoned warehouses or factories. On the 13 May, the World Health Organization released a joint statement on Libya, declaring that ‘persons rescued at sea should not be returned to arbitrary detention’.²⁵ However, as arbitrary detention persists during this unprecedented crisis, vulnerable population of refugees and migrants are exposed to the grave impact of Covid-19.

Further, the refugee and migrant population in Libya are being marginalized as they are perceived to be carriers of Covid-19. Such xenophobia amidst a global health crisis can lead to further deterioration of the human rights of these peoples, with lack of freedom of movement placing strains on their survival. Moreover, refugees and migrants’ right to health is being violated due to limited or zero access to healthcare facilities. Reports suggest that migrants and refugees in Libya are less likely to access health services due to discrimination, lack of documentation and fear of enforced detention.²⁶

4. Asylum procedures

On 15 May, the European Asylum Support Office has issued new recommendations providing practical guidance on the conduct of remote interviews for international protection, in response to the Covid-19 outbreak. The recommendations follow guidance issued by the European Commission to EU Member States, on implementing the EU’s rules on asylum within the context of the current Covid-19 pandemic. These include the flexibility for interviews to be ‘conducted with specific arrangements such as remotely’.²⁷ This is a significant development on the vulnerable position of asylum seekers in Europe, and ensuring adequate measures on asylum procedures continue to take place in light of the cessation of in-person sessions.

²⁵ World Health Organisation, ‘Joint statement on Libya’ 13 May 2020
www.who.int/news-room/detail/13-05-2020-joint-statement-on-libya

²⁶ Open Democracy, ‘Locked up with no escape: refugees and migrants in Libya face bombs, virus and everything in between’ 18 May 2020

www.opendemocracy.net/en/north-africa-west-asia/locked-no-escape-refugees-and-migrants-libya-face-bombsvirus-and-everything-between/

²⁷ European Asylum Support Office, ‘COVID-19: Recommendation for remote interviews for asylum applicants’ 15 May 2020

www.easo.europa.eu/news-events/covid-19-recommendation-remote-interviews-asylum-applicants

Slovenia

In Slovenia, measures to combat the spread of coronavirus have led to the release of migrants in detention centres, with a conditional temporary stay status of up to six months. However, the European Council on Refugees and Exiles have reported that migrants released from detention are not offered adequate care, often left without any form of accommodation or support from the Slovenian government. Alongside this, asylum seekers are unaware suspension of the Dublin regulations on transfer, preventing access to their fundamental rights to asylum. Further, the ECRE highlighted that, regarding the Slovenian Act on Provisional Measures for Judicial, Administrative and other Public Matters, problems emerging are that this is 'potentially interpreted to mean that asylum procedures are not urgent. This would result in a suspension of asylum requests, submissions, interviews and decisions on family reunification.'²⁸

Morocco

For asylum seekers and migrants in Morocco, there is great uncertainty over potential deportation because of coronavirus contingency plans. A report by NGO Caminando Fronteras highlights that although Morocco has recently closed their border, migrants and asylum seekers are known to have been deported to the Algerian border and left in the desert. Further, one individual reported that he was left in Maghnia in Algeria overnight, and had his passport s confiscated by Moroccan police officers. He stated that he was forced to walk 90 kilometers over six days without access to food or water. So far, over 100 people are recorded to have been deported.²⁹

Italy

Although positive news on asylum procedures have been reported in Italy, as a significant number of undocumented migrants are in the process of gaining work permits valid for a period of up to six months, there are still issues facing the country's undocumented migrant population. The Italian government has introduced the amnesty, on the backdrop of a €55bn stimulus package, in order to grow the Italian economy, currently suffering an economic

²⁸ European Council on Refugees and Exiles, 'COVID-19 measures related to asylum and migration across Europe' 5 May 2020

www.ecre.org/wp-content/uploads/2020/05/COVID-INFO-5-May-.pdf

²⁹ Global Detention Project, 'Covid-19 Global Immigration Detention Platform' May 2020

www.globaldetentionproject.org/covid-19-immigration-detention-platform

depletion due to coronavirus.³⁰ With the introduction of this new policy on undocumented migrants, which offers relief to prior working and socio-economic living standards, the new law does not improve existing wage inequalities faced by migrants. Further, immigration restrictions still increase labour exploitation, and farm . Aboubakar Soumahoro, an Italian trade unionist, originally from Ivory Coast, has called his union to strike for migrant farm workers on 21 May, to highlight the number of people excluded from the amnesty. In a video posted on line, Soumahoro states that ‘We are invisible to the government,’.... ‘We will also be invisible in the fields.’³¹

Hungary

On 14 May, the Court of Justice of the European Union (CJEU) ruled that Hungary’s detention of asylum seekers in the transit zones near the Serbian border is unlawful. In regards to the Rozke transit zone, the CJEU affirmed that ‘the placing of asylum seekers or third-country nationals who are the subject of a return decision in the Rozke transit zone at the Serbian-Hungarian border must be classified as ‘detention’. The CJEU’s decision came in response to asylum seeker’s deprivation of liberty as ‘the persons concerned cannot lawfully leave that zone of their own free will in any direction whatsoever.’ In response, on 19 May, György Bakondi, Chief Security Officer for Prime Minister Viktor Orbán, rejected the decision of the CJEU. Bakondi declared that dismantling them would ‘pose a threat not only to internal security but also to public health because it is not known how many of the 130,000 people on the Balkan route have been infected with the coronavirus’³². These measures have been highly criticized by international and European bodies, with UNHCR reporting that Hungarian authorities did not admit any asylum seekers into their territory or procedures at Roske and Tompa since February, and collective expulsions continued with 131 cases recorded in the past two weeks.³³

³⁰ The New Humanitarian, ‘In the news: Italy to grant undocumented migrants work permits’ 15 May 2020 www.thenewhumanitarian.org/news/2020/05/14/Italy-undocumented-migrants-work-permits

³¹ The London Review of Books, ‘Invisible in the Fields’ 18 May 2020 www.lrb.co.uk/blog/2020/may/invisible-in-the-fields

³² Euro News, ‘Hungary ‘won’t accept ECJ ruling’ describing migrant transit zones as detention centres’ 19 May 2020 www.euronews.com/2020/05/14/eu-top-court-says-hungary-transit-zones-amount-to-illegal-detention

³³ UNHCR, ‘Serbia: Special Fortnightly Update’ 4-17 May 2020 <https://data2.unhcr.org/en/documents/download/76431>

5. Prisoners and detainees

Juvenile detention

With an increase in reported cases of coronavirus in prison facilities worldwide, and several state governments releasing prisoners and detainees in order to curb the spread of the virus, detained children remain largely ignored. By in large, children are not considered as a high risk of serious infection, however, given the unsanitary nature of prisons and detention centers, they are at an increased vulnerability of contracting the virus.³⁴ According to the UN, there are at least 2,588 children in conflict countries detained for alleged association with armed groups in 2018. Under international law, children recruited illegally are victims and are entitled to rehabilitation and reintegration services. Therefore, to keep them in detention over this period, risking their health and wellbeing over the course of an indefinite lockdown, coupled with possibly exposure to the virus, is an unjustifiable risk.

Portugal

The release of 1,500 adult prisoners in Portugal has been criticised by international bodies for the lack of equal protection afforded to child prisoners. The Portuguese Justice Ministry has refused to release children, justifying that ‘juvenile detention facilities were under capacity and therefore safe’. By claiming that these facilities are rendered safe for quarantine measures, due to limited occupancy, the Justice Ministry fails to take into account the wellbeing of those detained, the resources available, the cessation on visitation rights, and the possibility of contamination.

Philippines

Since the outbreak of Covid-19, the Preda Foundation, a charitable organization based in the Philippines, has sparked an online campaign appealing to Philippine authorities to free prisoners from jails, especially minors detained in inhumane, overcrowded conditions in youth detention centers in the Bahay Pag-asa region. In a response to this, the Philippine Supreme Court has issued two circulars ordering the release of qualified persons deprived of

³⁴ Human Rights Watch, ‘Detained Children Left Out of Covid-19 Response’ 14 May 2020
www.hrw.org/news/2020/05/14/detained-children-left-out-covid-19-response

liberty, resulting in the release of 10,000 prisoners from grossly overcrowded Philippine jails. However, the Supreme Court circulars fail to indicate whether youth and children detained in government facilities are prioritized. The Preda Foundation's article '*The torture and suffering of the innocents*' gives evidence of small children, as young as ten years old, placed in confinement with adolescent youth, subjected to bullying and physical abuse. Further, on 19 April, the Manila Times revealed drawings made by child victims showing cruel and inhuman treatment, abuse and torture in the cells of the youth detention in Manila.³⁵

Immigration detention

Spain

Human Rights Watch has reported that all detainees in Spain's long-term immigration detention centre, *Centros de Internamiento de Extranjeros*, have been released, in response to the coronavirus outbreak. Although this is considered as a positive step, the Global Detention Project's report '*Immigration Detention in Spain 2020*' highlights some clear discrepancies. Given the precautionary measures taken in 20 March by the Spanish government, in order to guarantee that migrants and refugees in the country may benefit from the country's protection system, the Global Detention Project found little information regarding the post-release circumstances of detainees, or the level of support that they received. Therefore, the precarious conditions could further detriment the wellbeing of migrants and detainees, with no guarantee of secure accommodation, access to legal aid, reception centres, or economic income.³⁶

US

On 7 May, California announced the first Covid-19 related death of an immigration detainee. As reported in the previous Covid-19 Human Rights Monitor, the US has the largest immigration detention system in the world. So far, preventative measures to combat the spread of coronavirus has come in the form of deportation of immigrant detainees, without

³⁵ The Manila Times, 'Set our children free' 10 May 2020

www.manilatimes.net/2020/05/10/opinion/columnists/topanalysis/set-our-children-free/723903/

³⁶ Global Detention Project, 'Immigration Detention in Spain: A Rapid Response to Covid-19' 15 May 2020

www.globaldetentionproject.org/immigration-detention-in-spain-a-rapid-response-to-covid-19

adequately testing each detainee for Covid-19. As a result, significant evidence has proven that people deported from the US are testing positive for the virus upon arrival to their home countries, such as Haiti and Guatemala, and therefore exporting coronavirus to the surrounding regions. The Centre for Economic and Policy Research have reported that, since the Trump administration declared a national emergency on 13 March, one ICE Air contractor has undertaken at least 72 deportation flights to 11 Latin American and Caribbean countries.³⁷ Public health experts have called for the cessation of deportation flights, as the risk is not limited to just those inside ICE's but to employees and local communities. Coupled with this, it is completely impossible for detainees to adequately self-isolate when held in confined spaces. Instances of one detainee, Sirous Asgari, being flown across the United States nine times in a matter of ten days was reported in ProPublica, highlighting the absurdity, and breach of, 'non-essential travel' restrictions imposed by the U.S government.³⁸

Prisoners

Egypt

Since the Egyptian government enforced a nationwide lockdown in March, Security and judicial authorities have used the Covid-19 pandemic to effectively postpone detention renewal hearings, thereby extending pretrial detentions. Coupled with this, on 17 May, the Egyptian Ministry of Interior denied that some detainees in a prominent police station in Cairo have tested positive for coronavirus, a statement by the ministry's media center said.³⁹ Given the prolonged pretrial detention, with detainees unable to access judicial redress, urgent action must be taken to ensure that detainees are entitled to their fundamental human rights, or release, during this outbreak.⁴⁰

³⁷ Centre for Economic and Policy Research, 'Exporting COVID-19: ICE Air Conducted Deportation Flights to 11 LAC Countries, Flight Data Shows' 27 April 2020

www.cepr.net/exporting-covid-19-ice-air-conducted-deportation-flights-to-11-lac-countries-flight-data-shows/

³⁸ Pro Publica, 'In a 10-Day Span, ICE Flew This Detainee Across the Country — Nine Times' 27 March 2020

www.propublica.org/article/coronavirus-ice-flights-detainee-sirous-asgari

³⁹ Egypt Today, 'Egypt's Interior Ministry denies reports of COVID-19 infections among prisoners' 17 May 2020

www.egypttoday.com/Article/1/86834/Egypt%E2%80%99s-Interior-Ministry-denies-reports-of-COVID-19-infections-among

⁴⁰ Human Rights Watch, 'Egypt: No Pretense of Judicial Review for Hundreds' 18 May 2020

www.hrw.org/news/2020/05/18/egypt-no-pretense-judicial-review-hundreds

Brazil

Since previous Covid-19 Human Rights Monitor, no coordinated measures between the Ministry of Justice and prison authorities have been put in place to safeguard prisoners and detainees during the coronavirus outbreak in Brazil. On 11 May, it was reported that 35 percent of prisons in the state of Sao Paulo (62 out of 176 facilities) had confirmed or suspected Covid-19 cases. 79 detainees were placed in quarantine and 232 staff members were told to stay at home. There have been 13 confirmed deaths due to the virus (seven prisoners and six staff members).⁴¹ As the pandemic continues to escalate inside prison and detention facilities in Brazil, urgent action must be taken to prevent the further fatalities.

6. Disability rights

In a report released by the European Disability Forum, '*Poverty and Social Exclusion of Persons with Disabilities*' indicates that 28.7 per cent of persons with disabilities living in the EU are at risk of poverty. As the global pandemic has increased economic uncertainty, reduced safety nets and hindered the workplace progression of persons with disabilities, it is likely that poverty will escalate at an exponential rate. As some state governments have yet to provide adequate social, economic, and health related support to persons with disabilities, international organization have called for contingency planning to protect those most vulnerable during the crisis, and thereafter.

UK

As reported in the previous Monitor, the UK government's register to assist the most vulnerable in society excludes a significant proportion of those in need of urgent assistance during the lockdown period. Since then, the Guardian has reported that those excluded from the government's register have been required to attend work by their employer, or face dismissal. The dismissal will go through if people cannot show adequate proof of their vulnerability. Instances have been noted so far, with an employee reporting to the Guardian that they had were forced to self-isolate between shifts to protect their vulnerable child.⁴²

⁴¹ Global Detention Project, 'Covid-19 Global Immigration Detention Platform' May 2020

www.globaldetentionproject.org/covid-19-immigration-detention-platform

⁴² The Guardian, 'Disabled people in UK threatened with sack unless they go back to work' 18 May 2020

Coupled with this, the UK government has declared in their guidance that 'at the moment, you can only get tests if your care home looks after older people or people with dementia'.⁴³ So far, this excludes testing for those with learning disabilities. Figures released by the Care Quality Commission indicate a 175 per cent rise in deaths of people with learning disabilities over the period 10 April to 8 May, 3,765 deaths when compared to 1,370 in the same period last year.

Lebanon

In Lebanon, there are increasing concerns over the vulnerable position of persons with disabilities during the pandemic. On 11 May, Human Rights Watch reported that people with disabilities have not been offered accessible information about the virus, and have been excluded from the Lebanese governments contingency planning. Aya Majzoub, a researcher for Human Rights Watch, highlighted that 'the Lebanese government's COVID-19 response has completely ignored the rights and needs of people with disabilities, who were marginalised long before the virus hit'. With significant barriers already faced by those with disabilities, which has risen due to the coronavirus outbreak, the Lebanese governments alternative means of accessing education or vital healthcare services does not sufficiently support those with disabilities. For disabled children, accessing remote learning services is increasingly met with obstacles. As the government-instructed lockdown commenced, operators for specialized education schools reported that they were ordered to shutdown, without any guidelines on how to continue educating their pupils. As Lebanese law states that all children should have the right to education free from discrimination, urgent action must be taken by the government to ensure that access to education and healthcare are offered to the most vulnerable during these unprecedented times. .⁴⁴

Romania

www.theguardian.com/society/2020/may/18/disabled-people-in-uk-threatened-with-sack-unless-they-go-back-to-work-coronavirus

⁴³ Care Home UK, 'Coronavirus tests denied to people with learning disabilities despite 175% rise in their deaths' 14 May 2020

www.carehome.co.uk/news/article.cfm/id/1625875/Coronavirus-testing-denied-to-people-with-learning-disabilities-despite-huge-rise-in-their-deaths

⁴⁴ Human Rights Watch, 'Lebanon: People with Disabilities Overlooked in Covid-19' 11 May 2020
www.hrw.org/news/2020/05/11/lebanon-people-disabilities-overlooked-covid-19

On 29 April, the European Disability Forum put forward an urgent appeal to protect Romanian citizens with disabilities. This appeal is given in light of the negligent treatment of disabled people at the Neuropsychiatric Recovery and Rehabilitation Centre in Sasca Mica, the largest government facility for persons with disabilities in Romania. At the said facility, 242 of the 369 residents and 59 of the 86 members of staff tested positive for coronavirus. Local officials made it clear that the Neuropsychiatric Recovery and Rehabilitation Centre lacked any medical equipment and was not able to provide any type of medical care to COVID-19 patients. Coupled with this, staff members who tested positive for coronavirus were sent for hospital treatment, whilst disabled patients were left in the facility to quarantine. Several international bodies are calling for urgent action to take place, as this clear display of discriminatory practice will increase death rates, with those remaining in the facility continuing to be subjected to conditions that 'are akin to inhuman and degrading treatment'.⁴⁵

⁴⁵ European Disability Forum, 'Urgent Appeal Requesting Access to COVID-19 Medical Treatment in Romania' 29 April 2020 www.edf-feph.org/urgent-appeal-requesting-access-covid-19-medical-treatment-romania