



# Human Rights Institute

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human rights worldwide

## **IBAHRI Covid-19 Human Rights Monitor**

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## 1. Gender-based violence

In the absence of governmental intervention, an increase of gender-based violence, financial hardship and maternal discrimination during the Covid-19 pandemic could diminish the progress of women's rights over the last 50 years, according to the Guardian.<sup>1</sup> A high proportion of female unemployment and lockdown measures in turn increases the likelihood of women taking on household responsibilities. In a study released by the Institute for Fiscal Studies in the UK, among those doing paid work at home, mothers are more likely than fathers to be spending their work hours simultaneously trying to care for children. Before lockdown, mothers did around 60 per cent of the regular work hours of fathers, however, due to recent unemployment because of coronavirus, mothers are 23 per cent more likely to have lost their job, and therefore taking on new responsibilities of childcare and housework.<sup>2</sup> Often, women are expected to shoulder the bulk of unpaid care work, and often eat less from already limited food rations in order to prioritize other family members, especially children.<sup>3</sup>

### Philippines

Statistics released in a Gender Social Norms report by the UN, which analyses biases in areas such as politics and education, found that in the Philippines 91 per cent of respondents held views that were detrimental to women's physical integrity.<sup>4</sup> According to the Center for Women's Resources, an NGO based in the Philippines, at least one woman or child was abused every ten minutes in the country even before the Covid-19 pandemic. The underreporting of domestic violence cases in the Philippines, with a recorded 57 per cent decline in gender-based violence from 2019, is alarming. On 1 June, the Philippine National Police, Women and Children Protection Center officer, Alessandro Abella, noted that 'a drop in reported cases does not mean a drop in GBV incidents as the data only reflects cases lodged at police stations'. It is likely that as cases of domestic violence increase during Covid-19 lockdown measures, as a vast number of cases not being reported which leads to inaccurate data on the overall number of cases.<sup>5</sup>

### Bulgaria

In Bulgaria, seven women were killed due to intimate partner violence during Covid-19 lockdown measures. Coupled with this, in a report released by the Minister of Internal Affairs, the national helpline for children, which offers information, counselling and help to children over the phone, received 80 reports of one parent abusing another parent in March. This indicates that intimate partner violence and violence against children has significantly increased during the pandemic. In order to combat gender-based violence in Bulgaria, local organisations are setting up awareness campaigns to provide adequate care to the disproportionate amount of women suffering domestic abuse. Nadejda Dermendjieva, executive director of the Bulgarian Fund for Women, stated 'cases of

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<sup>1</sup> The Guardian, 'Covid-19 crisis could set women back decades, experts fear' 29 May 2020  
[www.theguardian.com/world/2020/may/29/covid-19-crisis-could-set-women-back-decades-experts-fear](http://www.theguardian.com/world/2020/may/29/covid-19-crisis-could-set-women-back-decades-experts-fear)

<sup>2</sup> Institute for Fiscal Studies, 'Parents, especially mothers, paying heavy price for lockdown' 27 May 2020  
[www.ifs.org.uk/publications/14861](http://www.ifs.org.uk/publications/14861)

<sup>3</sup> The New Humanitarian, 'Violence or the virus? Mindanao's displaced forced to choose' 1 June 2020  
[www.thenewhumanitarian.org/opinion/2020/06/01/Philippines-Mindanao-coronavirus-violence-women-girls](http://www.thenewhumanitarian.org/opinion/2020/06/01/Philippines-Mindanao-coronavirus-violence-women-girls)

<sup>4</sup> BBC News, 'Gender study finds 90% of people are biased against women' 5 March 2020  
[www.bbc.co.uk/news/world-51751915](http://www.bbc.co.uk/news/world-51751915)

<sup>5</sup> Manila Bulletin, 'Gender-based violence cases dropped big time during lockdown, but...' 3 June 2020  
<https://news.mb.com.ph/2020/06/03/gender-based-violence-cases-dropped-big-time-during-lockdown-but>

violence are increasing and the number of places in shelters is simply not enough. We need to build a setting for imposing quarantine on newcomers, and additional hours of work with psychologists and lawyers'<sup>6</sup>

## Nigeria

On 28 May, Nigeria's National Human Rights Commission reported the death of Vera Uwaila Omosuwa, a 22-year-old microbiology student at the University of Benin, who was raped and brutally assaulted after she went to study in a church, and died two days later. According to Nigeria's Minister of Women Affairs and Social Development, an estimated two million Nigerian women and girls are sexually assaulted annually, with a small proportion of these cases being reported due to the 'stigma associated with rape, a fear of reprisals, and a distrust of the authorities' according to Human Rights Watch.<sup>7</sup> Further, lockdown measures have increased violence against women in the household, with a reported case of a husband cutting off the hand of his wife for attending a wedding during the lockdown curfew.<sup>8</sup> A government-run Domestic and Gender Violence Response Team in Nigeria has reported a 60 per cent increase in domestic violence, 30 per cent rise in sexual violence, and 10 per cent increase in physical child abuse. As severe violence against women is exacerbated by the crisis, action must be taken to support those most vulnerable.

## 2. LGBTQI+ Rights

### Colombia

In May, authorities in Colombia's capital Bogotá, decided to lift gender-based restrictions in response to LGBTQI+ groups arguing that this is a discriminatory practice against Trans people. However, the LGBTQI+ community still face a significant barrier to equal access to healthcare. Instances of neglect of the trans community has resulted in the death of Alejandra Monocuco on 29 May, a 39-year-old trans woman living in Colombia's capital city, Bogota. Monocuco was refused access to hospital facilities by ambulance staff once they discovered that Monocuco was HIV positive, regardless of the fact that she displayed coronavirus symptoms, informing that her condition was nothing serious, according to Juliana Salamanca of the Trans Community network.<sup>9</sup>

### Costa Rica

Costa Rica has become the first nation in Central America to legalise same-sex marriage. While over 20 legislators tried to delay the marriage ruling by 18 months, the ban was lifted at midnight on 26 May 2020. Although couples will have to opt for online weddings amid the pandemic, this is a significant step toward the realisation of LGBTQI+ rights in the otherwise conservative region. Victor

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<sup>6</sup> Balkan Insight, 'Bulgaria Charity Warns Domestic Violence Worsening in Pandemic' 28 May 2020

<https://balkaninsight.com/2020/05/28/bulgaria-charity-warns-domestic-violence-worsening-in-pandemic/>

<sup>7</sup> Human Rights Watch, 'Authorities in Nigeria Should Ensure #JusticeForUwa' 2 June 2020

[www.hrw.org/news/2020/06/02/authorities-nigeria-should-ensure-justiceforuwa](http://www.hrw.org/news/2020/06/02/authorities-nigeria-should-ensure-justiceforuwa)

<sup>8</sup> Premium Times, 'Amidst COVID-19 lockdown, Nigeria sees increased sexual and gender violence' 30 May 2020

[www.premiumtimesng.com/news/top-news/395296-amidst-covid-19-lockdown-nigeria-sees-increased-sexual-and-gender-violence.html](http://www.premiumtimesng.com/news/top-news/395296-amidst-covid-19-lockdown-nigeria-sees-increased-sexual-and-gender-violence.html)

<sup>9</sup> Pink News, 'Trans woman left to die with coronavirus symptoms by paramedics who 'refused to treat her' because she had HIV' 1 June 2020

[www.pinknews.co.uk/2020/06/01/alejandra-monocuco-trans-woman-dead-coronavirus-hiv-positive-bogota/](http://www.pinknews.co.uk/2020/06/01/alejandra-monocuco-trans-woman-dead-coronavirus-hiv-positive-bogota/)

Madrugal-Borloz, an independent UN expert on sexual orientation and gender identity called this new legislation 'an extraordinary moment of celebration and gratitude to the work of so many activists and of quiet reflection of the lives of those who lived without seeing this moment'.<sup>10</sup>

### United States

In a recent report by the Human Rights Campaign, in the United States, Black people and LGBTQ people are employed in industries highly impacted by the pandemic. Black people, for example, comprise 20 per cent of food service workers, janitors, cashiers and stockers and 15 per cent of LGBTQ adults work in food service or restaurants. However, Human Rights Campaign have highlighted that, in the absence of adequate statistics, federal officials have failed to consistently collect and report data on sexual orientation and gender identity makes it impossible to fully comprehend the disproportionate health and economic effects on the LGBTQ community and LGBTQ people of colour.<sup>11</sup>

### 3. Refugee camps

With Covid-19 restrictions beginning to ease globally, attention has turned to the conditions faced by refugees, asylum seekers and Internally Displaced Persons (IDPs). As states get a better grip on their domestic health agendas, calls for immediate humanitarian funding and assistance for refugee and migrant communities have become the centre of global politics. Yet, with tensions increasing along state borders and the cluster of socio-economic and humanitarian impacts faced by migrant and refugee communities reaching critical levels, this past week has reinforced the urgent need for global efforts to save vulnerable migrant and refugee populations.

### Greece

In a public statement last week, Turkey's foreign ministry alleged that Greece has breached the fundamental rights of its migrant and refugee populations.<sup>12</sup> Citing various human rights reports, Hami Askoy, the Turkish Foreign Ministry spokesman, claimed that the current living conditions faced by refugees and migrants in Greece are 'unjust' and a clear breach of basic human rights norms.<sup>13</sup> This statement comes after Turkey announced that the Greek-Turkey border will likely be fully opened to refugees and migrants, in the wake of easing COVID-19 restrictions.<sup>14</sup>

In March this year, clashes between refugees, migrants and local border authorities in Greece transposed after Turkey refused to prevent refugee and migrant populations from entering the European Union. The clashes were reported to last for several days, with Greek riot police ultimately resorting to firing tear gas and water cannons at refugees and migrants trying to cross the Greek

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<sup>10</sup> Al Jazeera, 'Costa Rica allows same-sex marriages in first for Central America' 26 May 2020  
[www.aljazeera.com/news/2020/05/costa-rica-sex-marriages-central-america-200526123834393.html](http://www.aljazeera.com/news/2020/05/costa-rica-sex-marriages-central-america-200526123834393.html)

<sup>11</sup> Human Rights Campaign, 'The Impact of Covid-19 on LGBTQ Communities of Colour' May 2020  
[https://assets2.hrc.org/files/assets/resources/COVID\\_19\\_EconImpact-CommunitiesColor052020d.pdf?\\_ga=2.129850316.1992297806.1591184590-889342591.1591184590](https://assets2.hrc.org/files/assets/resources/COVID_19_EconImpact-CommunitiesColor052020d.pdf?_ga=2.129850316.1992297806.1591184590-889342591.1591184590)

<sup>12</sup> Al Jazeera, 'Turkey, Greece spat over border policy and treatment of refugees' 28 May 2020  
[www.aljazeera.com/news/2020/05/turkey-greece-spat-border-policy-treatment-refugees-200528063425162.html](http://www.aljazeera.com/news/2020/05/turkey-greece-spat-border-policy-treatment-refugees-200528063425162.html)

<sup>13</sup> *Ibid*

<sup>14</sup> *Ibid*

border. To make matters worse, weeks after the reported clash, Greece received political backlash from Turkey after stating that it will extend the fence along the Turkish-Greek border.

With Turkey's latest comments at the forefront of Greece's migration concerns, Greek police spokesman, Theodoros Chronopoulos, announced last Wednesday that an additional 400 police will be sent to the north eastern Evros river border as a 'precautionary measure'. Last Tuesday, Greece's Defence Minister, Nikolaos Pangiotopoulos also told local media Skai TV that Athens is making preparations for the possibility that Greece will face 'pressure' on its borders with Turkey again.<sup>15</sup> Nevertheless, with the health and safety of Greece and Turkey's migrant and refugee communities being at risk of continued Covid-19 threats, greater cooperation is needed between Greece and Turkey, in order to avoid the effects of a full-scale humanitarian crisis.

## Turkey

It is undisputed that the near four million Syrian refugees currently living in makeshift camps across Turkey have been among the hardest hit by the Covid-19 pandemic.<sup>16</sup> Last week, the Danish Refugee Council published a 'Needs Assessment Report' on the impact of Covid-19 on refugees in South East Turkey.<sup>17</sup> The report, based on the compilation of surveys and data over a period of four weeks between April and May, sought to highlight the socio-economic impacts of Covid-19 on the Syrian refugee population and outline any inherent vulnerabilities and humanitarian needs.

The main findings of the report identified four key concerns. Namely, because of Covid-19 and its subsequent restrictions, Syrian refugees have experienced a staggering depletion of financial resources and an increase in intra/inter communal and domestic tensions.<sup>18</sup> Further, despite finding that the majority of refugee households had a clear understanding of Covid-19 transmission and symptoms, refugees seeking medical assistance have limited access information and were reported to express 'reluctance to approach a medical centre' out of fear of contracting the virus. This is despite the fact that 25 per cent of the households surveyed by the Danish Refugee Council claimed that at least one member of their family currently suffers from a chronic health condition.<sup>19</sup>

In line with the findings of their report, the Danish Refugee Council made several recommendations for Turkish authorities. Recommendations included the provision of 'direct cash' and 'voucher assistance' to vulnerable migrants families, in addition to better 'Covid-19 awareness raising', psychosocial support, GBV case management to reduce household and community tensions, and better access to healthcare.<sup>20</sup>

## Somalia

While managing the widespread effects of the Covid-19 crisis, an increasing amount of states worldwide have been faced with the simultaneous consequences of environmental and humanitarian issues. Last week saw vulnerable migrant and refugee communities in the Bay of Bengal in Bangladesh

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<sup>15</sup> <https://www.aljazeera.com/news/2020/05/turkey-greece-spat-border-policy-treatment-refugees-200528063425162.html>

<sup>16</sup> Al-Monitor, 'Turkey's Syrian refugees among hardest hit amid coronavirus pandemic' 27 April 2020

[www.al-monitor.com/pulse/originals/2020/04/turkey-syria-refugees-most-affected-by-coronavirus-jobless.html](http://www.al-monitor.com/pulse/originals/2020/04/turkey-syria-refugees-most-affected-by-coronavirus-jobless.html)

<sup>17</sup> Danish Refugee Council, 'Covid-19 Impact on Refugees in South East Turkey' May 2020

<https://data2.unhcr.org/en/documents/download/76662>

<sup>18</sup> *Ibid*

<sup>19</sup> *Ibid*

<sup>20</sup> *Ibid*

being hit by Cyclone Amphan.<sup>21</sup> This week, Somalia is facing a triple threat whilst being met with the consequences of a Locust crisis, unprecedented rainfall, and a stark increase in Covid-19 cases.<sup>22</sup>

Earlier this month, the International Organization for Migration (IOM) announced that Somalia is being faced with a humanitarian crisis, made up of 'both natural and man-made factors'.<sup>23</sup> As well as being faced with more than twice the average rainfall in the Gu rainy season in addition to the locust plague, Somalia's weak healthcare system. This is a result of decades of civil conflict and unrest, has insufficient means to serve the healthcare needs of even the general population.<sup>24</sup> According to the IOM De Martino Hospital, Somalia's main public hospital in Mogadishu lacks supplies, ventilators and necessary equipment to treat Covid-19 patients and protect healthcare workers.<sup>25</sup> Further, due to Covid-19 restrictions, Somalia is facing an increase in extremist groups, police brutality and political turmoil.<sup>26</sup>

According to the World Health Organization, Somalia has close to 2,000 cases of Covid-19, with figures estimated to be higher due to limited testing facilities within the country.<sup>27</sup> The IOM has also reported that, despite an increase in Covid-19 cases and subsequent border restrictions, Somalia continues to experience a high influx of migrants from neighbouring countries, with some hundreds currently being stranded in Bossaso due to sea-crossing and border closures.<sup>28</sup>

Yet, despite the increasing vulnerability of migrant and refugee populations, Justin Brady, the head of the UN's emergency aid coordination office in Somalia (OCHA), told local media last month that humanitarian aid workers and international staff are being increasingly forced to work outside of Somalia or work in 'restrictive environments' due to Covid-19.<sup>29</sup> As a result, the already limited access to humanitarian aid by local refugee and migrant communities has been seriously undermined.<sup>30</sup> The IOM has stated that it will continue to support the UN Covid-19 Country Preparedness and Response Plan, as well as the National Preparedness and Response Plan for Covid-19 and the IOM and WHO Global Strategic Preparedness and Response Plans to mitigate the effects of Covid-19 on IDPs, refugees, asylum seekers and other migrants in Somalia.<sup>31</sup> However, greater efforts are needed to overcome the current restrictions to humanitarian aid, particularly in light of the increasing natural threats.

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<sup>21</sup> UNHCR, 'The Refugee Brief' 22 May 2020

[www.unhcr.org/refugeebrief/the-refugee-brief-22-may-2020/](http://www.unhcr.org/refugeebrief/the-refugee-brief-22-may-2020/)

<sup>22</sup> IOM, 'Somalia: Covid-19 Preparedness and Response', 10- 16 May 2020

[www.iom.int/sites/default/files/situation\\_reports/file/somalia - situation report 8 - covid19 preparedness and response update.pdf](http://www.iom.int/sites/default/files/situation_reports/file/somalia_-_situation_report_8_-_covid19_preparedness_and_response_update.pdf)

<sup>23</sup> *Ibid*

<sup>24</sup> The New Humanitarian, 'Coronavirus and aid: What we're watching, 28 May-3 June' 28 May 2020

[www.thenewhumanitarian.org/news/2020/05/28/coronavirus-humanitarian-aid-response](http://www.thenewhumanitarian.org/news/2020/05/28/coronavirus-humanitarian-aid-response)

<sup>25</sup> IOM, 'Somalia: Covid-19 Preparedness and Response', 10- 16 May 2020

[www.iom.int/sites/default/files/situation\\_reports/file/somalia - situation report 8 - covid19 preparedness and response update.pdf](http://www.iom.int/sites/default/files/situation_reports/file/somalia_-_situation_report_8_-_covid19_preparedness_and_response_update.pdf)

<sup>26</sup> The Interpreter, 'To act, or not? Al-Shabaab's response to a Covid-19 crisis in Somalia' 15 May 2020

[www.lowyinstitute.org/the-interpreter/act-or-not-al-shabaab-s-response-covid-19-crisis-somalia](http://www.lowyinstitute.org/the-interpreter/act-or-not-al-shabaab-s-response-covid-19-crisis-somalia)

<sup>27</sup> World Health Organisation, 'Somalia crisis' 20 May 2020

[www.who.int/emergencies/crises/som/en/](http://www.who.int/emergencies/crises/som/en/)

<sup>28</sup> IOM, 'Somalia: Covid-19 Preparedness and Response', 10- 16 May 2020

[www.iom.int/sites/default/files/situation\\_reports/file/somalia - situation report 8 - covid19 preparedness and response update.pdf](http://www.iom.int/sites/default/files/situation_reports/file/somalia_-_situation_report_8_-_covid19_preparedness_and_response_update.pdf)

<sup>29</sup> The New Humanitarian, 'Coronavirus and aid: What we're watching, 28 May-3 June' 28 May 2020

[www.thenewhumanitarian.org/news/2020/05/28/coronavirus-humanitarian-aid-response](http://www.thenewhumanitarian.org/news/2020/05/28/coronavirus-humanitarian-aid-response)

<sup>30</sup> *Ibid*

<sup>31</sup> IOM, 'Somalia: Covid-19 Preparedness and Response', 10- 16 May 2020

[www.iom.int/sites/default/files/situation\\_reports/file/somalia - situation report 8 - covid19 preparedness and response update.pdf](http://www.iom.int/sites/default/files/situation_reports/file/somalia_-_situation_report_8_-_covid19_preparedness_and_response_update.pdf)

## Venezuela and Yemen

In a virtual conference last Tuesday, hosted by the EU and Spain, US \$653m in donations was raised in order to support Venezuelan migrants and refugees in the current pandemic.<sup>32</sup> The World Food Programme warned that 14 million people in Latin America would likely face hunger as a result of Covid-19, an increase by ten million from last year. The UNHCR-IOM Joint Special Representative Eduardo Stein has praised the donations, stating that they will make a significant difference to Venezuelan refugees and migrants 'extremely hard-hit' by the virus.<sup>33</sup>

Conversely in Yemen, several UN agencies stated last Thursday that crucial humanitarian programmes are likely to be closed due to funding shortages. Despite only reporting 253 cases of Covid-19 so far, health officials have reported that individuals are dying in Yemen every day from 'unspecified causes'. Further, local health authorities have expressed particular concern for local refugee and migrant communities, including Yemen's 3.6 million IDPs currently living in overcrowded and unsanitary conditions. In a conference set to be held this month, agencies will seek US\$2.4 billion in necessary funding in order to continue humanitarian operations. However, with current programmes set to be closed from 2 June, urgent support from the international community is needed in order to mitigate the increasing rise of humanitarian needs.<sup>34</sup>

## 4. Prisoners and detainees

### Prisoners

#### Brazil

Since the previous Monitor, Brazil now has the second largest infection rate in the world, after the US. A lack of support on a federal government level has severe ramifications on Brazil's Covid-19 contingency planning and grave implications on vulnerable groups in society. Coupled with this, President Jair Bolsonaro, has repeatedly undermined social distancing and lockdown measures while pushing state governors to reopen the economy, stating that 'unemployment, hunger and misery will be the future of those who support the tyranny of total isolation.'<sup>35</sup>

So far, around 30,000 prisoners have been released, about four percent of the prison population, in response to a recommendation by the National Council of Justice, the body in charge of developing judicial policies. In contrast, the Bolsonaro administration has opposed releases and insisted, without success, in using shipping containers to isolate prisoners.<sup>36</sup> Further, the Brazilian Supreme Court has frequently declared that the wellbeing of prisoners is the responsibility of the state to uphold, and that the release of prisoners is paramount in preventing the spread of Covid-19.<sup>37</sup>

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<sup>32</sup> UNHCR, 'Refugee Brief' 29 May 2020  
[www.unhcr.org/refugeebrief/latest-issues](http://www.unhcr.org/refugeebrief/latest-issues)

<sup>33</sup> [Ibid](#)

<sup>34</sup> [Ibid](#)

<sup>35</sup> British Medical Association, 'Covid-19: Brazil now has third highest number of cases behind US and Russia' 21 May 2020  
[www.bmj.com/content/369/bmj.m2059](http://www.bmj.com/content/369/bmj.m2059)

<sup>36</sup> Human Rights Watch, 'How to Prevent Covid-19 Outbreaks in Latin America's Prisons' 2 May 2020  
[www.hrw.org/news/2020/05/21/how-prevent-covid-19-outbreaks-latin-americas-prisons](http://www.hrw.org/news/2020/05/21/how-prevent-covid-19-outbreaks-latin-americas-prisons)

<sup>37</sup> CSP Reports in Public Health, 'COVID-19 in prisons: an impossible challenge for public health?' 20 April 2020  
<https://blog.scielo.org/wp-content/uploads/2020/05/1678-4464-csp-36-05-e00083520-en.pdf>

## India

In India, prisons have an average 114 per cent occupancy rate, and pre-trial detention constitutes nearly 68 percent of the prison population. During the beginning of the government-instructed lockdown on 25 March, the cessation of legal services, visitation rights, access to legal representation, bail or a fair investigation for prisoners constituted a direct infringement of their rights. As an overwhelming seventy percent of pre-trial prisoners are illiterate or semi-literate creates significant barriers in their ability to support their cases in the absence of legal representation.<sup>38</sup> After the BJP announced the Citizenship Amendment Act (CAA) in December 2019, a significant proportion of protesters, often of Muslim background, remain incarcerated during the pandemic. For the case of Safoora Zargar, a pregnant women arrested on 10 April for allegedly taking part in anti-CAA protests, has been charged under the Unlawful Activities Prevention Act (UAPA) a 'draconian law that makes it nearly impossible for the accused to get bail' according to BBC reports<sup>39</sup>. Although the High Power Committee in India ordered for the emergency release of prisoners, leading to the release of 61,100 prisoners so far, foreign nationals, including marginalised Muslim groups, are highly under-represented in these statistics.<sup>40</sup>

## France

On 29 April, the Ministry of Justice in France released around 11,500 prisoners resulting in a 100 per cent decline in prison occupancy rates, in order to combat the spread of Covid-19. Although this reduction brought some positive developments, allowing staff to work in better conditions and the relocation of inmates to individual cells, the Ministry of Justice declared on 4 May that an increase in the prison population would go through after the end of the lockdown period. Further, the initial reduction in the prison population was due to the cessation of judicial activity, as opposed to releasing convicted inmates, with pre-trial detention automatically extended. Moreover, reports released thus far have highlighted instances of forced labour conditions for the remaining prison population. In 140 prisons in France, inmates are making fabric masks intended for hospital staff for 6 euros a day. As prisoners themselves lack protective equipment, this indicates a disregard for the health of prisoners, while also contributing to forced and unsanitary labour conditions.<sup>41</sup>

## United Kingdom

In the UK, over 1,800 prisoners could be infected with Covid-19, according to Public Health England. Public Health England warned that some restrictions needed to be maintained in prisons until April 2021, in order to safeguard the prison population. Further, fears over the psychological wellbeing of prisoners during the lockdown should be taken into serious consideration, with two prisoners on remand committed suicide Bristol and Durham prisons in May.<sup>42</sup> Organisations have warned of the

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<sup>38</sup> Al Jazeera, 'India's long lockdown led to breakdown of criminal justice system' 2 June 2020  
[www.aljazeera.com/indepth/features/india-long-lockdown-led-breakdown-criminal-justice-system-200602103810110.html](http://www.aljazeera.com/indepth/features/india-long-lockdown-led-breakdown-criminal-justice-system-200602103810110.html)

<sup>39</sup> BBC News, 'India Coronavirus: Pregnant student Safoora Zargar at risk in jail' 12 May 2020  
[www.bbc.co.uk/news/world-asia-india-52608589](http://www.bbc.co.uk/news/world-asia-india-52608589)

<sup>40</sup> Commonwealth Human Rights Initiative, 'State/UT wise Prisons Response to COVID 19 Pandemic in India', 27 May 2020  
[www.humanrightsinitiative.org/content/stateut-wise-prisons-response-to-covid-19-pandemic-in-india](http://www.humanrightsinitiative.org/content/stateut-wise-prisons-response-to-covid-19-pandemic-in-india)

<sup>41</sup> The Prison Observatory, 'Covid-19: What is happening in European Prisons' 15 May 2020  
[www.prisonobservatory.org/upload/15052020European\\_prisons\\_during\\_covid19n7.pdf](http://www.prisonobservatory.org/upload/15052020European_prisons_during_covid19n7.pdf)

<sup>42</sup> The Prison Insider, 'Europe: coronavirus, prison fever' 28 May 2020

devastating effects on prisoners due to delays in proceedings, extension of remand duration and isolation in poor facilities. Deborah Coles, Director of Inquest, a charity providing expertise on state related deaths, explained: 'These recent suicides raise major concerns about the frustration and despair of those confronted with inhumane living conditions and restrictive systems', calling on the UK government to protect the mental, and physical health, of the prison population.<sup>43</sup> So far, only 57 prisoners have been released of the intended 4,000 prisoners outlined in the Ministry of Justice's contingency plans in March.

### Immigration detention

#### **Panama**

On 30 May, the government of Panama announced that it intends to transport around 1,900 migrants, who were affected by Covid-19 related border restrictions, closer to the border with Costa Rica, following a resolution by the Inter-American Court. The Court requested that Panama provide 'access to essential health services without discrimination to all persons that are held in the immigration reception centres.' In the Laja Blanca Immigration centre in Panama, at least 17 people have tested positive for the virus. The Court's decision was motivated by several factors, such as overcrowding, lack of primary health services and preventative measures, as well as border closures. The Inter-American Court declared that one immigration centre was seven times over the capacity, deeming the Government of Panama's explanations for these matters insufficient, and against the guidelines presented by the World Health Organisation.<sup>44</sup> Further, the Inter-American Court requested that urgent measures be adopted and asked Panama to prepare a report, before 10 June, on compliance with the requested measures.<sup>45</sup>

#### **Malaysia**

In Malaysia, a surge of Covid-19 cases in overcrowded detention centres coincide with a series of raids last month in which the arrest of more than 2,000 undocumented migrants took place. On 22 May, 35 cases were identified at a detention centre near Kuala Lumpur, and within four days, confirmed cases increased to 227 across three detention sites, and subsequently rose to 410 recorded cases by the 31 May.<sup>46</sup> Further, Reuters reported that, due to a series of controversial immigration crackdowns, undocumented migrants are forced to flee to the jungles in a bid to avoid detention centres, which are now facing severe outbreaks of Covid-19, in fear of being detained, or deported.<sup>47</sup>

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[www.prison-insider.com/en/articles/europe-coronavirus-la-fievre-des-prisons#allemagne-5e819a465cbb3](http://www.prison-insider.com/en/articles/europe-coronavirus-la-fievre-des-prisons#allemagne-5e819a465cbb3)

<sup>43</sup> The Bristol Cable, 'Bristol prisoner dies while awaiting trial during coronavirus lockdown' 12 May 2020

<https://thebristolcable.org/2020/05/bristol-prisoner-dies-while-awaiting-trial-during-coronavirus-lockdown/>

<sup>44</sup> Opinio Juris, 'IACHR Decision in Vélez Loo v. Panama: COVID-19 and Human Rights in the Courts' 30 May 2020

<https://opiniojuris.org/2020/05/30/iachr-decision-in-velez-loor-v-panama-covid-19-and-human-rights-in-the-courts/>

<sup>45</sup> The Tico Times, 'Panama seeks to bring migrants stranded by COVID-19 to Costa Rica' 1 June 2020

<https://ticotimes.net/2020/06/01/panama-seeks-to-bring-migrants-stranded-by-covid-19-to-costa-rica>

<sup>46</sup> Al Jazeera, 'Immigration detention centres become Malaysia coronavirus hotspot' 2 June 2020

[www.aljazeera.com/news/2020/06/immigration-detention-centres-malaysia-coronavirus-hotspot-200602004727890.html](http://www.aljazeera.com/news/2020/06/immigration-detention-centres-malaysia-coronavirus-hotspot-200602004727890.html)

<sup>47</sup> Free Malaysia Today, 'Fearing raids and uncertainties ahead, migrants vanish into the forest' 28 May 2020

[www.freemalaysiatoday.com/category/nation/2020/05/28/fearing-raids-and-uncertainties-ahead-migrants-vanish-into-the-forest/](http://www.freemalaysiatoday.com/category/nation/2020/05/28/fearing-raids-and-uncertainties-ahead-migrants-vanish-into-the-forest/)

## 5. Asylum procedures

### Germany

On 18 May, 70 out of 300 people tested positive for Covid-19 at a refugee centre near Bonn. With an increase in reported cases, Green Party politician Horst Becker stated that they had 'repeatedly called for blanket testing in these homes. Now we can see that this is happening far too late.'<sup>48</sup> A requirement in German law states that asylum seekers in Germany must live in 'reception centres' or shared accommodation during their asylum applications, which is one factor that has increased the spread of Covid-19 in various facilities in Germany. Further, poor conditions and a lack of privacy in such facilities are criticised by refugee and immigrant rights groups, with the pandemic raising fears among asylum seekers and activists.<sup>49</sup>

### Netherlands

As reported in the last edition of the Monitor, the Netherlands suspended asylum procedures due to the Covid-19 outbreak in March. Since then, authorities opened a dedicated shelter in Zoutkamp to house those who sought protection. Asylum applicants were confined in the facility and unable to leave the area, despite the lack of judicial grounds for this enforced quarantine measure. On 13 May, the Zoutkamp facility has changed from its initial purpose, and is currently being used to house infected asylum seekers with their families. Those who were previously sent to Zoutkamp were transferred to a regular reception centre in order to commence their asylum applications. As of 22 May, approximately 60 persons were held in the facility.

## 6. Disability rights

### Lack of access to essential services and information

#### Medical rationing

With a global shortage of ventilators, doctors in many countries, most notably Italy, have instituted medical rationing policies. On 16 March, the Italian College of Anesthesia, Analgesia, Resuscitation and Intensive Care published guidelines instructing doctors and nurses to allocate resources to patients with the highest chance of therapeutic success.<sup>50</sup> Further, the publication encouraged doctors to take a patient's overall health into account, arguing that patients in a worse state of overall health will require more resources to survive.<sup>51</sup> Most people with disabilities are not inherently at higher risk for becoming infected with or having more severe cases of Covid-19, but some people with disabilities are at a higher risk of infection or severe illness if they have serious underlying chronic medical conditions. Adults with disabilities are three times more likely than adults without disabilities to suffer

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<sup>48</sup> Deutsche Welle, 'Coronavirus outbreak hits refugee home in Germany' 18 May 2020 [www.dw.com/en/coronavirus-outbreak-hits-refugee-home-in-germany/a-53474875](http://www.dw.com/en/coronavirus-outbreak-hits-refugee-home-in-germany/a-53474875)

<sup>49</sup> *Ibid*

<sup>50</sup> SIAARTI, "Clinical Ethics Recommendations For The Allocation Of Intensive Care Treatments, In Exceptional, Resource-Limited Circumstances" 16 March 2020 <http://www.siaarti.it/SiteAssets/News/COVID19%20-%20documenti%20SIAARTI/SIAARTI%20-%20Covid-19%20-%20Clinical%20Ethics%20Reccomendations.pdf>

<sup>51</sup> *Ibid*.

from heart disease, stroke, diabetes, thus making them uniquely vulnerable under medical rationing policies.<sup>52</sup>

In the United States, New York's medical rationing plan said that any person who showed up to a hospital with their personal ventilator could have it taken from them and given to someone else in greater need.<sup>53</sup> Just last month, an Alabama policy was struck down that would have allowed doctors to deny ventilators to some adults and children with intellectual disabilities.<sup>54</sup> Though the United States Civil Rights Office formally rejected medical rationing based on disability and age in a statement issued 28 March, fears remain about the seemingly utilitarian approach to quality of life.<sup>55</sup> California-based disability advocate Alice Wong explained: 'Quality of life as a measurable standard is based on assumptions that a 'good' healthy life is one without disability, pain, and suffering. I live with all three intimately and I feel more vital than ever in these times, because of my experiences and relationships. Vulnerable 'high risk' people are some of the strongest, most interdependent and most resilient people around.'<sup>56</sup>

Public health communications must be non-discriminatory and guidelines for health care providers should emphasize dignity for people of all abilities, in addition to including safeguards for discrimination based on disability. Governments and health organizations must take immediate action to condemn any disability or age-based prioritisation in Covid-19 medical treatment. All triage decision making must center on human dignity for all.

### School closures

Much attention has been given to remote learning and how quickly schools across the globe have adapted learning to virtual mediums like video conferencing. Less attention has been paid to the impact of school closures on students with disabilities. Food security is a concern for many low-income families with children with disabilities and many schools provide both breakfast and lunch to students. With the pandemic, they are unable to do so.<sup>57</sup> Many of these families also do not have access to the internet in their homes and thus are unable to keep up with vital educational and therapeutic programming.<sup>58</sup> Additionally, many online video conferencing platforms are not compatible with the assistive technology used by many students with disabilities.<sup>59</sup>

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<sup>52</sup> CDC, 'People with Disabilities,' <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-disabilities.html>

<sup>53</sup> NPR, 'People With Disabilities Fear Pandemic Will Worsen Medical Biases,' 15 April 2020 <https://www.npr.org/2020/04/15/828906002/people-with-disabilities-fear-pandemic-will-worsen-medical-biases>

<sup>54</sup> Ibid.

<sup>55</sup> The New York Times, 'U.S. Civil Rights Office Rejects Rationing Medical Care Based on Disability, Age' 28 March 2020 <https://www.nytimes.com/2020/03/28/us/coronavirus-disabilities-rationing-ventilators-triage.html>

<sup>56</sup> <https://www.vox.com/first-person/2020/4/4/21204261/coronavirus-covid-19-disabled-people-disabilities-triage>

<sup>57</sup> International Disability Alliance, 'Autistic Students in South Africa: how has their life changed?' 24 April 2020 <http://www.internationaldisabilityalliance.org/autism-sa-covid19>

<sup>58</sup> International Disability Alliance, 'COVID-19 in Mexico: the experience of deafblind children told by their mothers,' 24 April 2020 <http://www.internationaldisabilityalliance.org/deafblind-mexico>

<sup>59</sup> The Atlantic, 'The Pandemic Is a Crisis for Students with Special Needs,' 18 April 2020 <https://www.theatlantic.com/education/archive/2020/04/special-education-goes-remote-covid-19-pandemic/610231/>

Even for families with resources, routine and structure are crucial for students with disabilities and the transition to virtual learning has proved incredibly challenging.<sup>60</sup> Parents and caregivers are reporting an increase in behavioral challenges, such as self-injurious behaviour.<sup>61</sup> Students of all abilities use school as an opportunity to spend time with peers, and for many students with disabilities, time spent at school fosters essential socialisation and a sense of inclusion. Considering the vast social and educational consequences of school closures, it is key that governments do everything they can to support educators, family members and students during the pandemic.

### Inaccessible information

Across the globe, people with disabilities are reporting issues with accessing basic information about Covid-19. In Kenya, a blind woman named Akinyi shared her challenges with obtaining information about Covid-19 as a braille user. She explained that accessible information is generally not available in Kenya, and when it is, it is often displayed on TV: 'On TV they ask to call the number on the screen if you think you are experiencing Covid-19 symptoms and of course I can't see what it is.'<sup>62</sup> Additionally, she noted that many people with disabilities do not have the resources to own a computer or TV, and thus rely solely on radio for information. She explained that due to media inaccessibility, she did not know basic information about the spread of Covid-19 and someone had to explain to her that she needed to sanitize her cane and practice social distancing. A blind man in India, Zamir Dale, echoed Akinyi's concern, that the government 'make us rely on other people to obtain information.'<sup>63</sup> In a time of mandatory self-isolation and social distancing, relying on others is not feasible for many individuals with disabilities.

On 17 April, a 25 year old deaf man, Oloya Willies, was walking to his home in a rural Ugandan village when he was approached by the local military unit and interrogated about breaking the newly instated curfew. He could not understand the officers or respond to them and was shot in the leg. Three days later, doctors were forced to amputate his leg due to muscle damage. Oloya stated that he had never even heard of Covid-19—his village rarely receives any outside information as radios and TVs are scarce, and his deafness requires use of an interpreter.<sup>64</sup>

To ensure that people with disabilities have access to information, governments must implement a variety of accessible communication strategies including but not limited to sign language interpretation for televised announcements, websites that are accessible to people with a variety of disabilities, and telephone based services with text capabilities.<sup>65</sup> Communications should also avoid overly technical language to maximize understanding.<sup>66</sup> In rural and/or impoverished regions with

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<sup>60</sup> Ibid.

<sup>61</sup> Autism Speaks, 'COVID-19 information and resources for families,' <https://www.autismspeaks.org/covid-19-information-and-resources-families>

<sup>62</sup> International Disability Alliance, 'The experience of a blind woman in Kenya under COVID-19 outbreak,' 23 April 2020 <http://www.internationaldisabilityalliance.org/covid19-blind-kenya>

<sup>63</sup> International Disability Alliance, 'Experience of Deafblind Persons during the COVID-19 Outbreak,' <http://www.internationaldisabilityalliance.org/content/experiences-deafblind-amid-covid-19-outbreak>

<sup>64</sup> N24 News, 'The Plight and Situation of Persons with Disabilities During COVID-19 Response, --NUDIPU Speaks Out,' 22 April 2020 <https://northernnewswire.com/2020/04/22/the-plight-and-situation-of-persons-with-disabilities-during-covid-19-response-nudipu-speaks-out/>

<sup>65</sup> Human Rights Watch, 'Protect Rights of People with Disabilities During COVID-19' 26 March 2020 <https://www.hrw.org/news/2020/03/26/protect-rights-people-disabilities-during-covid-19>

<sup>66</sup> Ibid.

limited technological resources, special efforts must be made to transmit information to all people, but especially individuals with disabilities.

### Challenges with practicing preventative measures

People with disabilities may also have trouble practicing preventative measures, such as social distancing and frequent hand washing.

Many people with disabilities depend on direct support providers or other caregivers for daily tasks like bathing, getting dressed, meal preparation and medication, and therefore cannot practice social distancing. The inability to social distance is further compounded by a global shortage of personal protective equipment. For individuals with certain physical and cognitive disabilities, frequent hand washing is not possible.<sup>67</sup>

In India, one man noted the challenges of social distancing while blind. He frequently touches surfaces and other people to guide himself and has found that he is scared to touch others for guidance, and people are now scared to be touched.<sup>68</sup> Across the globe, individuals hard of hearing are struggling to social distance because many rely on lip-reading and being close to the speaker—lip-reading is impossible with a mask.<sup>69</sup> It is crucial that government guidelines and measures of public restrictions consider people of all abilities. During quarantine, it must be insured that support services and staff must can meet the daily living requirements of people with disabilities.

## **7. Freedom of assembly**

On 14 April, UN Special Rapporteur on the right to Peaceful Assembly and Association released a statement calling on states not to impose wide-ranging restrictions on the freedom of assembly and association.<sup>70</sup> The statement also set out guidelines to states on how to avoid human rights abuses. The guidelines emphasis that democracy cannot be postponed, which includes the right to assembly of citizens, and that ‘the crisis is no justification for excessive force to be used when dispersing assemblies’ ... ‘nor for disproportionate penalties to be imposed.’ However, unfortunately we have seen the outbreak of peaceful protests met with violent backlash in the US and Hong Kong, supposedly in the name of protecting public health during Covid-19.

### **United States**

Following the murder of George Floyd during his arrest in Minneapolis, protests have erupted throughout many states in the US. President Trump has initiated a violent crackdown in response to the protests, deeming them acts of ‘domestic terror’ and expressing his plans for law enforcement to

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<sup>67</sup>John Hopkins University, ‘COVID-19 poses unique challenges for people with disabilities,’ 23 April 2020 <https://hub.jhu.edu/2020/04/23/how-covid-19-affects-people-with-disabilities/>

<sup>68</sup> International Disability Alliance, ‘Experience of Deafblind Persons during the COVID-19 Outbreak,’ [www.internationaldisabilityalliance.org/content/experiences-deafblind-amid-covid-19-outbreak](http://www.internationaldisabilityalliance.org/content/experiences-deafblind-amid-covid-19-outbreak)

<sup>69</sup> International Disability Alliance, ‘Cut from the World: Pandemic experience for hard of hearing persons in Nepal’ 18 May 2020 [www.internationaldisabilityalliance.org/nepal-covid19](http://www.internationaldisabilityalliance.org/nepal-covid19)

<sup>70</sup> OHCHR, ‘COVID-19 restrictions should not stop freedom of assembly and association, says UN expert’ 14 April 2020 [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25792&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25792&LangID=E)

‘dominate the streets’. There have been many reports of protestors being met with police brutality, with Amnesty International condemning the heavy-handed militarised policing and the deploying of tear gas and rubber bullets amongst other methods, which enable an atmosphere of militaristic conflict.<sup>71</sup> Rather than engaging in de-escalation, and facilitating citizens’ right to peaceful protest under international law, protestors are being met with violence which has only served to further escalate the protests. A tweet by President Trump ‘when the looting starts, the shooting starts’ has also been covered by a warning that the message ‘glorifies violence’ by Twitter. Many experts have expressed concern that these protests will lead to a spike in Covid-19 cases, with at least 18 states facing a 10 per cent increase in the number of cases over the past week.<sup>72</sup> In an interview for The Atlantic, epidemiologist at Boston Children’s Hospital and Harvard Medical School Maimuna Majumder, expressed ‘little doubt’ that these protests will lead to a spike in the number of Covid-19 cases, but that the protests are nonetheless a ‘necessary action’ as ‘structural racism has been a public-health crisis for much longer than the pandemic has’.<sup>73</sup> Even during the Covid-19 crisis, BAME individuals globally have faced a far greater risk of contracting the virus, as previously reported in the Monitor.

The government’s response of fighting the protests with greater violence fails to protect individuals’ rights of peaceful assembly, and instead of de-escalating the protests and therefore reducing the risk of transmission, creates more risk of spreading Covid-19 by eliciting greater violence. It is the duty of the government to create safe conditions in which people are able to exercise their freedom of assembly, especially now.

### Hong Kong

On 28 May, the IBA and the IBAHRI released a joint statement condemning China’s move to implement National Security legislation, which could have serious consequences for the rights of assembly in Hong Kong and represents a move to secure further control over the region.<sup>74</sup> Later that day, the legislation was passed by China’s National People’s Congress in a move which bypasses the legislature of Hong Kong. The weekend preceding this decision, peaceful protests took place to oppose the proposed legislation. Protestors were met with tear gas, and water cannons. On 28 May, riot police were brought in to tackle crowds following the arrest of at least 360 people for ‘illegal assembly’ and public misconduct.<sup>75</sup> These rallies came despite warnings from authorities against unauthorised assembly and bans on large public gatherings during Covid-19.<sup>76</sup> The move to implement this legislation during the present crisis seems deliberately intended to exploit restrictions on assembly to introduce controversial legislation. Citing Covid-19 lockdown measures, authorities have also placed a ban on the Tiananmen anniversary vigil due to be held on 4 June to commemorate the killings of

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<sup>71</sup> Amnesty International, ‘USA: police must end ‘excessive’ militarised response to George Floyd protests’ 31 May 2020 [www.amnesty.org.uk/press-releases/usa-police-must-end-excessive-militarised-response-george-floyd-protests](http://www.amnesty.org.uk/press-releases/usa-police-must-end-excessive-militarised-response-george-floyd-protests)

<sup>72</sup> CNN, ‘The protests are raising fears of a spike in coronavirus cases’ 2 June 2020 <https://edition.cnn.com/2020/06/01/health/protests-coronavirus-spread-concerns/index.html>

<sup>73</sup> The Atlantic, ‘The Protests Will Spread the Coronavirus’ 1 June 2020 [www.theatlantic.com/health/archive/2020/06/protests-pandemic/612460/](http://www.theatlantic.com/health/archive/2020/06/protests-pandemic/612460/)

<sup>74</sup> IBAHRI, ‘China’s move to impose National Security Law on Hong Kong condemned by IBA and IBAHRI’ 28 May 2020 [www.ibanet.org/Article/NewDetail.aspx?ArticleUid=99CFB8EF-70F9-4867-9C38-66D10AA5AEDE](http://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=99CFB8EF-70F9-4867-9C38-66D10AA5AEDE)

<sup>75</sup> The Guardian, ‘Hong Kong crisis: at least 360 arrested as China protests grow’ 27 May 2020 [www.theguardian.com/world/2020/may/27/hong-kong-trump-china-security-crackdown-protests](http://www.theguardian.com/world/2020/may/27/hong-kong-trump-china-security-crackdown-protests)

<sup>76</sup> BBC News, ‘Hong Kong police fire tear gas as protesters decry China security law plan’ 24 May 2020 [www.bbc.co.uk/news/world-asia-china-52786734](http://www.bbc.co.uk/news/world-asia-china-52786734)

peaceful protestors in Tiananmen square in 1989.<sup>77</sup> This move exacerbates rising tensions in Hong Kong, and unnecessarily restricts the freedom of expression and assembly of Hong Kong citizens.

The blanket restrictions on these demonstrations, and the force with which they have been met, are against the domestic and international legal obligations of China. Article 27 of the Basic Law specifically provides for the freedom of procession and demonstration. Article 39 of the Basic Law also incorporates the rights and freedoms as enshrined in the International Covenant on Civil and Political Rights as constitutional rights. The Siracusa Principles ensure that any derogations from the ICCPR during a public health emergency must be proportionate and strictly necessary. Emergency Covid-19 measures cannot be used to entirely restrict these rights but should call for a vigil which abides by necessary social distancing measures.<sup>78</sup> The use of forcible violence by states to restrict the freedom of assembly is not to protect public health, but rather allows governments to restrict fundamental rights under the guise of the current crisis.

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<sup>77</sup> Amnesty International, 'Hong Kong: Alarming police attacks on peaceful anthem bill protesters signals yet another 'summer of repression'' 27 May 2020

[www.amnesty.org.uk/press-releases/hong-kong-alarming-police-attacks-peaceful-anthem-bill-protesters-signals-yet](https://www.amnesty.org.uk/press-releases/hong-kong-alarming-police-attacks-peaceful-anthem-bill-protesters-signals-yet)

<sup>78</sup> American Association for the International Commission of Jurists, 'Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights' 1985 [www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf](https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf)