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WATCH

## FUTURE CHOICES

Charting an Equitable Exit from the Covid-19 Pandemic



# **Future Choices**

**Charting an Equitable Exit from the Covid-19 Pandemic**

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# Future Choices

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# Introduction

On March 11, 2020, the World Health Organization (WHO) declared that an outbreak of the viral disease Covid-19—first identified in late 2019 in Wuhan, China—had reached the level of a global pandemic. Citing concerns with “the alarming levels of spread and severity,” the WHO called on governments to take urgent and aggressive action to stop the spread of the virus.<sup>1</sup>

Over the next 12 months, a varied global response to an unprecedented public health crisis unfolded. Some governments were quick to impose lockdowns and travel bans, and implemented various strategies requiring or promoting practices such as universal mask wearing, social distancing, following the advice of emerging scientific knowledge, and models. Some governments were able to implement comprehensive emergency responses that sought to protect not only the right to health, but other rights such as an adequate standard of living including the rights to housing and water, as well as other forms of social protection. Others — most — struggled to respond to the challenges of the pandemic, while some indulged in denying the threat to people’s lives and health that Covid-19 posed, while also taking advantage of it to restrict rights including freedoms of speech, assembly, access to information, and political participation.

The right to the highest attainable standard of health under international law obligates governments to take steps to prevent threats to public health and to ensure access to medical care for those who need it. Human rights law also recognizes that in the context of serious public health threats and public emergencies, an effective response may require temporary restrictions on some rights. Such restrictions need to have a legal basis, be strictly necessary with a rational basis, proportionate to achieve the objective, and be neither arbitrary nor discriminatory in application. They should be of limited duration and subject to review.

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<sup>1</sup> World Health Organization, “WHO Director-General's opening remarks at the media briefing on COVID-19 - 11 March 2020,” March 11, 2020, <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020> (accessed March 4, 2021).

The scale and severity of the Covid-19 pandemic rose to the level of a public health threat that justified some restrictions on certain rights. However, the pandemic has also been characterized by governments using public health emergency measures to grab power and abuse rights, the systematic neglect of some minority populations, and failures to anticipate and counteract ways in which harm resulting from the pandemic and measures to contain it fell disproportionately on people already facing inequity due to factors including race, gender, age, disability, and immigration or socioeconomic status. In April 2020, the United Nations secretary-general, António Guterres, said, “The public health crisis is fast becoming an economic and social crisis and a protection and human rights crisis rolled into one.”<sup>2</sup> Indeed, in the months following Guterres’ statement, the world witnessed a cascade of abuses and failures to protect people as the virus infected at least 113 million people and killed more than 2.5 million people.<sup>3</sup>

As vaccination efforts have begun in some countries, the promise of the scientific community’s extraordinary efforts is bearing fruit. By February 6, 2021, the WHO director-general, Tedros Adhanom Ghebreyesus, said that the number of vaccinations had overtaken the number of reported infections, but pointed out that “more than three quarters of those vaccinations are in just 10 countries that account for almost 60% of global GDP” and “almost 130 countries, with 2.5 billion people, are yet to administer a single dose.”<sup>4</sup>

The question for the international community, for governments around the world, and for the multilateral institutions and corporations who hold the keys to a rights-respecting exit from the Covid-19 pandemic, is not whether it is technically possible, but rather whether they have the willingness to abide by their human rights commitments to make it happen.

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<sup>2</sup> United Nations, “COVID-19 and Human Rights: We are all in this together,” April 23, 2020, [https://www.un.org/sites/un2.un.org/files/un\\_policy\\_brief\\_on\\_human\\_rights\\_and\\_covid\\_23\\_april\\_2020.pdf](https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf) (accessed March 4, 2021).

<sup>3</sup> World Health Organization, “WHO Coronavirus (COVID-19) Dashboard,” last updated March 9, 2021, <https://covid19.who.int/> (accessed March 4, 2021).

<sup>4</sup> World Health Organization, “WHO Director-General's opening remarks at the media briefing on COVID-19 – 5 February 2021,” February 4, 2021, <https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19-5-february-2021> (accessed March 4, 2021).

## Key Recommendations

As we enter the second year of a global pandemic, there are key actions governments should take to prevent further human rights backsliding and ensure an equitable exit from this global public health emergency. Governments should cooperate and develop strategies, including by regulating and holding companies accountable, to ensure universal and equitable access to Covid-19 vaccines.

Governments should protect the rights of healthcare workers and other essential workers, especially by bolstering occupational health and safety measures.

Measures to protect against the spread of the virus should be in line with international law. This means that when quarantines or lockdowns are imposed, for example, governments should ensure access to food, water, health care, education, support services for people with disabilities, and services for survivors of gender-based violence. Any tracking systems or other technologies used to implement public health measures should be transparent and subject to regular review and oversight. Governments should seek to combat the spread of misinformation on the pandemic while also protecting the right to freedom of expression, and ensuring that any restrictions on movement, assembly, or association are nondiscriminatory, limited in duration, and proportional to the public health threat.

Governments should protect older people, people with disabilities, people in detention, and others living in institutions and long-term care facilities from Covid-19, taking all feasible measure to decrease the risk of Covid-19 spread in congregate settings while avoiding blanket bans on visitors or outside monitors. The authorities should reduce the number of people in all detention facilities, including immigration detention, and they should facilitate the transfer of persons with disabilities from closed institutions into community-based settings. Governments should not impose sanctions for violating Covid-19 containment measures that are at odds with public health responses, such as incarcerating violators in conditions that increase risk of virus contraction.

Governments should ensure that economic recovery efforts emphasize protection of economic and social rights, including an adequate standard of living for all without discrimination, particularly for groups that were disproportionately impacted by Covid-19

or related lockdowns, and avoid austerity measures harmful to human rights. Instead, they should invest in quality services for all, including accessible and affordable health care, water and sanitation systems, education, and housing. Governments should immediately implement measures to ensure access to sufficient, affordable, and safe water for all as a critical matter of public health and human rights, and should ensure that household water and sanitation services are never cut for inability to pay, and provide economic support for a moratorium on evictions for inability to pay.

## Scope and Methodology

Drawing on Human Rights Watch research conducted in at least 100 countries between March 2020 and February 2021, this report provides an overview of the human rights violations governments committed or allowed during the Covid-19 pandemic on a broad range of topics. While not exhaustive, the report illustrates disturbing trends Human Rights Watch documented around the world.

The report covers a range of research documenting the disproportionate impact of Covid-19 on certain marginalized groups, human rights concerns highlighted and exacerbated by the pandemic, and new issues brought to bear. Topics include the imperative of universal and equitable vaccine access; the right to adequate health care; the rights of healthcare workers, women, older people, people with disabilities, and people in detention; ensuring the right to education; addressing economic inequality in the Covid-19 response; Covid-19 and technology; protecting the rights to freedom of expression and assembly; implementing rights-respecting quarantines, lockdowns, and travel bans; and addressing Covid-19 in conflict and humanitarian emergencies.

The report is accompanied by essays on selected themes, including on vaccine access, women’s rights, healthcare workers’ rights, the use of technology in combating the pandemic, older people’s rights, China’s role in the pandemic, and how the pandemic impacted poverty and inequality globally, calling attention to urgent human rights issues brought to the fore by Covid-19 that should be addressed as we enter the second year of a global pandemic, as well as inspiration for a more just, equitable, and ultimately healthy post-pandemic world.<sup>5</sup>

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<sup>5</sup> Margaret Wurth and Aruna Kashyap, “Reinforcing Rights Can Help Avert Failure on Covid-19 Vaccines,” commentary, Human Rights Watch essay, March 4, 2021, <https://www.hrw.org/news/2021/03/04/reinforcing-rights-can-help-avert-failure-covid-19-vaccines>; Heather Barr, “Hit Hard by Covid, Women Demand Fairer Post-Pandemic World,” commentary, Human Rights Watch essay, March 4, 2021, <https://www.hrw.org/news/2021/03/04/hit-hard-covid-women-demand-fairer-post-pandemic-world>; Aoife Croucher and Namratha Somayajula, “Health Workers: Heroes, Yes, But They Need Our Support,” commentary, Human Rights Watch essay, March 4, 2021, <https://www.hrw.org/news/2021/03/04/health-workers-heroes-yes-they-need-our-support>; Deborah Brown and Amos Toh, “Technology is Enabling Surveillance, Inequality During the Pandemic,” commentary, Human Rights Watch essay, March 4, 2021, <https://www.hrw.org/news/2021/03/04/technology-enabling-surveillance-inequality-during-pandemic>; Laura Mills, “Covid-19 Exposed Need to Protect Older People’s Rights,” commentary, Human Rights Watch essay, March 4, 2021, <https://www.hrw.org/news/2021/03/04/covid-19-exposed-need-protect-older-peoples-rights>; Yaqiu Wang, “China’s Dangerous Game Around Covid-19 Vaccines,” commentary, Human

## Failing on Universal and Equitable Vaccine Access

The Covid-19 pandemic is among the gravest global health and economic crises in recent history. By February 2021, nearly one year after the WHO declared it a pandemic, the virus had taken the lives of over 2.5 million people and infected at least another 110 million more, leaving many of them severely ill.<sup>6</sup> As documented in this report, in other Human Rights Watch materials, and by numerous civil society organizations, human rights monitors, journalists, and other observers, its social and economic consequences have been widespread and devastating.<sup>7</sup> Universal and equitable access to a safe and effective vaccine is critical to halting the spread of Covid-19.

By early 2021, several vaccines were found to be safe and effective, bringing hope that they could be used to prevent severe illness and death while protecting livelihoods and allowing battered economies to recover from the consequences of the pandemic. However, while scientists and researchers had risen to the occasion and developed vaccines at unprecedented speed, the behavior of many of the world's richest countries significantly undermines universal, equitable, and affordable access to those vaccines.

Governments invested tens of billions of dollars of public funds in vaccine development, but when it came to meeting human rights obligations to share the benefits of scientific research partially funded with that public money, and to cooperate internationally to protect the rights to life, health, and an adequate standard of living, wealthy countries have fallen far short.

Throughout 2020, a movement of advocates, including Covid-19 survivors and loved ones of those who died, called for a “people’s vaccine.”<sup>8</sup> And while the movement gained

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Rights Watch essay, March 4, 2021, <https://www.hrw.org/news/2021/03/04/chinas-dangerous-game-around-covid-19-vaccines>; Lena Simet and Sarah Saadoun, “An Unequal Crisis,” commentary, Human Rights Watch essay, March 4, 2021, <https://www.hrw.org/news/2021/03/04/unequal-crisis>.

<sup>6</sup> World Health Organization, “WHO Coronavirus (COVID-19) Dashboard,” last updated March 9, 2021, <https://covid19.who.int/> (accessed March 4, 2021).

<sup>7</sup> Human Rights Watch, “Coronavirus,” <https://www.hrw.org/tag/coronavirus>.

<sup>8</sup> Human Rights Watch, *“Whoever Find the Vaccine Must Share It”: Strengthening Human Rights and Transparency Around Covid-19 Vaccines*, (New York: Human Rights Watch 2020), <https://www.hrw.org/report/2020/10/29/whoever-finds-vaccine-must-share-it/strengthening-human-rights-and-transparency>.

considerable support, many wealthier governments pursued a different strategy, negotiating opaque bilateral deals with pharmaceutical companies or other entities, reserving vaccine doses largely for the use of their own populations irrespective of greater medical needs in other countries, and walked back prior pledges to support a more equitable distribution framework.<sup>9</sup>

The approach wealthy countries have taken to vaccine acquisition and distribution thus far has amounted to “vaccine nationalism,” the practice of secret deal-making and prebooking future vaccines when vaccines are widely projected to be in scarce supply, rather than cooperation. This significantly undermines universal, equitable, and affordable access.

The world has seen this before. Two decades ago, a similar fight was underway for equitable access to affordable HIV treatment. At the time, in the early 2000s, about 9,000 people a day were dying of AIDS, largely in countries where antiretroviral drugs were unavailable or unaffordable. It culminated in the 2001 Doha Declaration, negotiated by World Trade Organization (WTO) member states, which clarified that under global intellectual property rules, governments could issue licenses for patents during a public health crisis.

The governments of South Africa and India have led efforts at the WTO to promote more equitable access to Covid-19 medical products, including vaccines, by temporarily waiving some intellectual property rules. They propose that some provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) be waived, to allow all countries to collaborate with one another, without being confined to working within the complex legal framework and restrictions governing intellectual property. The proposal goes beyond the flexibility on licensing introduced by the Doha Declaration and gained the support of over 375 civil society organizations around the world.<sup>10</sup> However, several high-income countries like the United States, Switzerland, United Kingdom, Australia, and

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<sup>9</sup> Akshaya Kumar (Human Rights Watch), “Not Helping Low-Income Countries Get the Vaccine Could Come Back to Haunt Us,” commentary, *The Globe and Mail*, February 3, 2021, <https://www.theglobeandmail.com/opinion/article-not-helping-low-income-countries-get-the-vaccine-could-come-back-to/> (accessed March 4, 2021).

<sup>10</sup> “TWN Info Service on Health Issues (Oct20/07),” *Third World Network*, October 15, 2020, <https://www.twn.my/title2/health.info/2020/hi201007.htm> (accessed March 4, 2021).

Japan—some of which prebooked vast quantities of vaccine doses for their own populations—oppose the proposal, arguing that the Doha Declaration is sufficient.

## Recommendations

Governments should:

- Cooperate to develop a strategy to fund and support the creation of additional manufacturing capacity where needed to meet vaccine demand, especially in low- and middle-income countries;
- Use their regulatory and funding powers to drive vaccine producers to share their intellectual property through technology transfers and global, open, and nonexclusive licenses;
- Pledge not to sign bilateral deals with vaccine developers or prebook future vaccine doses;
- Support efforts at the WTO to temporarily waive some provisions in the TRIPS Agreement as they relate to Covid-19 vaccine development.

## Right to Adequate Health Care

The Covid-19 pandemic underscored structural weaknesses in public healthcare systems around the world, highlighting and further contributing to massive inequality in access to lifesaving care. Inequality continues to determine not only who gets sick, but whether they can access care. The pandemic laid bare the global cost of failing to provide universal access to basic health care, a cost already born disproportionately by marginalized populations.

People living in poor or Indigenous areas in Mexico, for instance, are 50 percent more likely to die of Covid-19 and less likely to have received intensive care.<sup>11</sup> Black, Latinx, and Native communities in the US face increased risk of infection, serious illness, and death from Covid-19, disparities linked to longstanding inequities in health outcomes.<sup>12</sup> In Brazil, Black people are more likely than other racial groups to contract the virus and to die in the hospital.<sup>13</sup> Several European Union countries were criticized for not taking proportionate action to address the higher risk of death from Covid-19 in Roma communities.<sup>14</sup>

Longstanding institutional barriers to health care left Indigenous peoples in many countries particularly vulnerable to complications from Covid-19. Those barriers faced by people with disabilities were only accentuated by the pandemic, especially for those who receive personal support for tasks of daily living.<sup>15</sup>

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<sup>11</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Mexico chapter, <https://www.hrw.org/world-report/2021/country-chapters/mexico>.

<sup>12</sup> Jazmyrn T. Moore et al., “Disparities in Incidence of COVID-19 Among Underrepresented Racial/Ethnic Groups in Counties Identified as Hotspots During June 5–18, 2020 — 22 States, February–June 2020,” *Morbidity and Mortality Weekly Report* (2020): 69(33):1122–1126, doi: <http://dx.doi.org/10.15585/mmwr.mm6933e1> (accessed March 4, 2021); Sofia Carratala and Connor Maxwell, “Health Disparities by Race and Ethnicity,” *Center for American Progress*, May 7, 2020, <https://www.americanprogress.org/issues/race/reports/2020/05/07/484742/health-disparities-race-ethnicity/> (accessed March 4, 2021).

<sup>13</sup> Lethicia Pechim, “Negros morrem mais pela covid-19,” Faculdade de Medicina da UFMG, November 24, 2020, <https://www.medicina.ufmg.br/negros-morrem-mais-pela-covid-19/> (accessed March 4, 2021).

<sup>14</sup> Neda Korunovska and Zeljko Jovanovic, *Roma in the Covid-19 Crisis—An Early Warning from Six EU Member States* (New York: Open Society Foundations, 2021), <https://reliefweb.int/sites/reliefweb.int/files/resources/Roma%20in%20the%20COVID-19%20crisis%20-%20An%20early%20warning%20from%20six%20EU%20Member%20States.pdf> (accessed March 4, 2021).

<sup>15</sup> “Protect Rights of People with Disabilities During COVID-19,” Human Rights Watch news release, March 26, 2020, <https://www.hrw.org/news/2020/03/26/protect-rights-people-disabilities-during-covid-19>.

While the right to health does not guarantee a right to be healthy, it guarantees the best possible state of health for the population, based on existing knowledge.<sup>16</sup> As such, governments are obligated to provide a system of health protection that offers equality of opportunity for everyone to enjoy the highest attainable level of health and to enact policies promoting available, affordable, quality health services, without discrimination. This requires health facilities, goods, and services to be scientifically and medically appropriate and of good quality, including availability of skilled medical personnel, scientifically approved and unexpired drugs and hospital equipment, sufficient safe drinking water, and adequate sanitation.

In many countries, however, longstanding neglect for public healthcare systems left hospitals woefully unprepared to respond to the virus. In Hungary, for instance, Human Rights Watch found that poor conditions in public hospitals, including a lack of water, hand soap, sanitation supplies, and personal protective equipment (PPE) for health workers and patients, may have contributed to the spread of the virus in Hungary where 25 percent of reported confirmed infections were contracted in hospitals, and hospital-acquired Covid-19 infections led to almost 50 percent of reported deaths.<sup>17</sup> In Greece, healthcare workers protested throughout the year against insufficient levels of staffing, medicines, testing, and equipment to treat Covid-19 in public hospitals.<sup>18</sup> In Papua New Guinea, the Ministry of Health reported on Covid-19 preparedness detailing chronic deficiencies, as well as inadequate training on the use of PPE and infection prevention and control.

Venezuela's collapsing health system was unprepared to provide adequate care for Covid-19 patients, but even prior to the pandemic, its failure, including severe water shortages,

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<sup>16</sup> United Nations Office of the High Commissioner for Human Rights, "International standards on the right to physical and mental health," undated, <https://www.ohchr.org/en/issues/health/pages/internationalstandards.aspx> (accessed March 4, 2021).

<sup>17</sup> "Hungary: Health Care Failures Endanger Lives," Human Rights Watch news release, August 4, 2020, <https://www.hrw.org/news/2020/08/04/hungary-health-care-failures-endanger-lives>.

<sup>18</sup> "Greek Health Workers Demonstrate Over Coronavirus Conditions," *Agence France-Presse*, July 4, 2020, <https://www.france24.com/en/20200407-greek-health-workers-demonstrate-over-coronavirus-conditions> (accessed March 4, 2021); "Workers mobilize across Greece demanding protection of public health and safer workplaces," *Peoples Dispatch*, November 11, 2020, <https://peoplesdispatch.org/2020/11/11/workers-mobilize-across-greece-demanding-protection-of-public-health-and-safer-workplaces/> (accessed March 4, 2021).

had led to the resurgence of other vaccine-preventable and infectious diseases.<sup>19</sup> In Lebanon, the Covid-19 pandemic placed additional strain on a healthcare sector also already in crisis.<sup>20</sup> The government's failure to reimburse private and public hospitals more than one billion dollars in unpaid dues impacted the hospitals' ability to provide patients with urgent and necessary medical care. In addition, a dollar scarcity in the country restricted the import of vital medical equipment, including ventilators and some PPE.<sup>21</sup>

Failing public health infrastructure potentially fueled corruption in determining access to care, meaning whether someone lives or dies from Covid-19 in some places was determined by privilege. In Bangladesh, for example, where the healthcare system was overwhelmed by the Covid-19 pandemic, doctors told Human Rights Watch that they were having to turn away patients under pressure to reserve limited intensive care facilities for those with clout or influence.<sup>22</sup>

Lack of resources to treat Covid-19 in already fragile public healthcare systems meant that medical care for other illnesses and preventive medicine risked falling by the wayside. According to a September UN report, hospitals and clinics in Afghanistan, for example, had little capacity to maintain essential services while treating patients with Covid-19, causing a 30 – 40 percent decline in people accessing health care.<sup>23</sup> Again, this disproportionately impacts the lives of marginalized groups. Marginalized ethnic groups, such as Madhesis in Nepal, for example, are disproportionately suffering diminished access to clinical services.<sup>24</sup> Millions of children in India, particularly those from Dalit and tribal

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<sup>19</sup> "Venezuela: Urgent Aid Needed to Combat Covid-19," Human Rights Watch news release, May 26, 2020, <https://www.hrw.org/news/2020/05/26/venezuela-urgent-aid-needed-combat-covid-19>; Human Rights Watch, *Venezuela's Humanitarian Emergency*, (New York: Human Rights Watch 2019), <https://www.hrw.org/report/2019/04/04/venezuelas-humanitarian-emergency/large-scale-un-response-needed-address-health>.

<sup>20</sup> "Lebanon: Hospital Crisis Endangering Health," Human Rights Watch news release, December 10, 2019, <https://www.hrw.org/news/2019/12/10/lebanon-hospital-crisis-endangering-health>.

<sup>21</sup> "Lebanon: COVID-19 Worsens Medical Supply Crisis," Human Rights Watch news release, March 24, 2020, <https://www.hrw.org/news/2020/03/24/lebanon-covid-19-worsens-medical-supply-crisis>.

<sup>22</sup> Meenakshi Ganguly (Human Rights Watch), "Bangladesh Should Listen to its Health Workers," commentary, *The Daily Star*, <https://www.hrw.org/news/2020/06/21/bangladesh-should-listen-its-health-workers>.

<sup>23</sup> World Health Organization, "Afghanistan Strategic Situation Report: COVID-19," September 13, 2020, [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/strategic\\_sitrep\\_covid-19\\_13\\_september\\_2020\\_final.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/strategic_sitrep_covid-19_13_september_2020_final.pdf) (accessed March 4, 2021).

<sup>24</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Nepal chapter, <https://www.hrw.org/world-report/2021/country-chapters/nepal>.

communities, are at increased risk of malnutrition and illness during the pandemic because the government failed to adequately ensure the provision of meals, health care, and immunizations that many marginalized children rely on from the government schools and Anganwadi centers, which were closed in order to stop the spread of Covid-19.<sup>25</sup>

Some governments, including those of Afghanistan, Papua New Guinea, and Bangladesh, suspended vaccine programs for preventable diseases. Because of insufficient PPE, the Afghan government suspended polio vaccinations of children.<sup>26</sup> In Papua New Guinea, Covid-19 restrictions interrupted tuberculosis vaccine programs. In Bangladesh, measles vaccinations programs were halted in the Rohingya refugee camps.

## Impact on Sexual and Reproductive Health Care

Many governments were quick to cut back on sexual and reproductive health care amid the pandemic. In doing so, they not only obstructed the right to health but jeopardized a range of human rights that cannot be realized without the ability to make decisions about one's own body, including the right to education and the rights to equality and nondiscrimination.

The International Planned Parenthood Federation, a global nongovernmental organization that promotes sexual and reproductive health, reported that the pandemic forced the organization to close thousands of family planning facilities—either due to government orders, or social distancing needs.<sup>27</sup> Colombia, El Salvador, Pakistan, Germany, Ghana, Malaysia, Sri Lanka, Sudan, Uganda, Zambia, and Zimbabwe have each had to close at least 100 such facilities. In Papua New Guinea, where maternal mortality rates are among the highest in the Pacific region, failure to implement measures to ensure women and girls

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<sup>25</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), India chapter, <https://www.hrw.org/world-report/2021/country-chapters/india>.

<sup>26</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Afghanistan chapter, <https://www.hrw.org/world-report/2021/country-chapters/afghanistan>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Papua New Guinea chapter, <https://www.hrw.org/world-report/2021/country-chapters/papua-new-guinea>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Bangladesh chapter, <https://www.hrw.org/world-report/2021/country-chapters/bangladesh>.

<sup>27</sup> International Planned Parenthood Federation, “COVID-19 pandemic cuts access to sexual and reproductive healthcare for women around the world,” April 9, 2020, <https://www.ippf.org/news/covid-19-pandemic-cuts-access-sexual-and-reproductive-healthcare-women-around-world> (accessed March 4, 2021).

can safely access healthcare facilities amid the Covid-19 pandemic has made pregnancy even more unsafe. In Pakistan, where maternal mortality rates were already the highest in South Asia, authorities closed several major maternity wards after some staff members tested positive for the virus, exacerbating an already grim situation, especially for impoverished women and girls.<sup>28</sup> In Venezuela, where hospitals were already in the grip of a humanitarian crisis, some maternal health centers suspended prenatal and postnatal services in 2020 due to the pandemic, and NGOs reported that pregnant women suspected of having Covid-19 were being denied prompt care.<sup>29</sup> The United Nations Population Fund warned that the pandemic could leave 47 million women in low- and middle-income countries unable to avail of modern contraceptives, leading to a projected seven million additional unintended pregnancies.<sup>30</sup>

While France, England, Spain, and Germany, among others, facilitated access to medical abortion (abortion induced through taking medication) in light of pandemic-related travel restrictions and the need to minimize hospital stays, women in several other countries reported increased difficulty in accessing safe and legal abortion during lockdowns.<sup>31</sup> For example, some hospitals in Russia suspended provision of legal abortion during the pandemic and in Italy authorities did not immediately deem abortion essential health care with some facilities suspending abortion services or reassigning gynecological staff to Covid-19 care.<sup>32</sup> The Italian Health Ministry clarified on March 30 that abortion services

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<sup>28</sup> United Nations Population Fund (Pakistan), “Maternal Health,” undated, <https://pakistan.unfpa.org/en/topics/maternal-health-8> (accessed March 4, 2021); Saroop Ijaz, “Closing Pakistan’s Maternity Wards Puts Women at Risk,” Human Rights Watch dispatch, May 9, 2020, <https://www.hrw.org/news/2020/05/09/closing-pakistans-maternity-wards-puts-women-risk>.

<sup>29</sup> “La salud materna y la salud sexual y reproductiva deben ser priorizadas y garantizadas durante la pandemia de la COVID19,” Women’s Link Worldwide, August 19, 2020, <https://www.womenslinkworldwide.org/informate/sala-de-prensa/la-salud-materna-y-la-salud-sexual-y-reproductiva-deben-ser-priorizadas-y-garantizadas-durante-la-pandemia-de-la-covid19> (accessed October 15, 2021).

<sup>30</sup> United Nations Population Fund, “New UNFPA projections predict calamitous impact on women’s health as COVID-19 pandemic continues,” April 28, 2020, <https://www.unfpa.org/pcm/node/24174> (accessed March 4, 2021).

<sup>31</sup> Sarah Elzas, “France extends access to abortions during Covid-19 pandemic,” *RFI*, April 11, 2020, <https://www.rfi.fr/en/france/20200411-france-extends-access-to-abortions-during-covid-19-pandemic> (accessed March 4, 2021); Hilary Margolis, “England Leads Way in UK after U-Turn on COVID-19 Abortion Access,” Human Rights Watch dispatch, March 31, 2020, <https://www.hrw.org/news/2020/03/31/england-leads-way-uk-after-u-turn-covid-19-abortion-access>; European Parliamentary Forum for Sexual and Reproductive Rights and IPPF European Network, “Sexual and Reproductive Health and Rights during the COVID-19 pandemic,” April 22, 2020, <https://www.ippfen.org/sites/ippfen/files/2020-04/Sexual%20and%20Reproductive%20Health%20during%20the%20COVID-19%20pandemic.pdf> (accessed March 4, 2021); Miriam Webber, “How coronavirus is changing access to abortion,” *Politico*, May 8, 2020, <https://www.politico.eu/article/how-coronavirus-is-changing-access-to-reproductive-health/> (accessed March 4, 2021).

<sup>32</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Russia chapter, <https://www.hrw.org/world-report/2021/country-chapters/russia>.

were nondeferrable, but hospitals and clinics did not always adhere to this guidance, and travel restrictions in place to stop the spread of Covid-19 exacerbated difficulties accessing abortion services that already come with burdensome requirements.<sup>33</sup>

Some governments even used the pandemic as an excuse<sup>34</sup> to further block access to abortion. In the US, 11 states have tried to limit access to abortion.<sup>35</sup> In Brazil, the administration of President Jair Bolsonaro removed two public servants after they signed a technical note recommending that authorities maintain sexual and reproductive health services during the Covid-19 pandemic, including “safe abortion in the cases permitted by Brazilian law.”<sup>36</sup>

## Recommendations

Governments should:

- Invest in public healthcare systems so that they are accessible and affordable to everyone without discrimination, including marginalized groups. This is critical not only for responding effectively and adequately to the pandemic as it continues to unfold, but to ensure healthcare systems can provide care and prevent illness beyond Covid-19;
- Take all feasible steps to remove financial barriers to public health care and ensure that public healthcare services are not only available in sufficient quantity, but also are of good quality;
- Invest in increasing the availability of skilled medical personnel, ensuring affordable access to essential medicines, and ensuring that all public health centers have scientifically approved equipment, sufficient safe drinking water, and adequate sanitation and hygiene to protect the health of healthcare workers and patients;

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<sup>33</sup> “Italy: Covid-19 Exacerbates Obstacles to Legal Abortion,” Human Rights Watch news release, July 30, 2020, <https://www.hrw.org/news/2020/07/30/italy-covid-19-exacerbates-obstacles-legal-abortion> (accessed March 9, 2021).

<sup>34</sup> Ibid; Schuyler Reid, “Alaska Issues Covid-19 Abortion Ban,” commentary, Human Rights Watch dispatch, April 16, 2020, <https://www.hrw.org/news/2020/04/16/alaska-issues-covid-19-abortion-ban>.

<sup>35</sup> Laurie Sobel et al., “State Action to Limit Abortion Access During the COVID-19 Pandemic,” *Kaiser Family Foundation*, August 10, 2020, <https://www.kff.org/womens-health-policy/issue-brief/state-action-to-limit-abortion-access-during-the-covid-19-pandemic/> (accessed March 4, 2021); Caroline Kelly, “Mississippi, Texas and Ohio move to limit abortion as part of coronavirus response,” *CNN Politics*, March 25, 2020, <https://www.cnn.com/2020/03/25/politics/coronavirus-abortion-texas-ohio/index.html> (accessed March 4, 2021).

<sup>36</sup> “Brazil: Protect Sexual, Reproductive Rights in Pandemic,” Human Rights Watch news release, June 12, 2020, <https://www.hrw.org/news/2020/06/12/brazil-protect-sexual-reproductive-rights-pandemic>.

- Recognize that sexual and reproductive health services are always essential and should not use the Covid-19 pandemic as an excuse to roll back access to reproductive health care or other services. As new lockdown measures may be enforced as the pandemic continues, governments should ensure that women and girls have access at all times to safe abortion services, prenatal and postnatal health care, and maternal health services;
- Ensure that family planning centers have the resources they need in order to stay open, including adequate provision of contraceptives, and that community members are able to access these centers without interruption. Any lockdown measures should explicitly identify reproductive health services as “essential” and ensure that people can safely access them;
- Following WHO guidelines, set the legal time frame for medical abortion at 12 weeks and eliminate requirements for hospitalization, instead providing guidance on self-management of medical abortion with in-person or telemedicine consultations.<sup>37</sup>

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<sup>37</sup> World Health Organization, “Medical management of abortion,” 2018, <https://apps.who.int/iris/bitstream/handle/10665/278968/9789241550406-eng.pdf> (accessed March 4, 2021).

## The Plight of Healthcare Workers

Around the world, healthcare workers, the majority of whom are women, faced serious risks to their health and safety during the Covid-19 pandemic. Thousands of health workers have died.<sup>38</sup> Tracking death and infection rates among health workers is difficult to do unless countries disaggregate and publish such data.

Particularly in the early stages of the pandemic, healthcare workers often did not have sufficient PPE, including masks, gowns, gloves, and eye protection, leading to high rates of infection and death. In Spain, for instance, organizations representing medical and care workers complained of ineffective, insufficient PPE in March and April 2020, with many forced to rely on homemade masks and gowns during the early weeks of the pandemic.<sup>39</sup> In Syria, government authorities failed to protect healthcare workers in government-held territory.<sup>40</sup> Healthcare workers reported serious shortages of PPE, and restricted access to oxygen tanks, which likely contributed to a high rate of death among health workers after suffering Covid-19 symptoms.

Many countries, including the US, Greece, Venezuela, Italy, Hungary, Bolivia, and Afghanistan experienced severe shortages of equipment and dangerous working conditions for healthcare workers.<sup>41</sup>

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<sup>38</sup> Mathieu Boniol et al., “Gender equity in the health workforce: Analysis of 104 countries,” World Health Organization, March 2019, <https://apps.who.int/iris/bitstream/handle/10665/311314/WHO-HIS-HWF-Gender-WP1-2019.1-eng.pdf?ua=1> (accessed March 4, 2021); “Global: Amnesty analysis reveals over 7,000 health workers have died from COVID-19,” Amnesty International, September 3, 2020, <https://www.amnesty.org/en/latest/news/2020/09/amnesty-analysis-7000-health-workers-have-died-from-covid19/> (accessed March 4, 2021).

<sup>39</sup> Ana Alfageme, “Llevamos las mascarillas y las batas durante seis turnos,” *El País*, April 22, 2020, <https://elpais.com/sociedad/2020-04-22/llevamos-las-mascarillas-y-las-batas-durante-seis-turnos.html> (accessed March 9, 2021); Ainara Tiefenthäler, “Health Care Kamikazes’: How Spain’s Workers Are Battling Coronavirus, Unprotected,” *New York Times*, March 30, 2020, <https://www.nytimes.com/video/world/europe/10000007051789/coronavirus-ppe-shortage-health-care-workers.html> (accessed March 4, 2021); David Brunat, “Batas que se rompen y mascarillas de papel contra el virus: las enfermeras estallan,” *El Confidencial*, May 4, 2020, [https://www.elconfidencial.com/espana/2020-04-05/coronavirus-mascarilla-enfermeras-contagio\\_2534731/](https://www.elconfidencial.com/espana/2020-04-05/coronavirus-mascarilla-enfermeras-contagio_2534731/) (accessed March 4, 2021).

<sup>40</sup> “Syria: Health Workers Lack Protection in Pandemic,” Human Rights Watch news release, September 2, 2020, <https://www.hrw.org/news/2020/09/02/syria-health-workers-lack-protection-pandemic> (accessed March 4, 2021).

<sup>41</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), United States chapter, <https://www.hrw.org/world-report/2021/country-chapters/united-states>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Greece chapter, <https://www.hrw.org/world-report/2021/country-chapters/greece>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021); Human Rights Watch, *World Report 2021*

In many countries such as Egypt and Bangladesh, healthcare workers became frontline sources of information about conditions in hospitals or the spread of Covid-19 more generally.<sup>42</sup> They were retaliated against by governments and by employers for speaking out about inadequate PPE and other issues. In Egypt, the Interior Ministry in June 2020 forced the doctors' syndicate members to cancel a press conference about government harassment of doctors in connection with Covid-19.<sup>43</sup> Between March and June 2020, authorities arrested at least nine healthcare workers who challenged the official narrative on the pandemic or criticized lack of equipment at their workplaces.<sup>44</sup> In Bangladesh, the government silenced healthcare workers who spoke out over a lack of PPE and resources for treating Covid-19.<sup>45</sup>

In Nicaragua, between June and August 2020 the government fired at least 31 doctors from public hospitals in apparent retaliation for voicing concerns over the government's management of the Covid-19 pandemic.<sup>46</sup> In Russia, healthcare workers faced shortages of PPE, particularly in the first months of the pandemic.<sup>47</sup> In some cases, those who spoke out about the shortages faced harassment and retaliation, including losing their jobs and/or facing charges of spreading false information. In Lebanon, major funding gaps in the healthcare sector, as well as the significant depreciation of the national currency reduced the value of healthcare workers' salaries by almost 80 percent and restricted hospitals'

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(New York: Human Rights Watch, 2021), Venezuela chapter, <https://www.hrw.org/world-report/2021/country-chapters/venezuela>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Italy chapter, <https://www.hrw.org/world-report/2021/country-chapters/italy>; "Hungary: Health Care Failures Endanger Lives," Human Rights Watch news release, August 4, 2020, <https://www.hrw.org/news/2020/08/04/hungary-health-care-failures-endanger-lives>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Bolivia chapter, <https://www.hrw.org/world-report/2021/country-chapters/bolivia>; Afghanistan chapter, <https://www.hrw.org/world-report/2021/country-chapters/afghanistan>.

<sup>42</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Egypt chapter, <https://www.hrw.org/world-report/2021/country-chapters/egypt>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Bangladesh chapter, <https://www.hrw.org/world-report/2021/country-chapters/bangladesh>.

<sup>43</sup> Human Rights Watch, *World Report 2021*, Egypt chapter, <https://www.hrw.org/world-report/2021/country-chapters/egypt>.

<sup>44</sup> "Egypt: World Bank Funds Health but Neglects Jailed Doctors," Human Rights Watch news release, December 8, 2020, <https://www.hrw.org/news/2020/12/08/egypt-world-bank-funds-health-neglects-jailed-doctors>.

<sup>45</sup> Meenakshi Ganguly (Human Rights Watch), "Bangladesh Should Listen to Its Health Workers," commentary, *The Daily Star*, June 21, 2020, <https://www.thedailystar.net/opinion/news/bangladesh-should-listen-its-health-workers-1917693>.

<sup>46</sup> Denisse Villalta, "Ortega despidió a 31 médicos en dos meses, según el Observatorio Ciudadano. El hospital Manolo Morales es el más afectado," *La Prensa*, August 30, 2020, <https://www.laprensa.com.ni/2020/08/30/nacionales/2714868-ortega-despidio-a-31-medicos-en-dos-meses-segun-el-observatorio-ciudadano-el-hospital-manolo-morales-es-el-mas-afectado> (accessed March 4, 2021).

<sup>47</sup> "Russia: Health Workers Face Retaliation for Speaking Out," Human Rights Watch news release, June 15, 2020, <https://www.hrw.org/news/2020/06/15/russia-health-workers-face-retaliation-speaking-out> (accessed March 9, 2021).

ability to maintain sufficient staffing levels and purchase PPE.<sup>48</sup> Healthcare workers have become targets of violent attacks by patients and their families, especially as hospitals were no longer able to admit new patients. Since the start of the pandemic, there has been at least one serious attack on a doctor every month. In Guatemala and in the Democratic Republic of Congo, doctors and healthcare workers also reported delays in salary payments and a lack of PPE.<sup>49</sup>

## Recommendations:

All governments have an obligation to protect the labor rights of health workers including by:

- Providing paid sick leave;
- Minimizing the risk of occupational accidents and diseases, through providing healthcare workers with training in infection control and with appropriate personal protective gear, and access to safe and effective grievance mechanisms with antiretaliation protection;
- Ensuring that compensation and other relevant social protection programs are in place for families of workers who died or became ill as a result of their work during the Covid-19 pandemic;
- Not engaging in and protecting healthcare workers against retaliation for speaking out about working conditions;
- Protecting health workers—in law and practice—against all forms of violence and harassment in the world of work, including from employers and the public.

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<sup>48</sup> Lebanon: Health Workers' Safety Neglected during Covid-19, Human Rights Watch news release, December 10, 2020, <https://www.hrw.org/news/2020/12/10/lebanon-health-workers-safety-neglected-during-covid-19> (accessed March 9, 2021).

<sup>49</sup> Adeline Neau, Madeline Penman and Josefina Salomón, "Las personas trabajadoras de salud de Guatemala corren peligro a causa del COVID-19, pero también a causa de su gobierno," Amnesty International, July 3, 2020, <https://www.amnesty.org/es/latest/news/2020/07/trabajadoras-salud-guatemala-corren-peligro-covid19/> (accessed March 9, 2021); "Covid-19 en RDC : impayés depuis cinq mois, les agents de riposte réclament salaires et primes promises à l'occasion de l'indépendance," *Actualité*, September 24, 2020, <https://actualite.cd/2020/09/24/covid-19-en-rdc-impayes-depuis-cinq-mois-les-agents-de-riposte-reclament-salaires-et> (accessed March 4, 2021).

## Failure to Protect Older People and People with Disabilities in Institutions

Covid-19 has had a devastating impact on people living in residential institutions for older people and people with disabilities. Older people and people with underlying health conditions are more likely to have severe complications or die from the disease, and the virus can spread rapidly in communal settings, particularly when there is inadequate infection control. People in these institutions were also affected by visitor bans implemented in response to the virus. While limiting in-person interactions was important to protect the health of residents and staff members, the blanket nature of these bans negatively impacted residents' physical and mental health and led to an overall decrease in transparency around governance of such institutions.

In the US, for example, approximately 40 percent of state-reported Covid-19 deaths and six percent of cases were among people living in long-term care institutions. Nursing facilities' longstanding infection control deficiencies and reduced public oversight of nursing homes during the Covid-19 pandemic likely put older residents at greater risk.<sup>50</sup> Nursing home operators pushed state and federal governments to give them broad legal immunity during the pandemic.<sup>51</sup>

The Centers for Medicare and Medicaid Services (CMS), the regulator for US nursing homes, announced a "no visitors" policy in March in response to the pandemic, with limited exceptions for end-of-life visits, cutting residents off from families, friends, and independent monitors.<sup>52</sup> In normal times, visitors often supplement care by staff, advocate on residents' behalf, and provide essential emotional support. CMS updated its guidance in September to allow for visitation in some circumstances, though protocols varied widely across states.<sup>53</sup> Short-staffing, long a problem in US nursing homes, became particularly

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<sup>50</sup> "US: Ensure Oversight, Not Immunity, for Nursing Homes," Human Rights Watch news release, June 15, 2020, <https://www.hrw.org/news/2020/06/15/us-ensure-oversight-not-immunity-nursing-homes>.

<sup>51</sup> "US: Ensure Oversight, Not Immunity, for Nursing Homes," Human Rights Watch news release, June 15, 2020, <https://www.hrw.org/news/2020/06/15/us-ensure-oversight-not-immunity-nursing-homes>.

<sup>52</sup> Bethany Brown, "US Nursing Home Visitor Ban Isolates Seniors," commentary, Human Rights Watch dispatch, March 20, 2020, <https://www.hrw.org/news/2020/03/20/us-nursing-home-visitor-ban-isolates-seniors>.

<sup>53</sup> Andrew Soergel, "Track the Status of Nursing Home Visits in Your State," AARP, last updated March 4, 2021, <https://www.aarp.org/caregiving/health/info-2020/nursing-home-visits-by-state.html> (accessed March 4, 2021).

acute during the pandemic.<sup>54</sup> Media reported numerous cases of alleged neglect of nursing home residents during this time.<sup>55</sup>

Covid-19 had a similarly disproportionate impact on care facilities in countries such as Italy<sup>56</sup> and the UK, where concerns arose around whether the government acted swiftly enough to protect the rights to life and health of residents.<sup>57</sup> In Australia, there were hundreds of deaths in aged care homes, with some experts saying many of the outbreaks were preventable.<sup>58</sup> The pandemic shone a light on insufficient staffing and inadequate community-based models of care. The government announced restrictions on visits to nursing homes, and some facilities banned visitors altogether.

In some countries, governments did not publish timely or transparent information about Covid-19 outbreaks in nursing homes or institutions for people with disabilities. For example, in Russia, the government did not publish regular statistics about rates of infection or death from Covid-19 in closed institutions.<sup>59</sup> Similarly, in Serbia there was no data on the number of people with disabilities in residential institutions that died of

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<sup>54</sup> Christopher Weaver and Anna Wilde Matthews, "Staffing at Some Nursing Homes Plummeted During Early Covid-19 Outbreaks," *Wall Street Journal*, November 1, 2020, <https://www.wsj.com/articles/staffing-at-some-nursing-homes-plummeted-during-early-covid-19-outbreaks-11604242040> (accessed March 4, 2021).

<sup>55</sup> Ina Jaffe, "Nursing Home Critics Say COVID-19 Immunity Laws Are A Free Pass For Neglect," *NPR*, January 26, 2021, <https://www.npr.org/2021/01/26/959466144/nursing-home-critics-say-covid-19-immunity-laws-are-just-a-free-pass-for-neglect> (accessed March 4, 2021); Matt Sedensky and Bernard Condon, "Not Just COVID: Nursing home neglect deaths surge in shadows," *Associated Press*, November 19, 2020, <https://apnews.com/article/nursing-homes-neglect-death-surge-3b74a2202140c5a6b5cfo5cdfoea4f32> (accessed March 4, 2021).

<sup>56</sup> Amnesty International, "Italy: Violations of the human rights of older residents of care homes during COVID-19 pandemic," December 18, 2020, <https://www.amnesty.org/en/latest/news/2020/12/italyviolations-of-the-human-rights-of-older-residents-of-care-homes-during-covid-19-pandemic/> (accessed March 4, 2021).

<sup>57</sup> "Public Health England, "Statistical data set, COVID-19: number of outbreaks in care homes - management information," last updated August 27, 2020, <https://www.gov.uk/government/statistical-data-sets/covid-19-number-of-outbreaks-in-care-homes-management-information> (accessed March 4, 2021).

<sup>58</sup> Naaman Zhou, "Q+A: 'catastrophic' Covid-19 outbreaks in aged care could have been prevented, doctors say," *Guardian*, August 3, 2020, <https://www.theguardian.com/australia-news/2020/aug/04/qa-catastrophic-covid-19-outbreaks-in-aged-care-could-have-been-prevented-doctors-say> (accessed March 4, 2021).

<sup>59</sup> "Russia: Publish Data About Covid-19 in Institutional Care," Human Rights Watch news release, June 2, 2020, <https://www.hrw.org/news/2020/06/02/russia-publish-data-about-covid-19-institutional-care> (accessed March 9, 2021).

complications from Covid-19, and in Brazil the lack of centralized data made it nearly impossible to assess the impact of the virus in care institutions.<sup>60</sup>

For some people with psychosocial disabilities (mental health conditions) who in many countries are chained in homes or overcrowded institutions without proper access to sanitation, running water, soap, or even basic health care, Covid-19 is an extreme threat.<sup>61</sup> In many countries, Covid-19 has disrupted basic services and psychosocial support, leading to people with psychosocial disabilities being shackled—chained or confined in small spaces—for the very first time or returning to life in chains after having been released.<sup>62</sup>

Covid-19 response plans often overlooked people with disabilities. In Lebanon, for example, people with disabilities were not consulted in preparing the government's emergency response plans and are facing barriers in accessing health care.<sup>63</sup>

## Recommendations

Governments should:

- Ban chaining and move to transfer people with disabilities out of closed institutions where safe to do so and stop new admissions;
- Provide older people and people with disabilities with support and services to live in the community.

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<sup>60</sup> Emina Ćerimović and Liam Turnbull, "Will Serbia Release Covid-19 Data from Institutions?" commentary, Human Rights Watch dispatch, <https://www.hrw.org/news/2020/08/25/will-serbia-release-covid-19-data-institutions>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Brazil chapter, <https://www.hrw.org/world-report/2021/country-chapters/brazil>.

<sup>61</sup> "Living in Chains: Shackling of People with Psychosocial Disabilities Worldwide," Human Rights Watch news release, October 6, 2020, <https://www.hrw.org/report/2020/10/06/living-chains/shackling-people-psychosocial-disabilities-worldwide> (accessed March 9, 2021).

<sup>62</sup> Kriti Sharma and Shantha Rau Barriga, "Lockdown in Chains," commentary, Human Rights Watch *World Report 2021*, January 13, 2021, <https://www.hrw.org/world-report/2021/essay/lockdown-in-chains>.

<sup>63</sup> "Lebanon: People with Disabilities Overlooked in Covid-19," Human Rights Watch news release, May 11, 2020, <https://www.hrw.org/news/2020/05/11/lebanon-people-disabilities-overlooked-covid-19>.

## People in Detention

People in prisons, jails, and immigration detention are frequently held in overcrowded and cramped conditions without adequate sanitation and hygiene, or access to adequate medical care, putting millions of imprisoned people worldwide at severely increased risk of contracting Covid-19. Some of the worst outbreaks have been in places of detention.<sup>64</sup>

Despite obligations under international human rights law to ensure that prisoners have access to at least equivalent health care as the general population, people in detention<sup>65</sup> frequently do not receive adequate health care even under normal circumstances. This pattern continued when prison authorities failed to implement adequate health and safety measures in response to Covid-19. In a US prison in April 2020, for instance, staff did not wear masks and lacked cleaning equipment, fresh clothes, and soap.<sup>66</sup> In Mexico and Eritrea, the suspension of family visits in response to the pandemic meant that detainees who relied on visitors to bring necessities that should have been provided by authorities were left without soap and other hygiene supplies.<sup>67</sup> In Cambodia, where prisons are severely over-capacity, people in custody have limited access to water, soap, and hand sanitizer, and are held in extremely close quarters.<sup>68</sup> Prisoners in Colombia, Venezuela, Argentina, Bolivia, Italy, and Greece protested their governments' failure to adequately address the spread of the virus in detention centers.<sup>69</sup>

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<sup>64</sup> John J. Openshaw and Mark A Travassos, "COVID-19 Outbreaks in US Immigrant Detention Centers: The Urgent Need to Adopt CDC Guidelines for Prevention and Evaluation," *Clinical Infectious Diseases*, Volume 72, Issue 1, January 1, 2021, Pages 153–154, <https://doi.org/10.1093/cid/ciaa692> (accessed March 4, 2021).

<sup>65</sup> "US: COVID-19 Threatens People Behind Bars," Human Rights Watch news release, March 12, 2020, <https://www.hrw.org/news/2020/03/12/us-covid-19-threatens-people-behind-bars>.

<sup>66</sup> John Raphling (Human Rights Watch), "COVID-19 Running Rampant in Ohio Prisons," commentary, May 21, 2020, <https://www.hrw.org/news/2020/05/21/covid-19-running-rampant-ohio-prisons>.

<sup>67</sup> Human Rights Watch, *World Report 2021*, Mexico chapter, <https://www.hrw.org/world-report/2021/country-chapters/mexico>; "Eritrea: Detainees in overcrowded and unsanitary conditions defenceless against COVID-19," Amnesty International press release, May 21, 2020, <https://www.amnesty.org/en/latest/news/2020/05/eritrea-detainees-in-overcrowded-and-unsanitary-conditions-defenceless-against-covid19/> (accessed March 4, 2021).

<sup>68</sup> "Cambodia: Prisons Potential COVID-19 Epicenters," Human Rights Watch news release, April 5, 2020, <https://www.hrw.org/news/2020/04/05/cambodia-prisons-potential-covid-19-epicenters>.

<sup>69</sup> @Minjusticiaco, "#VideoMinjusticia. Declaración de la #Minjusticia, Margarita Cabello; y del Director del @INPEC\_Colombia, General Norberto Mujica, frente a los acontecimientos de ayer en varias cárceles del país. Ver video

In addition to already overcrowded conditions, some authorities forced prisoners into cramped cell blocks for counting or other measures, without precautions and in complete disregard for health guidance on social distancing. In El Salvador, for instance, when President Nayib Bukele declared a “state of emergency” in maximum security prisons, official photographs and videos showed thousands of mostly-naked detainees—few wearing face masks—jammed together on cellblock floors while police searched cells, further exacerbating the already heightened risk of contagion.<sup>70</sup> In Cuba, government critics were repeatedly detained in unsanitary and overcrowded cells conducive to the spread of Covid-19.<sup>71</sup> Indian authorities ignored appeals to release detained activists, and several contracted Covid-19 in detention.<sup>72</sup>

In some cases, authorities subjected prisoners to solitary confinement under the pretext of protecting against the spread of Covid-19. Several prisons and youth detention centers in Australia implemented long periods of lockdown and extreme isolation, with conditions reportedly akin to solitary confinement.<sup>73</sup> Detainees in a US prison said that staff ignored people who said they were sick or placed them in punitive solitary confinement.

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completo en [https://youtu.be/i1d\\_Mh1Call](https://youtu.be/i1d_Mh1Call),” *Twitter*, March 22, 2020, 12:44 p.m. EDT, <https://mobile.twitter.com/MinjusticiaCo/status/1241767790907985932> (accessed March 4, 2021); “Una fuga masiva de presos deja 10 muertos en Venezuela,” *el Nuevo Herald*, March 18, 2020, <https://www.elnuevoherald.com/noticias/mundo/america-latina/venezuela-es/article241323656.html> (accessed March 4, 2021); “La Provincia Informó Sobre Los Recientes Hechos Que Tuvieron Lugar En Dos Unidades Penitenciarias De La Provincia,” *Santa Fe Provincia*, March 24, 2020, <https://www.santafe.gob.ar/noticias/noticia/267230/> (accessed March 4, 2021); “Reos se amotinan en Bolivia por presunto contagio de COVID-19,” *Deutsche Welle*, May 12, 2020, <https://www.dw.com/es/reos-se-amotinan-en-bolivia-por-presunto-contagio-de-covid-19/a-53398432> (accessed March 4, 2021); Fatima Burhan, “Wider Steps Needed to Protect Prisoners’ Health in Italy,” commentary, Human Rights Watch dispatch, March 20, 2020, <https://www.hrw.org/news/2020/03/20/wider-steps-needed-protect-prisoners-health-italy>; “COVID-19: What is Happening in European Prisons?” European Prison Observatory, April 24, 2020, [http://www.prisonobservatory.org/upload/24042020European\\_prisons\\_during\\_covid19%234.pdf](http://www.prisonobservatory.org/upload/24042020European_prisons_during_covid19%234.pdf) (accessed March 4, 2021).

<sup>70</sup> “El Salvador: Inhumane Prison Lockdown Treatment,” Human Rights Watch news release, April 29, 2020, <https://www.hrw.org/news/2020/04/29/el-salvador-inhumane-prison-lockdown-treatment> (accessed March 4, 2021).

<sup>71</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Cuba chapter, <https://www.hrw.org/world-report/2021/country-chapters/cuba>.

<sup>72</sup> International Federation for Human Rights, “India: Release Human Rights Defenders at Risk in the Context of COVID-19,” May 26, 2020, <https://www.fidh.org/en/issues/human-rights-defenders/india-release-human-rights-defenders-at-risk-in-the-context-of-covid> (accessed March 4, 2021).

<sup>73</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Australia chapter, <https://www.hrw.org/world-report/2021/country-chapters/australia>.

In at least 125 countries, prisons are overcrowded at the time the virus emerged, further escalating the danger of contagion.<sup>74</sup> A major factor contributing to this overcrowding is the large percentage of people being detained while awaiting trial in many countries, in violation of international norms.<sup>75</sup> For instance, according to official data collected by the Institute for Crime and Justice Policy Research, a policy-oriented academic research group, in Bangladesh and Gabon, over 80 percent of people in detention are awaiting trial; in Paraguay, Benin, Liechtenstein, the Philippines, and Haiti over 75 percent; in Switzerland and Luxembourg, over 40 percent.<sup>76</sup>

In order to protect against the spread of the virus, some countries initiated releases of imprisoned people, including the US, Honduras, Haiti, Ecuador, Cuba, Bangladesh, Brazil, Chile, Argentina, Colombia, Afghanistan, Angola, Burkina Faso, Iraq, France, Mali, Congo, Pakistan, Zimbabwe, and Italy.<sup>77</sup> In Libya, the Tripoli-based Government of National Accord announced the release of 466 pretrial detainees as well as detainees who met the rules for conditional release from prisons in Tripoli in order to reduce overcrowding and mitigate a Covid-19 outbreak.<sup>78</sup> Many of these releases, however, did not include children, excluded

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<sup>74</sup> "Highest to Lowest - Occupancy level (based on official capacity)," *World Prison Brief*, undated, [https://www.prisonstudies.org/highest-to-lowest/occupancy-level?field\\_region\\_taxonomy\\_tid=All](https://www.prisonstudies.org/highest-to-lowest/occupancy-level?field_region_taxonomy_tid=All) (accessed March 4, 2021).

<sup>75</sup> "Highest to Lowest - Pre-trial detainees / remand prisoners," *World Prison Brief*, undated, <https://www.prisonstudies.org/highest-to-lowest/pre-trial-detainees> (accessed March 4, 2021).

<sup>76</sup> "Highest to Lowest - Pre-trial detainees / remand prisoners," *World Prison Brief*, undated, [https://www.prisonstudies.org/highest-to-lowest/pre-trial-detainees?field\\_region\\_taxonomy\\_tid=All](https://www.prisonstudies.org/highest-to-lowest/pre-trial-detainees?field_region_taxonomy_tid=All) (accessed March 4, 2021).

<sup>77</sup> "Más de 1.600 presos liberados en Honduras por el COVID-19, que deja 322 muertos," *Agencia EFE*, June 16, 2020, <https://www.efe.com/efe/america/sociedad/mas-de-1-600-presos-liberados-en-honduras-por-el-covid-19-que-deja-322-muertos/20000013-4273187> (accessed March 4, 2021); "Moreno concede 'indulto presidencial conmutativo' a presos con sentencia; el Decreto 1086 tiene excepciones," *El Comercio*, June 27, 2020, <https://www.elcomercio.com/actualidad/lenin-moreno-indulto-presos-ecuador.html> (accessed March 4, 2021); "Chile aprueba indulto conmutativo para unos 1.300 reos ante pandemia COVID-19," *La Vanguardia*, April 9, 2021, <https://www.lavanguardia.com/politica/20200409/48393741831/chile-aprueba-indulto-conmutativo-para-unos-1300-reos-ante-pandemia-covid-19.html> (accessed March 4, 2021); Manuel Tarricone and Matías Di Santi Lucía Gardel, "Cuántos presos salieron de las cárceles argentinas por la pandemia y qué pasa en el mundo," *Chequeado*, May 4, 2020, <https://chequeado.com/el-explicador/cuantos-presos-salieron-de-las-carceles-en-la-argentina-y-que-pasa-en-el-mundo/> (accessed March 4, 2021).

<sup>78</sup> "Libya: Detainees at Risk of Coronavirus Spread," Human Rights Watch news release, March 29, 2020, <https://www.hrw.org/news/2020/03/29/libya-detainees-risk-coronavirus-spread> (accessed March 4, 2021).

people awaiting trial, and were minimal compared to the overall prison population. Many countries lagged behind implementing announced releases.<sup>79</sup>

Releases in some countries specifically excluded human rights defenders and others wrongfully imprisoned for peacefully exercising their rights to freedom of expression, assembly, and association. For instance, In Algeria, President Abdelmadjid Tebboune signed a decree pardoning 5,037 people, but excluded activists and human rights defenders of the Hirak movement, a popular uprising demanding regime reform, as well as political and socioeconomic rights. In Syria, where the government has arbitrarily arrested and forcibly disappeared thousands since the start of the conflict for their participation in peaceful protests or for expressing political dissent, small-scale releases have failed to include human rights defenders and activists.<sup>80</sup>

Although Bahrain released 1,486 people from prison in March 2020, the releases systematically excluded opposition leaders, activists, journalists, and human rights defenders—many of whom are older and/or suffer from underlying medical conditions.<sup>81</sup> In Cameroon, an April 2020 presidential decree providing for the release of prisoners to prevent the spread of Covid-19 in overcrowded jails did not include suspected Anglophone separatists arrested as part of the ongoing crisis in the northwest and southwest regions.<sup>82</sup>

Despite urgent calls for his release due to the heightened risk to his health because of the Covid-19 pandemic, Kyrgyz authorities took no action to release the wrongfully imprisoned human rights defender Azimjon Askarov. In July, as Covid-19 cases were surging in Kyrgyzstan, Askarov died in custody of pneumonia.<sup>83</sup>

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<sup>79</sup> "Covid-19 Prisoner Releases Too Few, Too Slow," Human Rights Watch news release, May 27, 2020, <https://www.hrw.org/news/2020/05/27/covid-19-prisoner-releases-too-few-too-slow>; "Detained Children at Left Out of Covid 19-Response," Human Rights Watch news release, May 14, 2020, <https://www.hrw.org/news/2020/05/14/detained-children-left-out-covid-19-response>.

<sup>80</sup> Sara Kayyali, "Dozens of Prisoners Released in Syria," commentary, Human Rights Watch dispatch, November 6, 2020, <https://www.hrw.org/news/2020/11/06/dozens-prisoners-released-syria>.

<sup>81</sup> Aya Majzoub, "Bahrain's Prison Release Positive but Insufficient," commentary, Human Rights Watch dispatch, March 23, 2020, <https://www.hrw.org/news/2020/03/23/bahrains-prison-release-positive-insufficient>.

<sup>82</sup> Laura Angela Bagnetto, "Cameroon releases prisoners to limit Covid-19 spread, but not Anglophones in detention," *RFI*, April 17, 2020, <https://www.rfi.fr/en/africa/20200417-cameroon-releases-prisoners-excluding-anglophones-to-limit-covid-19-spread-paul-biya-coronavirus-ambazonia>.

<sup>83</sup> "Kyrgyzstan: Human Rights Defender Dies in Prison," Human Rights Watch news release, July 25, 2020, <https://www.hrw.org/news/2020/07/25/kyrgyzstan-human-rights-defender-dies-prison>.

Authorities in some countries detained people for violating curfews, quarantines, or other restrictions in place to stop the spread of Covid-19, adding to the number of people in custody and paradoxically increasing the risk of contracting the coronavirus in overcrowded cells, detention centers, and prisons. In Angola, police released data showing that almost 300 people had been detained in just 24 hours for violating state of emergency rules.<sup>84</sup> In addition to arresting health workers and critics, Egyptian authorities reportedly arrested thousands for breaking the nighttime curfew imposed from late March to late June 2020.<sup>85</sup> Rwandan police arrested over 70,000 people for infractions related to pandemic measures.<sup>86</sup>

Migrants were in especially precarious positions during the pandemic, as deportation was often suspended or restricted, leaving them stuck, often in densely crowded facilities, without due process or resolution of the reason for their detention. Deaths in US immigration detention spiked to a 15-year high with at least eight fatalities related to Covid-19.<sup>87</sup> Though some detainees were released in response to the pandemic, as of February 2021, more than 9,000 people had contracted Covid-19 while in immigration detention in the US.<sup>88</sup> When border closures forced the Mexican government to suspend deportations to Central American countries, detainees protested at five migrant detention

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<sup>84</sup> "COVID-19: NATIONAL POLICE ARREST 295 PEOPLE IN 24 HOURS," *Agência Angola Press*, May 3, 2020, [https://www.angop.ao/noticias-o/?v\\_link=https://www.angop.ao/angola/en\\_us/noticias/sociedade/2020/4/18/Covid-National-Police-arrest-295-people-hours,2351c7da-348c-4d24-ba88-8d4b8683d44f.html](https://www.angop.ao/noticias-o/?v_link=https://www.angop.ao/angola/en_us/noticias/sociedade/2020/4/18/Covid-National-Police-arrest-295-people-hours,2351c7da-348c-4d24-ba88-8d4b8683d44f.html) (accessed March 4, 2021).

<sup>85</sup> "Egypt...Hundreds of Egyptians arrested due to the curfew," *RT Online*, March 30, 2020, [https://arabic.rt.com/middle\\_east/1098976-%D9%85%D8%B5%D8%B1-%D8%A7%D9%84%D9%82%D8%A8%D8%B6-%D8%B9%D9%84%D9%89-%D9%85%D8%A6%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%B5%D8%B1%D9%8A%D9%8A%D9%86-%D8%A8%D8%B3%D8%A8%D8%A8-%D8%AD%D8%B8%D8%B1-%D8%A7%D9%84%D8%AA%D8%AC%D9%88%D8%A7%D9%84-%D9%88%D8%A7%D9%84%D9%86%D8%A7%D8%A6%D8%A8-%D8%A7%D9%84%D8%B9%D8%A7%D9%85-%D9%8A%D8%B5%D8%AF%D8%B1-%D8%A3%D9%85%D8%B1%D8%A7-%D8%A8%D8%B4%D8%A3%D9%86-%D9%81%D8%AA%D8%A7%D8%AA%D9%8A%D9%86/](https://arabic.rt.com/middle_east/1098976-%D9%85%D8%B5%D8%B1-%D8%A7%D9%84%D9%82%D8%A8%D8%B6-%D8%B9%D9%84%D9%89-%D9%85%D8%A6%D8%A7%D8%AA-%D8%A7%D9%84%D9%85%D8%B5%D8%B1%D9%8A%D9%8A%D9%86-%D8%A8%D8%B3%D8%A8%D8%A8-%D8%AD%D8%B8%D8%B1-%D8%A7%D9%84%D8%AA%D8%AC%D9%88%D8%A7%D9%84-%D9%88%D8%A7%D9%84%D9%86%D8%A7%D8%A6%D8%A8-%D8%A7%D9%84%D8%B9%D8%A7%D9%85-%D9%8A%D8%B5%D8%AF%D8%B1-%D8%A3%D9%85%D8%B1%D8%A7-%D8%A8%D8%B4%D8%A3%D9%86-%D9%81%D8%AA%D8%A7%D8%AA%D9%8A%D9%86/) (accessed March 4, 2021).

<sup>86</sup> Nicholas Bariyo, "Rwanda's Aggressive Approach to Covid Wins Plaudits—and Warnings," *Wall Street Journal*, September 29, 2020, <https://www.wsj.com/articles/rwandas-aggressive-approach-to-covid-wins-plauditsand-warnings-11601372482> (accessed March 4, 2021); @PrimatureRwanda, "Observing the global trend of the Covid-19 and considering the experiences of other countries, there is a clear need for additional steps to ensure that Covid-19 does not spread further in Rwanda. The following measure will be in force beginning at 23:59 on 21/03/2020 for 2 weeks," *Twitter*, March 21, 2020, 1:12 p.m. EDT, <https://twitter.com/PrimatureRwanda/status/1241412264193937412> (accessed March 4, 2021).

<sup>87</sup> Catherine E. Shoichet, "The death toll in ICE custody is the highest it's been in 15 years," *CNN*, September 30, 2020, <https://www.cnn.com/2020/09/30/us/ice-deaths-detention-2020/index.html> (accessed March 4, 2021); US Immigration and Customs Enforcement, "ICE Guidance on COVID-19," undated, <https://www.ice.gov/coronavirus> (accessed March 4, 2021).

<sup>88</sup> US Immigration and Customs Enforcement, "ICE Guidance on COVID-19," <https://www.ice.gov/coronavirus>.

centers demanding to be released over fears that overcrowding and unhygienic conditions put them at increased risk of contracting Covid-19.<sup>89</sup> Later, Mexico's National Human Rights Commission found that the government had held migrants who had tested positive for Covid-19 in the same space as others with no symptoms without providing facemasks, soap, electricity, or running water, and in one case had failed to provide appropriate medical attention to a migrant who later died of Covid-19.<sup>90</sup> After people held in immigration detention in Canada went on a hunger strike to protest the lack of protection from Covid-19 in detention facilities, the government released people at unprecedented rates.<sup>91</sup> A Saudi deportation center in Riyadh continues to hold hundreds of mostly Ethiopian migrant workers in conditions so degrading that they amount to ill-treatment.<sup>92</sup> Detainees alleged to Human Rights Watch that they are held in extremely overcrowded rooms for extended periods, and that guards have tortured and beaten them with rubber-coated metal rods, leading to at least three allegations of deaths in custody between October and November. In the Maldives, when migrant workers protested unpaid wages and lack of access to food and other essential supplies due to the lockdown, the authorities called them a threat to national security and detained several in crowded facilities.<sup>93</sup>

Authorities in some European Union countries, including Spain and Belgium, ordered people released from immigration detention, while legal challenges in numerous other EU

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<sup>89</sup> "Mexico: Free Detained Migrants Amid Pandemic," Human Rights Watch news release, April 14, 2020, <https://www.hrw.org/news/2020/04/14/mexico-free-detained-migrants-amid-pandemic>.

<sup>90</sup> Comisión Nacional de los Derechos Humanos (CNDH) México, "CNDH emite medidas cautelares al INM para proteger la salud de personas migrantes alojadas en la Estación Migratoria 'Siglo XXI' y la Estancia Provisional 'El Hueyate', en Chiapas," October 23, 2020, <https://www.cndh.org.mx/documento/cndh-emite-medidas-cautelares-al-inm-para-proteger-la-salud-de-personas-migrantes> (accessed March 4, 2021); CNDH México, "Comunicado de Prensa 293/2020," September 11, 2020, <https://www.cndh.org.mx/comunicado/4417/comunicado-de-prensa-2932020> (accessed March 4, 2021).

<sup>91</sup> Hanna Gros, "Immigration Detainees in Canada Desperate for Release, Transparency," commentary, Human Rights Watch dispatch, April 7, 2020, <https://www.hrw.org/news/2020/04/07/immigration-detainees-canada-desperate-release-transparency>; Samer Muscati, "Canada's Immigration Detainees At Higher Risk In Pandemic," commentary, *Ottawa Citizen*, March 23, 2020, <https://www.hrw.org/news/2020/03/23/canadas-immigration-detainees-higher-risk-pandemic>; Rachel Browne, "Canada is releasing immigration detainees at 'unprecedented' rates amid COVID-19 fears," *Global News Canada*, April 25, 2020, <https://globalnews.ca/news/6861756/canada-releasing-immigration-detainees-coronavirus-covid-19/> (accessed March 4, 2021).

<sup>92</sup> "Saudi Arabia: Migrants Held in Inhuman, Degrading Conditions," Human Rights Watch news release, December 15, 2020, <https://www.hrw.org/news/2020/12/15/saudi-arabia-migrants-held-inhuman-degrading-conditions#:~:text=The%20detention%20of%20migrants%20in,and%20shelter%2C%20before%20being%20deported.>

<sup>93</sup> "Maldives: Covid-19 Exposes Abuse of Migrants," Human Rights Watch news release, August 25, 2020, <https://www.hrw.org/news/2020/08/25/maldives-covid-19-exposes-abuse-migrants>.

countries forced authorities to release people given the health concerns and the lack of any reasonable prospect to deport.<sup>94</sup>

## Recommendations

Governments should:

- Implement and expand promised release orders to protect against the spread of Covid-19 in detention centers. Release orders should include children and people at elevated risk from the virus due to age or underlying health conditions, as well as people awaiting trial, migrants and asylum seekers, and people with caregiving responsibilities, unless their release poses a serious and concrete risk to others. Release orders should not exclude human rights activists and journalists, including those in detention for criticizing the government's response to Covid-19;
- Cease all arbitrary detentions of migrants, seek alternatives to detention for people currently in immigration detention, opting for release where possible, particularly for those in high-risk categories if infected, and for people who are being held with no prospect for imminent, safe, and legal deportation;
- Implement protective measures in detention settings that include screening and testing for Covid-19 according to the most recent recommendations of health authorities; providing adequate hygiene, sanitary conditions, and medical services; and reducing density to allow social distancing and to allow placing all who are ill or their close contacts in nonpunitive isolation or quarantine, with access to appropriate medical care;
- Cease incarcerating people for violating Covid-19 containment measures, and do not hold any detainees in conditions that increase risk of virus contraction;
- Ensure transparency in monitoring and reporting on transmission of Covid-19 and other illnesses in detention centers and report publicly on what measures are being taken to protect the physical and mental health of all people in detention.

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<sup>94</sup> "Europe: Curb Immigration Detention Amid Pandemic," Human Rights Watch news release, March 27, 2020, <https://www.hrw.org/news/2020/03/27/europe-curb-immigration-detention-amid-pandemic>.

## Gender-Based Violence

Reported cases of gender-based violence, particularly domestic violence against women and girls, increased worldwide amid the pandemic, particularly during lockdowns implemented to stop the spread of the virus. Domestic violence helplines across Pakistan, for example, recorded a 200 percent increase in cases from January to March 2020, and became worse after lockdowns were implemented.<sup>95</sup> In Italy, Indonesia, and Russia, service providers and women's groups reported that calls to domestic violence helplines at least doubled amid lockdowns. Calls to the national gender-based violence helpline in Spain went up by over 60 percent in April 2020.<sup>96</sup>

In France and Japan, reports of domestic violence rose by about 30 percent during the countries' respective lockdowns.<sup>97</sup> In Brazil, data from a government hotline indicated that the pandemic had brought a significant daily increase in rights violations against older people, including mistreatment, and people working on domestic violence confirmed a rise in violence against older women by their partners, children, or caregivers.<sup>98</sup>

This uptick in violence against women and girls highlights preexisting gaps in government measures to prevent violence and to provide comprehensive services for women and girls

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<sup>95</sup> Shehryar Warraich, "Locked down and vulnerable," *News on Sunday*, June 28, 2020, <https://www.thenews.com.pk/tns/detail/678152-locked-down-and-vulnerable> (accessed March 4, 2021).

<sup>96</sup> Istituto Nazionale di Statistica, "Tavole di dati: IL NUMERO DI PUBBLICA UTILITÀ 1522 DURANTE LA PANDEMIA (PERIODO MARZO-GIUGNO 2020)," August 13, 2020, <https://www.istat.it/it/archivio/246557> (accessed March 4, 2021); Ayesha Nadya Muna, Diva Tasya Belinda Rauf, and Ika Krismantari, "Indonesia's rise in domestic violence during the COVID-19 pandemic: why it happens and how to seek help," *The Conversation*, August 5, 2020, <https://theconversation.com/indonesias-rise-in-domestic-violence-during-the-covid-19-pandemic-why-it-happens-and-how-to-seek-help-142032> (accessed March 4, 2021); Yana Sturm, "Nowhere to go: spike in domestic violence in Russia," *Gazeta.Ru*, May 5, 2020, <https://www.gazeta.ru/social/2020/05/05/13072729.shtml> (accessed March 4, 2021); Ministerio de Igualdad de España, "PRINCIPALES DATOS SOBRE VIOLENCIA DE GÉNERO. ABRIL 2020," April 2020, [https://violenciagenero.igualdad.gob.es/violenciaEnCifras/boletines/boletinMensual/2020/docs/Principales\\_Datos\\_Abril\\_2020.pdf](https://violenciagenero.igualdad.gob.es/violenciaEnCifras/boletines/boletinMensual/2020/docs/Principales_Datos_Abril_2020.pdf) (accessed March 4, 2021).

<sup>97</sup> "French domestic violence cases soar during coronavirus lockdown," *France 24*, April 10, 2021, <https://www.france24.com/en/20200410-french-domestic-violence-cases-soar-during-coronavirus-lockdown> (accessed March 4, 2021); Press Conference by Prime Minister of Japan and His Cabinet, May 22, 2021, [http://www.kantei.go.jp/jp/singi/tokyo2020\\_suishin\\_honbu/statement/2020/0522speech.html](http://www.kantei.go.jp/jp/singi/tokyo2020_suishin_honbu/statement/2020/0522speech.html) (accessed March 4, 2021).

<sup>98</sup> Maria Laura Canineu (Human Rights Watch) and Bethany Brown (Human Rights Watch), "Why Brazil's President Needs to Change His Tune About Older People," *Universo Online*, May 5, 2020, <https://www.hrw.org/news/2020/05/05/why-brazils-president-needs-change-his-tune-about-older-people#> (accessed March 16, 2021).

seeking to escape or recover from violence. In Armenia, before the pandemic, many women and girls were already trapped in a violent home because the country only has two domestic violence shelters with a total capacity for 17 – 20 people.<sup>99</sup> This meant that when calls to an Armenian domestic violence helpline increased by 50 percent during the pandemic, there was nowhere for survivors to go.

Still, in many countries, already limited shelters, crisis centers, and other critical social services were deemed “nonessential” during lockdowns and governments often did not take measures to ensure survivors were able to access services and legal recourse. Mozambique, South Africa, and Zimbabwe were among the many countries that failed to plan for how survivors of gender-based violence would access services during lockdowns.<sup>100</sup> In a telling example, while women’s groups in Morocco and Brazil reported an increase in domestic violence during lockdown months, the number of complaints to the authorities and prosecutions decreased, indicating that survivors faced serious obstacles to seeking help or legal recourse.<sup>101</sup>

The Kyrgyzstan and Kazakhstan governments did not classify domestic violence services as “essential,” and closed shelters, crisis centers, and other services to newcomers.<sup>102</sup> One activist in Kyrgyzstan explained that after reporting a domestic violence case, the police would just “take them both back home afterwards to be locked down again.” During a lockdown in the Rohingya refugee camps in Bangladesh, the government reduced access for humanitarian workers by 80 percent and restricted services and facilities, cutting off all

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<sup>99</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Armenia chapter, <https://www.hrw.org/world-report/2021/country-chapters/armenia>.

<sup>100</sup> Molaole Montsho, “Gender-based violence soars in southern Africa during lockdown,” *Independent Online (IOL)*, February 10, 2021, <https://www.iol.co.za/news/africa/gender-based-violence-soars-in-southern-africa-during-lockdown-20eb5b35-e67d-5514-a04e-0a11e81dda1f> (accessed March 4, 2021).

<sup>101</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Morocco/Western Sahara chapter, <https://www.hrw.org/world-report/2021/country-chapters/morocco/western-sahara>; World Bank Group, “O Combate à Violência contra a Mulher (VCM) no Brasil em época de COVID-19,” August 24, 2020, <https://www.worldbank.org/pt/country/brazil/publication/brazil-addressing-violence-against-women-under-covid-19> (accessed March 4, 2021).

<sup>102</sup> Viktoriya Kim, “Lack of Refuge for Kazakhstan’s Domestic Violence Survivors,” Human Rights Watch dispatch, <https://www.hrw.org/news/2020/04/09/lack-refuge-kazakhstans-domestic-violence-survivors>; Aichurek Kurmanbekova, “Women Risk Domestic Violence During Kyrgyzstan’s Lockdown,” Human Rights Watch dispatch, <https://www.hrw.org/news/2020/04/08/women-risk-domestic-violence-during-kyrgyzstans-lockdown>.

protection services for women and girls, including gender-based violence case management.

Older women and women with disabilities also faced additional barriers to accessing already limited services during the pandemic. Many women living in residential institutions face risk of neglect, abuse, and inadequate health care, but also restrictions on their legal capacity, which take away their rights to make decisions for themselves.<sup>103</sup> As recent Human Rights Watch research in Mexico demonstrates, women with disabilities may be at particular risk of domestic violence when they rely on family members for support in daily tasks and for basic needs, such as housing, food, and hygiene.<sup>104</sup>

Domestic workers were at heightened risk as they were locked down with their employers.<sup>105</sup> Women who are migrant domestic workers were particularly at risk and sometimes left stranded unable to get back to their country.<sup>106</sup> Sex workers faced heightened risk as they struggled to survive an occupation where social distancing is especially difficult.<sup>107</sup>

The internet can facilitate access to survivor support groups, counseling, health information, and other online resources that can be critical lifelines to women experiencing gender-based violence, but nearly half the world does not have access to the

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<sup>103</sup> "Disability Rights International, Human Rights Watch, and Women Enabled International Submission to the United Nations Committee on the Elimination of Discrimination Against Women," Human Rights Watch letter, January 28, 2019, <https://www.hrw.org/news/2019/01/28/disability-rights-international-human-rights-watch-and-women-enabled-international> (accessed March 4, 2021).

<sup>104</sup> "Better to Make Yourself Invisible," *Family Violence against People with Disabilities in Mexico*, Human Rights Watch report, June 4, 2020, <https://www.hrw.org/report/2020/06/04/better-make-yourself-invisible/family-violence-against-people-disabilities-mexico> (accessed March 4, 2021).

<sup>105</sup> Rothna Begum (Human Rights Watch), "Domestic Workers in Middle East Risk Abuse Amid COVID-19 Crisis," commentary, *Al Jazeera*, April 6, 2020, <https://www.hrw.org/news/2020/04/06/domestic-workers-middle-east-risk-abuse-amid-covid-19-crisis>.

<sup>106</sup> "Submission to the UN special rapporteur on violence against women, its causes and consequences regarding COVID-19 and the increase of domestic violence against women," Human Rights Watch statement, July 3, 2020, <https://www.hrw.org/news/2020/07/03/submission-un-special-rapporteur-violence-against-women-its-causes-and-consequences>; Zecharias Zelalem, "Thousands of Ethiopian domestic workers are stranded in Lebanon by the coronavirus crisis," *Quartz Africa*, May 21, 2020, <https://qz.com/africa/1859690/ethiopian-domestic-workers-stranded-in-lebanon-by-covid-19/> (accessed March 4, 2021).

<sup>107</sup> Skye Wheeler, "Sex Workers Struggle to Survive Covid-19 Pandemic," commentary, Human Rights Watch dispatch, May 4, 2020, <https://www.hrw.org/news/2020/05/04/sex-workers-struggle-survive-covid-19-pandemic>.

internet and, in low- and middle-income countries, over 300 million fewer women than men are online. The digital divide in all countries disproportionately leaves women from marginalized communities behind.<sup>108</sup> In one example, service providers who respond to gender-based violence in the UK told Human Rights Watch that as resources go digital, the Covid-19 crisis has exacerbated a lack of access to specialist domestic abuse services for migrant and Black, Asian, and minority ethnic women.<sup>109</sup>

Internet blackouts amid the pandemic further isolated survivors and cut them off from support services. Women's rights activists in the Rohingya refugee camps in Bangladesh said they received increasing domestic violence and sexual abuse reports, but there was nothing they could do amid an internet shutdown that left aid workers unable to remotely coordinate support and protection services. One protection team member said that without officers working in the camps during the internet shutdown, "now if a woman is raped, that news will not reach me and she will not get any support from us."<sup>110</sup>

Some countries responded quickly to the alarming uptick in violence. The Australian government in July committed more than A\$3 million (US\$2.1 million) in additional funding to service providers and announced a new emergency accommodation program for survivors.<sup>111</sup> The Italian government exempted women and children fleeing abuse from lockdown restrictions on movement and ordered local authorities to requisition vacant buildings to accommodate them if shelters were full. In Spain, the Equality Ministry in March launched a plan to tackle gender-based violence during lockdown, including reinforcing staffing for helplines and setting up a new instant alert system to report domestic violence, and judicial authorities kept courts open to hear cases relating to

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<sup>108</sup> Organisation for Economic Co-operation and Development (OECD), "Bridging the Digital Gender Divide," 2018, <http://www.oecd.org/digital/bridging-the-digital-gender-divide.pdf> (accessed March 4, 2021).

<sup>109</sup> "UK Failing Domestic Abuse Victims in Pandemic," Human Rights Watch news release, June 8, 2020, <https://www.hrw.org/news/2020/06/08/uk-failing-domestic-abuse-victims-pandemic>.

<sup>110</sup> "Bangladesh: Covid-19 Aid Limits Imperil Rohingya," Human Rights Watch news release, April 28, 2020, <https://www.hrw.org/news/2020/04/28/bangladesh-covid-19-aid-limits-imperil-rohingya>.

<sup>111</sup> Anthony Galloway, "Domestic violence on the rise during pandemic," *The Sydney Morning Herald*, July 13, 2020, <https://www.smh.com.au/politics/federal/domestic-violence-on-the-rise-during-pandemic-20200712-p55b8q.html> (accessed March 4, 2021).

domestic violence and child abuse.<sup>112</sup> Tunisia opened a new shelter for female victims of domestic abuse, extended the hours of operation of the shelter's helpline, and introduced remote mental health assistance helpline in support of families.<sup>113</sup>

As the world enters the second year of a global pandemic, governments have the responsibility to better monitor rates of reported violence against women and girls, implement interventions to prevent violence, and ensure services are accessible.

## Recommendations

Governments should:

- Run ongoing public awareness campaigns explaining how people experiencing gender-based violence including domestic violence can access services;
- Ensure that services are available to all survivors of gender-based violence and domestic violence, including older people, those with disabilities, and those living in areas under movement restrictions or under quarantine and those infected with Covid-19;
- Expand outreach to ensure that, as more services move online during Covid-19 lockdowns, women without access to safe, private internet or mobile resources can continue to access services.

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<sup>112</sup> "Igualdad impulsa un Plan de Contingencia contra la violencia de género ante la crisis del COVID-19," La Moncloa, Gobierno de España, March 17, 2020, <https://www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/igualdad/Paginas/2020/170320-covid-viogen.aspx> (accessed March 4, 2021); Leticia Álvarez, "La Justicia mantendrá la actividad en casos de violencia de género y protección de menores," *El Comercio*, March 13, 2020, <https://www.elcomercio.es/sociedad/justicia-mantendra-actividad-violencia-genero-menores-coronavirus-2020031319114-nt.html?ref=https:%2F%2Fwww.elcomercio.es%2Fsociedad%2Fjusticia-mantendra-actividad-violencia-genero-menores-coronavirus-2020031319114-nt.html> (accessed March 4, 2021)

<sup>113</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Tunisia chapter, <https://www.hrw.org/world-report/2021/country-chapters/tunisia>.

## Disruption of Education

In an effort to slow the spread of the coronavirus, governments around the world closed schools: in April 2020, an estimated 1.4 billion students (90 percent of school aged children) were physically displaced from their preprimary, primary, and secondary schools in 192 countries.

In September, when roughly half of countries begin a new school year, 872 million students—half of the world’s student population—were physically outside of their schools, of whom at least 463 million still had no access to any form of distance education.

Hundreds of millions of students experienced a dramatic shift to distance learning, using worksheets, radios, televisions, cellphones, and computers. This resulted in an overwhelming dependence and need for affordable, reliable connectivity, devices that met learning needs, and the capability to use these technologies safely and confidently. But many children did not have the opportunity, tools, or access needed.

As a result, school closures did not affect all children equally. The pandemic exacerbated digital divides between children with access to these technologies and the opportunities they can provide, and those without. Children from the poorest families or from marginalized communities, living in rural areas, girls, and children with disabilities were more likely to be shut out of learning.

Some governments ended school altogether: in August 2020, Bolivia cancelled the rest of the school year, leaving almost three million children without education, and only partially reopened when the new school year began in February 2021.<sup>114</sup> In mid-2020, Human Rights Watch interviewed parents and children in Cambodia, Central African Republic, Congo, Iraq, and Thailand, who said their children had been attending schools that, once the pandemic broke out, provided no education for months.

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<sup>114</sup>“Bolivia anticipa clausura del año escolar por la pandemia,” *Deutsche Welle*, August 3, 2020, <https://www.dw.com/es/bolivia-anticipa-clausura-del-a%C3%B1o-escolar-por-la-pandemia/a-54409941> (accessed March 4, 2021).

Others provided varying types and degrees of resources to help students, teachers, and families with the challenges of remote learning. Japan's education ministry reported in April 2020 that only five percent of public schools provided live, interactive online education when schools closed, causing many children to study by themselves at home using textbooks and other paper materials.<sup>115</sup> Singapore, by contrast, loaned laptops to more than 12,000 students who needed them for online learning.<sup>116</sup>

In most places, the digital divide was severely exacerbated by school closures. These inequalities were evident in both developed and developing countries and were compounded by gender.<sup>117</sup> According to the International Telecommunications Union, in 2019, 48 percent of women used the internet globally compared to 58 percent of men. This can be understood in relative terms as a 17 percent global internet user gap.<sup>118</sup> In a study across 10 countries in Africa, Asia, and South America, the UN Broadband Commission found women were 30-50 percent less likely than men to use the internet to participate in public life.<sup>119</sup> Worldwide about 327 million fewer women and girls have a smartphone than men and boys.<sup>120</sup>

For example, Chile created an online platform for students to access educational content. But only 27 percent of low-income households have access to online education, compared to 89 percent of high-income households.<sup>121</sup> In Mexico, a lack of affordable internet access leaves many children, especially those in low-income households and children with

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<sup>115</sup> Government of Japan, Ministry of Education "Related to temporary school closures to combat new coronavirus infections," [https://www.mext.go.jp/content/20200421-mxt\\_kouhou01-00006590\\_1.pdf](https://www.mext.go.jp/content/20200421-mxt_kouhou01-00006590_1.pdf) (accessed March 4, 2021).

<sup>116</sup> Ang Hwee Min, "About 12,500 laptops and tablets loaned out to students for home-based learning: MOE," *Channel News Asia*, April 30, 2020, <https://www.channelnewsasia.com/news/singapore/covid19-laptops-schools-moe-education-home-based-learning-12658828> (accessed March 4, 2020).

<sup>117</sup> "Submission to the UN special rapporteur on violence against women, its causes and consequences regarding COVID-19 and the increase of domestic violence against women," Human Rights Watch statement.

<sup>118</sup> "Bridging the Gender Divide," *ITU*, undated, <https://www.itu.int/en/mediacentre/backgrounders/Pages/bridging-the-gender-divide.aspx> (accessed March 4, 2021).

<sup>119</sup> Broadband Commission, "THE STATE OF BROADBAND 2019 REPORT HIGHLIGHTS," undated, <https://broadbandcommission.org/Documents/SOBB-REPORT%20HIGHLIGHTS-v3.pdf> (accessed March 4, 2021).

<sup>120</sup> OECD, "Bridging the Digital Gender Divide," <http://www.oecd.org/digital/bridging-the-digital-gender-divide.pdf> (accessed March 4, 2021).

<sup>121</sup> Centro de Estudios Mineduc, Gobierno de Chile, "Impacto del Covid-19 en los resultados de aprendizaje y escolaridad en Chile," August, 2020, [https://www.mineduc.cl/wp-content/uploads/sites/19/2020/08/EstudioMineduc\\_bancomundial.pdf](https://www.mineduc.cl/wp-content/uploads/sites/19/2020/08/EstudioMineduc_bancomundial.pdf) (accessed March 4, 2021).

disabilities, without access to education.<sup>122</sup> Some people in rural, often Indigenous areas, have been unable to participate at all. In Honduras, just 18 percent of the population has home internet access; a quarter of homes in rural areas do not have electricity.<sup>123</sup>

A study published in April reported that nearly half of teachers in rural areas had not been able to contact the majority of their students.<sup>124</sup> Children from low-income households in Germany, including refugee children, often lacked equipment and an internet connection to participate in online lessons.<sup>125</sup> Options for distance education are extremely low in Afghanistan, as only 14 percent of Afghans have access to the internet.<sup>126</sup> Many parents cannot help their children study as only about 30 percent of women and 55 percent of men are literate.

Some governments attempted to accommodate students with disabilities or from marginalized backgrounds. For example, in Cuba, the government provided some televised classes in sign language for children who are deaf or hard of hearing. In other places, these students were left out of education. For example, Lebanon's distance learning strategy was not implemented consistently in "second shift" classes, attended by Syrian children, leaving the majority "completely out of learning."<sup>127</sup> Children with disabilities

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<sup>122</sup> Human Rights Watch, *World Report 2021*, Mexico chapter, <https://www.hrw.org/world-report/2021/country-chapters/mexico>; Andrea Vega, "'El rezago será peor': Pobreza y falta de acceso a tecnología obstaculizan aprendizaje en nuevo ciclo," *Animal Político*, August 25, 2020, <https://www.animalpolitico.com/2020/08/pobreza-falta-acceso-tecnologia-nuevo-ciclo-escolar/> (accessed March 4, 2021); Manu Ureste, "Comunidades indígenas enfrentan el regreso a clases a distancia sin acceso a televisión ni internet," *Animal Político*, August 24, 2020, <https://www.animalpolitico.com/2020/08/comunidades-indigenas-regreso-clases-distancia-sin-tv-internet/> (accessed March 4, 2021).

<sup>123</sup> El Instituto Nacional Electoral, "LXI ENCUESTA PERMANENTE DE HOGARES DE PROPÓSITOS MÚLTIPLES –EPHPM – JUNIO 2019," June 2019, [https://www.ine.gob.hn/publicaciones/Hogares/EPHPM\\_2019/Resumen%20ejecutivo2019.pdf](https://www.ine.gob.hn/publicaciones/Hogares/EPHPM_2019/Resumen%20ejecutivo2019.pdf) (accessed March 4, 2021).

<sup>124</sup> Observatorio de la Educación Nacional e Internacional, "LA SITUACIÓN EDUCATIVA HONDUREÑA EN EL CONTEXTO DE LA PANDEMIA DEL COVID-19" ESCENARIOS PARA EL FUTURO COMO UNA IMPORTANTE OPORTUNIDAD DE MEJORA," April 18, 2020, [https://criterio.hn/wp-content/uploads/2020/04/OUDENI-Informe-Sistema-Educativo-en-el-contexto-del-COVID-19-abril-2020\\_vf-1.pdf](https://criterio.hn/wp-content/uploads/2020/04/OUDENI-Informe-Sistema-Educativo-en-el-contexto-del-COVID-19-abril-2020_vf-1.pdf) (accessed March 4, 2021).

<sup>125</sup> "Schulschließungen wegen Corona," *Deutsche Welle*, March 19, 2020, <https://www.dw.com/de/schulschlie%C3%9Fungen-wegen-corona/a-52824028> (accessed March 4, 2021).

<sup>126</sup> World Bank, "Individuals using the Internet (% of population) - Afghanistan," undated, <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=AF> (accessed March 4, 2021).

<sup>127</sup> Lebanon Humanitarian INGO Forum, Working Group for Persons Affected by the Syrian Displacement Crisis in Lebanon, and Lebanon Humanitarian & Development NGOs Forum, "Taking on the Triple Crisis: Civil society perspectives on

have also been disadvantaged by Lebanon's school and institution closures since February 2020 that have mandated online or remote learning without accommodating the needs of children with disabilities.<sup>128</sup> Similarly, the vast majority of migrant children in Greece who live in camps were unable to access education during pandemic lockdowns. And while around 70 percent of Jordanian children had internet access, that figure drops sharply for refugees and poorer and marginalized Jordanians.<sup>129</sup> The transition to remote learning has increased the risk that some children, particularly the most vulnerable, will not come back once schools reopen.

In some countries, fragile preexisting issues worsened during the pandemic. In Iraq, children living in poverty and displaced families were most disadvantaged, as most lacked access to digital learning options. The loss of education during the pandemic had a more dramatic impact on the many children who had lost three academic years preceding it when living under the Islamic State (also known as ISIS). Girls, out of school, faced heightened risk of gender-based violence and being forced into child marriage which is often driven by financial stress.<sup>130</sup> UNFPA estimated that the impact of the pandemic, including economic hardships in its wake, could lead to 13 million additional child marriages over the next 10 years.<sup>131</sup> Girls who are out of school are also more likely to face sexual violence and to become pregnant. All these factors make it less likely they will make it back to school.

A predictable and dire consequence of school closures is that children's learning slowed and regressed. For many, it brought an end to their education. However, the negative consequences for children were not just limited to their academics: many children also felt social isolation, anxiety, stress, sadness, and depression. Others felt the loss of their

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supporting Lebanon in its response to the concurrent Syria, economic and health crises," June 2020, <https://alefliban.org/wp-content/uploads/2020/12/Annex-2-Taking-on-the-Triple-Crisis-Joint-Lebanon-CSO-Report-ahead-of-B4C.pdf> (accessed June 8, 2021).

<sup>128</sup> "Lebanon: People with Disabilities Overlooked in Covid-19," Human Rights Watch new release, May 11, 2020, <https://www.hrw.org/news/2020/05/11/lebanon-people-disabilities-overlooked-covid-19>.

<sup>129</sup> UNICEF, "UNICEF and the COVID-19 Response for Education in Jordan: One Month On," undated, <https://reliefweb.int/sites/reliefweb.int/files/resources/76399.pdf> (accessed March 4, 2021).

<sup>130</sup> Kenneth Roth, "Ending Child Marriage," commentary, Human Rights Watch *World Report* 2016, <https://www.hrw.org/world-report/2016/ending-child-marriage>.

<sup>131</sup> United Nations Population Fund, "Impact of the COVID-19 Pandemic on Family Planning and Ending Gender-based Violence, Female Genital Mutilation and Child Marriage," April 27, 2020, <https://www.unfpa.org/resources/impact-covid-19-pandemic-family-planning-and-ending-gender-based-violence-female-genital> (accessed March 4, 2021).

autonomy. Where governments previously used schools to deliver nutrition and health support, access to these wellbeing services by children was also often hampered by school closures. For example, in India—where school closures affected more than 280 million students—government schools in many states did not deliver education at all during the lockdown, putting children from marginalized communities such as Dalit, tribal, and Muslims at greater risk of dropping out and being pushed into child labor and early marriage. In Russia, more than one third of schoolchildren reported experiencing depression due to self-isolation and distance learning, according to an official survey of primary and secondary school students.<sup>132</sup>

## Recommendations

While schools are closed governments should:

- Adopt measures to mitigate the disproportionate effects on children who already experience barriers to education, or who are marginalized for various reasons—including girls, those with disabilities, those affected by their location, their family situation, and other inequalities;
- Adopt strategies that support all students through closures—for example, monitoring students most at risk and ensuring students receive printed or online materials on time, with particular attention provided to students with disabilities who may require adapted, accessible material;
- Explore options to provide all students access to affordable, reliable internet service, as well as smart devices, recognizing that digital literacy and access to the internet are increasingly indispensable for children to realize their right to education.

When schools reopen governments should:

- Monitor compliance with compulsory education and school returns and reach out to reengage students who do not return;
- Carry out national “back to school” communications and mass outreach campaigns to persuade children who have been out of school—either due to the pandemic or other reasons—to return to school. Education officials should focus

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<sup>132</sup> "More than a third of schoolchildren complained of depression due to distance learning," *RBC*, September 14, 2020, [https://www.rbc.ru/society/14/09/2020/5f5dcf3f9a794742ec7d8f2e?from=from\\_main\\_12](https://www.rbc.ru/society/14/09/2020/5f5dcf3f9a794742ec7d8f2e?from=from_main_12) (accessed March 4, 2021).

- attention on areas with high incidence of child labor or child marriage and ensure all children return to school;
- Support schools with refugee students to adopt outreach measures to ensure refugee children return to school, including by working with refugee parent groups and community leaders;
  - Offer support to help students return including help catching up, flexibility in meeting school requirements, childcare for students who are parenting, and financial assistance for students facing economic barriers.

# Economic, Social, and Workers' Rights During the Pandemic

## Economic Relief

In efforts to contain the Covid-19 pandemic, many governments implemented public health measures such as social distancing, quarantine, and the mandatory closure of businesses, all of which had an enormous economic impact. Low-income workers, many of whom work in fields like retail, restaurants, and the informal sector, and are unable to work remotely, were disproportionately impacted by these measures and lost employment in larger numbers. Women were disproportionately likely to lose their jobs, driving a UN projection that the pandemic would push 47 million more women into poverty.<sup>133</sup> The pandemic also caused disruptions to the global supply chain, leading to reduced manufacturing and factory closures. Poverty increased during the pandemic globally and may continue increasing, further entrenching preexisting inequalities.

In response to the economic crisis, many governments passed substantial financial spending measures to allow for the disbursement of periodic cash payments, enhanced unemployment benefits, and food aid.

Reliance on emergency food aid—a key indicator of poverty—rose across the EU during the year.<sup>134</sup> National food bank networks in Greece, Spain, and in regions of Italy reported increases of 50 percent or more throughout the pandemic.<sup>135</sup> In April and May, the

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<sup>133</sup> UN Women, "Covid-19 and Its Economic Toll on Women: The Story Behind the Numbers," September 16, 2020, <https://www.unwomen.org/en/news/stories/2020/9/feature-covid-19-economic-impacts-on-women> (accessed March 4, 2021).

<sup>134</sup> European Food Banks Federation, "Feedback on the Roadmap on the Contingency Plan for Ensuring Food Supply and Food Security in the EU," January 13, 2021, [https://lp.eurofoodbank.org/wp-content/uploads/2021/01/FEBA\\_consultation\\_contingency-plan-food-supply-and-food-security\\_130121\\_submitted.pdf](https://lp.eurofoodbank.org/wp-content/uploads/2021/01/FEBA_consultation_contingency-plan-food-supply-and-food-security_130121_submitted.pdf) (accessed March 4, 2021).

<sup>135</sup> European Food Banks Federation, "Increase of Food for the Food Bank in Greece," June 8, 2020, <https://www.eurofoodbank.org/en/what-s-new/2020-06-08-increase-of-food-for-the-food-bank-in-greece> (accessed March 4, 2021); Federación Española de Bancos de Alimentos, "Extraordinario Éxito de la Campaña 'Ningún Hogar Sin Alimentos' de Fundación la Caixa," July 10, 2020, <https://www.fesbal.org.es/post/extraordinario-%C3%A9xito-de-la-campa%C3%B1a-ning%C3%BA-n-hogar-sin-alimentos-de-fundaci%C3%B3n-la-caixa> (accessed March 4, 2021); European Food Banks

European Commission increased resources to and announced measures to allow the Fund for European Aid to the Most Deprived (FEAD)—an emergency fund allowing the distribution of food, clothing, and sanitary items and programs for economic reintegration—respond faster to the crisis.<sup>136</sup> The European Commission allowed member states more flexibility to deploy resources to tackle the economic fallout of the pandemic, created a €100 billion (\$117 billion) fund to help states preserve employment and provided €750 billion (\$909 billion) “to help repair the immediate economic and social damage.”<sup>137</sup>

In the US, increased unemployment protection and direct payments in relief packages that were passed by Congress in March 2020 successfully halted an increase in poverty in the first months of the pandemic.<sup>138</sup> However, as many protections expired in July and August, millions fell into poverty. While employment largely rebounded for higher-income workers, low-income workers continued to face significant job losses one year into the pandemic.<sup>139</sup>

In many countries, government responses to the economic fallout of the pandemic did not protect basic economic and social rights. In addition, many governments provided inadequate transparency and oversight over their Covid-19 spending, making it difficult for the public to monitor these funds and enabling corruption or capture by wealthy individuals and corporations. In Cameroon, the government did not publish information on

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Federation, "Italy is Confronted to an Epidemic of Poverty," August 6, 2020, <https://www.eurofoodbank.org/en/what-s-new/2020-08-06-italy-is-confronted-to-an-epidemic-of-poverty> (accessed March 4, 2021).

<sup>136</sup> European Commission, "Coronavirus: The FEAD to Continue Supporting People in Need," April 23, 2020, <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9638&furtherNews=yes> (accessed March 4, 2021); European Commission, "FEAD: More Resources to Address the Social Impact of the Coronavirus Crisis," May 28, 2020, <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&newsId=9690&furtherNews=yes> (accessed March 4, 2021); Kartik Raj, "EU's Recovery Fund Should Protect People Living in Poverty," commentary, Human Rights Watch dispatch, July 23, 2020, <https://www.hrw.org/news/2020/07/23/eus-recovery-fund-should-protect-people-living-poverty>; European Commission, "Fund for European Aid to the Most Deprived," undated, <https://ec.europa.eu/social/main.jsp?catId=1089> (accessed March 4, 2021).

<sup>137</sup> "Coronavirus: The Commission Mobilises All of Its Resources to Protect Lives and Livelihoods," European Commission press release, April 2, 2020, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_582](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_582) (accessed March 4, 2021); European Commission, "The European Instrument for Temporary Support to Mitigate Unemployment Risks in an Emergency (SURE)," undated, [https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/financial-assistance-eu/funding-mechanisms-and-facilities/sure\\_en](https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/financial-assistance-eu/funding-mechanisms-and-facilities/sure_en) (accessed March 4, 2021).

<sup>138</sup> Jackson Gandour, "Past Covid-19 Relief Shows Fighting Poverty is Possible," commentary, Human Rights Watch dispatch, October 29, 2020, <https://www.hrw.org/news/2020/10/29/past-covid-19-relief-shows-fighting-poverty-possible>.

<sup>139</sup> "Opportunity Insights Economic Tracker," 2020, <https://tracktherecovery.org/> (accessed March 4, 2021).

an emergency reserve use for Covid-19 and managed funds collected to respond to the pandemic in secrecy, obstructing the public's ability to track public resources.<sup>140</sup>

In Kazakhstan, where the social protection system was weak before the pandemic, the government took inadequate measures to counter the economic turndown and protect people who had lost jobs during the pandemic.<sup>141</sup> Financial relief was lower than a monthly living wage needed to protect basic expenses. In Nigeria, government economic assistance left many still struggling to afford food and other necessities. The World Bank projected in June 2020 that the economic fallout from the pandemic would push five million more Nigerians into poverty.<sup>142</sup> In Uganda, food assistance was planned for 1.5 million people, though more than nine million Ugandans live in poverty, and assistance was restricted to specific urban areas.<sup>143</sup> In Spain, a scheme to support people living in poverty was soon overwhelmed, causing the government to extend the deadline for retrospective claims.<sup>144</sup> In Lebanon, the Covid-19 pandemic exacerbated the already devastating economic crisis and exposed the inadequacies of the existing social protection schemes.<sup>145</sup> The government failed to put in place a coordinated, robust plan to provide assistance. The government announced plans to provide food assistance that it has not carried out and has repeatedly delayed promised financial relief.

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<sup>140</sup> "Cameroon: Investigate, Distribute Health Fund," Human Rights Watch news release, June 12, 2020, <https://www.hrw.org/news/2020/06/12/cameroon-investigate-distribute-health-fund>; Sarah Saadoun (Human Rights Watch), "In Cameroon, Government Secrecy in the Management of Funds Destined for Covid-19 Response," commentary, *Le Monde*, September 24, 2020, <https://www.hrw.org/news/2020/09/24/cameroon-government-secrecy-management-funds-destined-covid-19-response>.

<sup>141</sup> "Kazakhstan: Extend, Expand Covid-19 Aid," Human Rights Watch news release, August 17, 2020, <https://www.hrw.org/news/2020/08/17/kazakhstan-extend-expand-covid-19-aid>.

<sup>142</sup> "Nigeria's Economy Faces Worst Recession in Four Decades, Says New World Bank Report," World Bank press release, June 26, 2020, <https://www.worldbank.org/en/news/press-release/2020/06/25/nigerias-economy-faces-worst-recession-in-four-decades-says-new-world-bank-report> (accessed March 4, 2021).

<sup>143</sup> "Protecting Economic and Social Rights During and Post Covid-19," Human Rights Watch Q&A, June 29, 2020, <https://www.hrw.org/news/2020/06/29/protecting-economic-and-social-rights-during-and-post-covid-19>; Lena Simet (Human Rights Watch), "Use Community Engagement to Identify People in Need of Relief," commentary, *Daily Monitor*, April 23, 2020, <https://www.hrw.org/news/2020/04/23/use-community-engagement-identify-people-need-relief>.

<sup>144</sup> "Simulador del ingreso mínimo vital: comprueba qué cantidad te correspondería," *El Confidencial*, August 19, 2020, [https://www.elconfidencial.com/economia/2020-08-19/ingreso-minimo-vital-simulador-cantidad\\_2620591/](https://www.elconfidencial.com/economia/2020-08-19/ingreso-minimo-vital-simulador-cantidad_2620591/) (accessed March 4, 2021).

<sup>145</sup> "Lebanon: Direct Covid-19 Assistance to Hardest Hit," Human Rights Watch news release, April 8, 2020, <https://www.hrw.org/news/2020/04/08/lebanon-direct-covid-19-assistance-hardest-hit>.

According to the UN, the poverty rate in Lebanon has doubled over the past year, and more than half the population now lives under the poverty line.<sup>146</sup> The Covid-19 pandemic sparked an economic crisis in Cambodia, in which hundreds of thousands of people were suspended from work with little or no pay or were laid off outright.<sup>147</sup> Many Cambodians have taken out microloans, often using land titles as collateral, but without jobs or income, they are unable to repay the loans. The Cambodian government and microloan providers have done little to respond to this microloan debt crisis, leaving hundreds of thousands of borrowers facing serious financial burdens without debt relief or loan restructuring that could alleviate that burden.

Marginalized groups, particularly those who worked in the informal sector, were sometimes excluded from financial support efforts. The South African government's Covid-19 aid programs, including food parcels, overlooked people with disabilities, refugees and asylum seekers, sex workers, and LGBT people.<sup>148</sup> Similarly, in Georgia, transgender people who work in the informal sector were excluded from a \$1.5 billion plan to respond to the economic crisis. In the US, relief bills excluded informal workers such as street vendors and some immigrants, including all undocumented workers.<sup>149</sup> In Thailand, migrant workers were excluded from financial support.

## Workers' Rights

The pandemic further underscored the importance of protecting workers' rights, particularly by guaranteeing paid sick and family leave. Paid sick and family leave helped ensure that workers who were sick with Covid-19—or those with sick family members—could stay home and minimize the spread of the virus. During the pandemic, workers in some industries were at heightened risk from the virus. Migrant workers, many of whom

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<sup>146</sup> "ESCWA Warns: More than Half of Lebanon's Population Trapped in Poverty," United Nations Economic and Social Commission for Western Asia press release, August 19, 2020, <https://www.unescwa.org/news/Lebanon-poverty-2020> (accessed March 4, 2021).

<sup>147</sup> "World Bank: Investigate Cambodia's Microloans," Human Rights Watch news release, December 14, 2020, <https://www.hrw.org/news/2020/12/14/world-bank-investigate-cambodias-micro-loans>.

<sup>148</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), South Africa chapter, <https://www.hrw.org/world-report/2021/country-chapters/south-africa>.

<sup>149</sup> Lena Simet (Human Rights Watch), "The Forgotten, Suffering Without Aid," commentary, *New York Daily News*, April 30, 2020, <https://www.hrw.org/news/2020/04/30/forgotten-suffering-without-aid>.

faced rights violations before the pandemic, were particularly vulnerable during this time and subject to numerous abuses.

During the pandemic, some governments bolstered worker protections. In Italy, the national government adopted a series of measures to protect some workers from being fired, provided cash infusions for freelance workers and poor families, and supported families with young children by ensuring the right to parental leave and providing childcare vouchers.<sup>150</sup>

Many governments guarantee some paid sick leave to all workers, but many others—most notably the US among developed economies—do not. In the US, low-wage earners, service workers, informal workers, and gig economy workers are among those least likely to have paid sick leave, which has made them more vulnerable to contracting or spreading the virus.<sup>151</sup> People of color—particularly women and immigrants—are over-represented in low-wage service jobs, and Covid-19 disproportionately affected Black, Latinx, and Native communities. Many, particularly in agriculture and food production, faced unsafe working conditions leading to outbreaks.<sup>152</sup>

Workers in specific industries faced heightened risks of contracting Covid-19 or other abuses.

In Germany, large outbreaks of Covid-19 among meat plant workers highlighted the deplorable living and exploitative working conditions in the industry.<sup>153</sup> Many employees were migrants and worked for subcontractors. In July, the government presented a bill to

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<sup>150</sup> Italian Parliament, "Social Policies to Protect People During the Coronavirus Outbreak," March 2, 2021, <https://temi.camera.it/leg18/temi/politiche-sociali-per-fronteggiare-l-emergenza-coronavirus.html> (accessed March 4, 2021).

<sup>151</sup> Claire Cain Miller, Sarah Kliff, and Margot Sanger-Katz, "Avoiding Coronavirus May Be a Luxury Some Workers Can't Afford," *New York Times*, March 1, 2020, <https://www.nytimes.com/2020/03/01/upshot/coronavirus-sick-days-service-workers.html> (accessed March 4, 2021).

<sup>152</sup> Samantha Artiga and Matthew Rae, "The Covid-19 Outbreak and Food Production Workers: Who Is At Risk?" *Kaiser Family Foundation*, June 3, 2020, <https://www.kff.org/coronavirus-covid-19/issue-brief/the-covid-19-outbreak-and-food-production-workers-who-is-at-risk/> (accessed March 4, 2021).

<sup>153</sup> Grace Meng and Hugh Williamson, "Germany to Protect Meatpacking Workers Better," commentary, Human Rights Watch dispatch, May 29, 2020, <https://www.hrw.org/news/2020/05/29/germany-protect-meatpacking-workers-better>.

ban the use of subcontractors and increase companies' accountability for health and safety of workers.<sup>154</sup>

In Bangladesh, over one million garment workers were laid off following massive order cancellations, and denied owed wages.<sup>155</sup> Retailers took advantage of the crisis by demanding discounts on producer prices, putting pressure on workers to return to work for lower wages, often without adequate PPE, reliable health care, or sick leave. The Bangladesh government provided US\$600 million in subsidized loans to companies to support payment of wages to workers in the garment sector, though it remains unclear whether back wages have been paid.<sup>156</sup>

In the Democratic Republic of Congo, many copper and cobalt mining workers were ordered by managers to remain confined to their work site 24 hours a day, seven days a week, or face layoffs, as companies rolled out policies aimed at preventing the spread of Covid-19 while continuing operations.<sup>157</sup> Ultimately, the government ordered multinational mining companies to stop confining workers.<sup>158</sup>

Migrant workers often faced serious rights violations during the pandemic and were largely excluded from unemployment schemes.

In Kuwait, many migrant workers were dismissed without their wages, trapped in the country, and unable to leave due to travel restrictions and expensive flight tickets.<sup>159</sup> They

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<sup>154</sup> "NGG fordert Arbeitgeber der Fleischindustrie zu Tarifverhandlungen auf," Gewerkschaft Nahrung-Genuss-Gaststätten press release, July 29, 2020, <https://www.ngg.net/presse/pressemitteilungen/2020/ngg-fordert-arbeitgeber-der-fleischindustrie-zu-tarifverhandlungen-auf/> (accessed March 4, 2021).

<sup>155</sup> "Brands Abandon Asia Workers in Pandemic," Human Rights Watch news release, April 1, 2020, <https://www.hrw.org/news/2020/04/01/brands-abandon-asia-workers-pandemic>.

<sup>156</sup> International Monetary Fund, "Helping Bangladesh Recover from Covid-19," June 12, 2020, <https://www.imf.org/en/News/Articles/2020/06/11/na-06122020-helping-bangladesh-recover-from-covid-19> (accessed March 4, 2021).

<sup>157</sup> "DR Congo: Mine Workers at Risk During Covid-19," Human Rights Watch news release, June 11, 2020, <https://www.hrw.org/news/2020/06/11/dr-congo-mine-workers-risk-during-covid-19>.

<sup>158</sup> Hereward Holland, "Congo Gives Mines Month to End COVID Restrictions," *Reuters*, July 14, 2020, <https://www.reuters.com/article/us-health-coronavirus-congo-mining/congo-gives-mines-month-to-release-confined-workers-idUSKCN24F1OW> (accessed March 4, 2021).

<sup>159</sup> "Kuwait: Protect Migrant Workers During Pandemic," Human Rights Watch news release, April 17, 2020, <https://www.hrw.org/news/2020/04/17/kuwait-protect-migrant-workers-during-pandemic>.

also faced increased risks of abuse by employers due to lockdown restrictions that left them confined to employers' homes.<sup>160</sup> In Oman, migrant domestic workers faced increased risks of similar abuse, and some were trapped from being able to leave the country due to travel restrictions.<sup>161</sup> State companies were told to ask non-Omani employees to "leave permanently," despite the fact that expatriates make up almost 40 percent of the total population.<sup>162</sup> An August 2020 report on Qatar by Human Rights Watch found that longstanding wage-related problems migrants workers faced—including delayed wages, unpaid wages, and forceful terminations—were exacerbated by the Covid-19 pandemic.<sup>163</sup>

Other countries where preexisting abuses against migrant workers were exacerbated by the Covid-19 pandemic include Jordan, Lebanon, Saudi Arabia, and the UAE.<sup>164</sup>

## Right to Housing

The Covid-19 pandemic threatened the right to adequate housing. As people lost work and income, housing became more insecure and less affordable for millions in both high- and low-income countries. Several governments moved to protect the right to housing, including through the provision of basic utilities to homes, such as water and waste services.

Those who live from one payday to the next, with minimal savings, and who face high levels of unemployment, such as people with disabilities, face housing insecurity even in normal circumstances, which the economic hardships of the pandemic exacerbated.

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<sup>160</sup> Rothna Begum (Human Rights Watch), "Domestic Workers in Middle East Risk Abuse Amid Covid-19 Crisis," <https://www.hrw.org/news/2020/04/06/domestic-workers-middle-east-risk-abuse-amid-covid-19-crisis>.

<sup>161</sup> Ibid.

<sup>162</sup> Global Detention Project, "Oman," May 6, 2020, <https://www.globaldetentionproject.org/countries/middle-east/oman> (accessed March 4, 2021).

<sup>163</sup> Human Rights Watch, "*How Can We Work Without Wages? Salary Abuses Facing Migrant Workers Ahead of Qatar's FIFA World Cup 2022*" (New York: Human Rights Watch, 2020), <https://www.hrw.org/report/2020/08/24/how-can-we-work-without-wages/salary-abuses-facing-migrant-workers-ahead-qatars>.

<sup>164</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Jordan chapter, <https://www.hrw.org/world-report/2021/country-chapters/jordan>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Lebanon chapter, <https://www.hrw.org/world-report/2021/country-chapters/lebanon>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Saudi Arabia chapter, <https://www.hrw.org/world-report/2021/country-chapters/saudi-arabia>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), United Arab Emirates chapter, <https://www.hrw.org/world-report/2021/country-chapters/united-arab-emirates>.

Failure to pay rent, mortgage, or utilities may result in evictions, foreclosures, and shutoffs of water or electricity services, compounding the crisis for families and communities around the world.

In EU countries, unemployment and underemployment amid lockdowns and the economic recession left many falling behind on rent and mortgage payments and threatened continued access to housing. Several EU member states—including France, Germany, Italy, Poland, Spain, and the UK—announced or extended temporary bans on evictions.<sup>165</sup> In some countries, the bans were limited to private tenancy agreements. Other countries took wider action, offering rent relief, temporary mortgage debt relief, and protected mortgage-holders from eviction, too.

In the US, by May 2020, 43 out of the nation's 50 states had active eviction moratoriums limiting landlords' ability to remove tenants who could not pay their rent.<sup>166</sup> By August, however, only about 20 states still had active moratoriums. In September, the Centers for Disease Control and Prevention (CDC), the US national public health institute, passed a nationwide moratorium on evictions giving renters some protections, and, in January 2021, President Joe Biden extended it through March. However, due to flaws in the moratorium and its implementation, many renters have either lost or risk losing their homes due to their inability to pay.<sup>167</sup>

In some countries, people were not protected from eviction during the pandemic. In Angola, authorities continued during the pandemic to forcibly evict people and conduct demolitions without necessary procedural guarantees or guarantees of alternative housing. In Bahrain, authorities forced workers out of their accommodations by cutting off

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<sup>165</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), France chapter, <https://www.hrw.org/world-report/2021/country-chapters/france>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Germany chapter, <https://www.hrw.org/world-report/2021/country-chapters/germany>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Italy chapter, <https://www.hrw.org/world-report/2021/country-chapters/italy>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Poland chapter, <https://www.hrw.org/world-report/2021/country-chapters/poland>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Spain chapter, <https://www.hrw.org/world-report/2021/country-chapters/spain>; Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), United Kingdom chapter, <https://www.hrw.org/world-report/2021/country-chapters/united-kingdom>.

<sup>166</sup> "Eviction Moratoriums for Tenants in the United States," Human Rights Watch Q&A, January 26, 2021, <https://www.hrw.org/news/2021/01/26/qa-eviction-moratoriums-tenants-united-states>.

<sup>167</sup> *Ibid.*

electricity and water during the peak of the summer, without providing for alternative housing.<sup>168</sup> In India, millions of migrant workers, fearing wage loss and evictions if they could not pay rent, walked back to their villages and towns after the government announced an abrupt lockdown with a four-hour notice.<sup>169</sup> In South Africa, despite a federal ban on evictions, the country's local governments evicted people from homes built on public land without providing alternative sites to shelter in place.<sup>170</sup> In Kenya, in early May, authorities evicted more than 8,000 people in two of Nairobi's informal settlements.<sup>171</sup> Deprived of their homes, hundreds of families were forced to sleep out in the open for weeks. They not only had to gather around fires for warmth, but were also at a higher risk of exposure to Covid-19 and of being arrested by government authorities for breaking curfews and other restrictions.<sup>172</sup>

The heightened risks of exposure to the coronavirus that stem from failure to realize the right to adequate housing is particularly acute for people experiencing homelessness and those living in substandard housing, including in refugee and IDP camps, slums, some types of worker and public housing, informal settlements of undocumented migrants, and severely overcrowded locations.<sup>173</sup>

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<sup>168</sup> "Migrants in Bahrain Face an Eviction Crisis Amid Covid-19 Pandemic," Migrant-Rights.org, September 15, 2020, <https://www.migrant-rights.org/2020/09/migrants-in-bahrain-face-an-eviction-crisis-amid-covid-19-pandemic/> (accessed March 4, 2021).

<sup>169</sup> "India: Covid-19 Lockdown Puts Poor at Risk," Human Rights Watch news release, March 27, 2020, <https://www.hrw.org/news/2020/03/27/india-covid-19-lockdown-puts-poor-risk>.

<sup>170</sup> Juliana Nnoko-Mewanu, "Cities Forcibly Evict Residents in South Africa," commentary, Human Rights Watch dispatch, September 2, 2020, <https://www.hrw.org/news/2020/09/02/cities-forcibly-evict-residents-south-africa>.

<sup>171</sup> Juliana Nnoko-Mewanu (Human Rights Watch) and Najma Abdi (Human Rights Watch), "Nairobi Evicts 8,000 People Amidst a Pandemic and Curfew," commentary, *African Arguments*, June 10, 2020, <https://www.hrw.org/news/2020/06/10/nairobi-evicts-8000-people-amidst-pandemic-and-curfew>.

<sup>172</sup> "Covid-19 Crisis: Kenya Urged to Stop All Evictions and Protect Housing Rights Defenders," Office of the High Commissioner for Human Rights press release, May 22, 2020, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25901&LangID=E> (accessed March 4, 2021); "Kenya: Police Brutality During Curfew," Human Rights Watch news release, April 22, 2020, <https://www.hrw.org/news/2020/04/22/kenya-police-brutality-during-curfew>.

<sup>173</sup> Juliana Nnoko-Mewanu (Human Rights Watch) and Clive Baldwin (Human Rights Watch), "Business As Usual Isn't Good Enough for World's Homeless," commentary, *Thomson Reuters Foundation News*, May 7, 2020, <https://www.hrw.org/news/2020/05/07/business-usual-isnt-good-enough-worlds-homeless>; Camille Marquis, "Paris Police Continue to Harass Homeless Migrants," commentary, Human Rights Watch dispatch, <https://www.hrw.org/news/2020/11/25/paris-police-continue-harass-homeless-migrants>.

Some governments such as the United Kingdom, France, and some US states and cities provided shelter for thousands of people in vacant hotel rooms, Airbnb units, hostels, and other individual housing options that allow access to hygiene facilities and the space to effectively maintain social distancing.<sup>174</sup> These positive measures also include, in some countries, an extension of the right to remain in reception centers for asylum seekers beyond established time limits. But most governments have identified these options as a short-term health measure. Longer-term approaches that work best with national contexts should be considered.

## Recommendations

Governments should protect workers', including migrant workers', rights including:

- the right to a living wage;
- the right to association and collective bargaining;
- basic labor protections such as paid sick or family leave.

During lockdowns and in the wave of the economic crisis precipitated by the pandemic, governments should:

- Protect people who face homelessness as a result of eviction due to inability to pay rent or mortgage, at a minimum by ensuring they have access to alternative adequate housing;
- Halt utilities disconnections, in particular for water and sanitation services, for inability to pay and reconnect where services have already been cut.<sup>175</sup>

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<sup>174</sup> "How the Pandemic Has Helped Britain's Rough Sleepers," *Economist*, April 4, 2020, <https://www.economist.com/britain/2020/04/04/how-the-pandemic-has-helped-britains-rough-sleepers> (accessed March 4, 2021); Government of France, "Julien Denormandie, ministre chargé de la Ville et du Logement, a annoncé l'ouverture de plusieurs centaines de chambres d'hôtel pour loger des sans-abris," undated, <https://www.gouvernement.fr/covid-19-l-etat-mobilise-50-millions-d-euros-et-met-a-disposition-des-chambres-d-hotel-pour-les-plus> (accessed March 4, 2021); Adele Peters, "California is Renting Hotel Rooms and RVs to Protect the Homeless from Coronavirus," *Fast Company*, March 16, 2020, <https://www.fastcompany.com/90477869/california-is-renting-hotel-rooms-and-rvs-to-protect-the-homeless-from-coronavirus> (accessed March 4, 2021).

<sup>175</sup> Amanda Klasing, "US Structural Racism Shapes Access to Water During Covid-19," commentary, Human Rights Watch dispatch, July 15, 2020, <https://www.hrw.org/news/2020/07/15/us-structural-racism-shapes-access-water-during-covid-19>.

As countries ease lockdown restrictions, economic recovery that ensures an adequate standard of living for everyone will depend on improved social protection and broad-based fiscal support. Governments should:

- Ensure recovery plans take into account ways in which some groups have suffered more than others during the pandemic and work to ensure that recovery efforts correct the inequalities that led to disparities in the first place;
- Avoid austerity measures that harm rights, which in the wake of the 2008 financial crisis entrenched inequalities;
- Plan for and commit sufficient public investment to ensure adequate health care, education, water and sanitation services, and housing, for all; Implement policies to guarantee the right to social security.

## Covid-19 and Technology

During the pandemic, many governments launched and expanded digital surveillance initiatives in their efforts to contain the virus, sometimes with private sector support.<sup>176</sup> These range from contact tracing apps that identify and inform people who may have come into contact with an infected person, to facial recognition cameras that enforce quarantine measures, to algorithmic risk assessments that monitor and restrict people's movements based on their location and health histories. These initiatives collected and analyzed a wide range of personal and sensitive data, from GPS and Bluetooth to cell site location data. Virtually all of these technologies pose serious risks to privacy and human rights. Examples of these initiatives include:

In March 2020, Armenia required telecommunication companies to provide authorities with phone records for all customers in order to facilitate tracking of people exposed to the virus.<sup>177</sup> For months, authorities refused to reveal information about who was in charge of the tracking system, saying that it was developed by volunteer programmers, free of charge; their names were eventually revealed without their affiliations. Authorities suspended the program in September.

In Ecuador, the government rolled out several initiatives that used mobile location and other personal data to identify people who may have come into contact with an infected person and to pinpoint large gatherings.<sup>178</sup> This involved not only the collection but the aggregation, processing, and sharing of personal information.

The South Korean government in March 2020 adopted a data-intensive contact tracing program using mobile location, CCTV cameras, and debit and credit card data.<sup>179</sup> It created

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<sup>176</sup> "Mobile Location Data and Covid-19," Human Rights Watch Q&A, May 13, 2020, <https://www.hrw.org/news/2020/05/13/mobile-location-data-and-covid-19-qa>.

<sup>177</sup> Human Rights Watch, *World Report 2021*, Armenia chapter, <https://www.hrw.org/world-report/2021/country-chapters/armenia>.

<sup>178</sup> "Ecuador: Privacy at Risk with Covid-19," Human Rights Watch news release, July 1, 2020, <https://www.hrw.org/news/2020/07/01/ecuador-privacy-risk-covid-19-surveillance>.

<sup>179</sup> "Human Rights Dimensions of Covid-19 Response," Human Rights Watch Q&A, March 19, 2020, <https://www.hrw.org/news/2020/03/19/human-rights-dimensions-covid-19-response>.

a publicly available map of the movements of people infected with the virus and sent out cellphone notifications to large numbers of people with detailed information on confirmed Covid-19 cases, including age, gender, and places visited before being quarantined.<sup>180</sup> This public information allowed people to identify infected persons, leading to public harassment and “doxing” (the publication of personal information on the internet).<sup>181</sup> Later, public health bodies issued guidance not to publish patient age, sex, nationality, workplace, travel history, or home residency location, although some local governments continued to disclose such information despite this guidance.<sup>182</sup>

In cities across China, an app called Health Code assigned individuals one of three colors (green, yellow, or red), depending on a range of factors such as whether people had been to virus-hit areas.<sup>183</sup> To enter buildings, go to the supermarket, or use public transport, people had to scan a QR code at a manned checkpoint. Users have complained that the apps’ decisions are arbitrary and difficult to appeal, and have a wide-ranging impact on their lives and freedom of movement.

In Russia, many regions introduced a pass system that required people to obtain permission online or through SMS to leave the immediate vicinity of their homes. Moscow city authorities also introduced a highly intrusive app to track the whereabouts of people

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<sup>180</sup> Park Won-ho, “MOLIT, MSIT, and KCDC Launch the Covid-19 Data Platform,” Korean Ministry of Land, Infrastructure, and Transport, March 26, 2020, [https://www.molit.go.kr/english/USR/BORDo201/m\\_28286/DTL.jsp?id=engo301&cate=&mode=view&idx=2931&key=&search=&search\\_regdate\\_s=&search\\_regdate\\_e=&order=&desc=asc&srch\\_prc\\_stts=&item\\_num=o&search\\_dept\\_id=&search\\_dept\\_nm=&srch\\_usr\\_nm=N&srch\\_usr\\_titl=N&srch\\_usr\\_cntnt=N&srch\\_mng\\_nm=N&old\\_dept\\_nm=&search\\_gbn=&search\\_section=&source=&search1=&lcmspage=1](https://www.molit.go.kr/english/USR/BORDo201/m_28286/DTL.jsp?id=engo301&cate=&mode=view&idx=2931&key=&search=&search_regdate_s=&search_regdate_e=&order=&desc=asc&srch_prc_stts=&item_num=o&search_dept_id=&search_dept_nm=&srch_usr_nm=N&srch_usr_titl=N&srch_usr_cntnt=N&srch_mng_nm=N&old_dept_nm=&search_gbn=&search_section=&source=&search1=&lcmspage=1) (accessed March 4, 2021).

<sup>181</sup> Megan Garber, “Doxing: An Etymology,” *Atlantic*, March 6, 2014, <https://www.theatlantic.com/technology/archive/2014/03/doxing-an-etymology/284283/> (accessed March 4, 2021).

<sup>182</sup> Lee Chang-jun, “Government Announces Guidelines for the Disclosure of Information About Persons Confirmed of Having Contracted Covid-19, Says Not to Specify Age, Gender, Etc.” (“Jeongbu, Hwagjinja Jeongbo Gong-Gae Jichim Balpyo...’Seongbyeol nai deung teugjeong andwae”), *The Kyunghyang Shinmun*, September 10, 2020, [http://news.khan.co.kr/kh\\_news/khan\\_art\\_view.html?art\\_id=202010091749001](http://news.khan.co.kr/kh_news/khan_art_view.html?art_id=202010091749001) (accessed March 4, 2021); Choe Sang-Hun, “In South Korea, Covid-19 Comes With Another Risk: Online Bullies,” *New York Times*, September 19, 2020, <https://www.nytimes.com/2020/09/19/world/asia/south-korea-covid-19-online-bullying.html> (accessed March 4, 2021); Byoung-il Oh, Yeokyung Chang, SeonHwa Jeong, “Covid-19 and the Right to Privacy: An Analysis of South Korean Experiences,” Korean Progressive Network Jinbonet and Institute for Digital Rights, November 30, 2020, [https://www.apc.org/sites/default/files/Covid\\_19\\_and\\_the\\_right\\_to\\_Privacy\\_an\\_analysis\\_of\\_South\\_Korean\\_Experiences.pdf](https://www.apc.org/sites/default/files/Covid_19_and_the_right_to_Privacy_an_analysis_of_South_Korean_Experiences.pdf) (accessed March 4, 2021).

<sup>183</sup> Maya Wang (Human Rights Watch), “China: Fighting Covid-19 With Automated Tyranny,” commentary, *The Diplomat*, April 1, 2020, <https://www.hrw.org/news/2020/04/01/china-fighting-covid-19-automated-tyranny>.

exposed to or infected with Covid-19 or displaying symptoms of respiratory disease.<sup>184</sup> The app automatically issued fines that in many cases were wrongly applied.<sup>185</sup> After protracted public outcry, several improvements were introduced. Moscow authorities have also tapped into the city's network of facial recognition cameras to monitor the movements of people under quarantine orders.<sup>186</sup>

The underlying logic of mobile tracking—that users are uniquely linked to their phones—is ill-suited for people who cannot afford mobile connections or devices, share a single connection or device, or frequently experience internet outages, such as many migrant workers and refugees.<sup>187</sup> Women are more likely to fall on the wrong side of the digital divide, and apps may not be developed to be accessible for older people and people with disabilities. People without smartphone or internet access have also been denied entry to public and private spaces because they cannot provide the digital proof required to show that they are safe for entry.

In China, some older people have reported that they have been turned away from hospitals and forced to skip medical appointments because they do not have the Health Code app.<sup>188</sup> In eastern Ukraine, dozens of people, many of them older, were trapped on more than one occasion in areas of active hostilities because they did not have a smartphone with which to download a self-isolation monitoring app, as required by the authorities in order to cross into government-controlled territory.<sup>189</sup> These people were ultimately allowed through and sent to medical quarantine.

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<sup>184</sup> Rachel Denber, "Moscow's Intrusive Proposal on Covid-19 Prevention," commentary, Human Rights Watch dispatch, April 1, 2020, <https://www.hrw.org/news/2020/04/01/moscows-intrusive-proposal-covid-19-prevention>.

<sup>185</sup> "Russia: Intrusive Tracking App Wrongly Fines Muscovites," Human Rights Watch news release, May 21, 2020, <https://www.hrw.org/news/2020/05/21/russia-intrusive-tracking-app-wrongly-fines-muscovites>.

<sup>186</sup> Gabrielle Tétrault-Farber, "Moscow Deploys Facial Recognition Technology for Coronavirus Quarantine," *Reuters*, February 21, 2020, <https://www.reuters.com/article/us-china-health-moscow-technology/moscow-deploys-facial-recognition-technology-for-coronavirus-quarantine-idUSKBN20F1RZ> (accessed March 4, 2021).

<sup>187</sup> Amos Toh (Human Rights Watch) and Deborah Brown (Human Rights Watch), "How Digital Contact Tracing for Covid-19 Could Worsen Inequality," commentary, *Just Security*, <https://www.hrw.org/news/2020/06/04/how-digital-contact-tracing-covid-19-could-worsen-inequality>.

<sup>188</sup> "What Should the Elderly in Shaoxing Do When They Go to the Hospital to See a Doctor? Many Elderly People Run into a Wall in the Hospital Without a Health Code," *Shaoxing Evening News*, March 2, 2020, <https://weibo.com/ttarticle/p/show?id=2309404477993627025539> (accessed March 4, 2021).

<sup>189</sup> "Ukraine: Trapped in a War Zone for Lacking a Smartphone," Human Rights Watch news release, June 26, 2020, <https://www.hrw.org/news/2020/06/26/ukraine-trapped-war-zone-lacking-smartphone>.

## Recommendations

Governments should:

- Only use or approve technologies using mobile location data to combat Covid-19 if they have demonstrated that they are necessary and proportionate to combat the spread of disease and have enacted adequate safeguards to prevent human rights abuses;
- Apply these standards to the outsourcing of mobile tracking and other digital surveillance initiatives to the private sector. In the context of contact tracing apps, for example, governments should evaluate their necessity based on whether the underlying technology is capable of detecting exposure to Covid-19 with sufficient accuracy;
- Publish meaningful data assessing the efficacy of these technologies, to allow the public to assess the necessity of disease surveillance technologies during the pandemic, and evaluate the risk associated with their use.
- Address concerns about how the data will be used once the pandemic is contained, including by guaranteeing that the deployment of these technologies is limited to the duration of the public health emergency and that data collected using these technologies will not be used for any purpose other than disease surveillance;
- Subject tracking initiatives to independent review and oversight, impose data retention limits, and establish effective remedial mechanisms through which people have the right to access and challenge the data collected or generated about them.

# Rights to Freedom of Expression and Peaceful Assembly

Human Rights Watch published a report on freedom of expression during the pandemic that identified a number of disturbing trends.<sup>190</sup> Governments worldwide have used the Covid-19 pandemic to crack down on free speech and peaceful assembly, targeting journalists, activists, healthcare workers, political opposition groups, and others who have criticized their responses to the coronavirus. In more than 90 countries around the world, governments have used Covid-19 as justification to clamp down on free speech and peaceful assembly by critics of their responses to the coronavirus. The authorities have also used Covid-19 as an excuse to stifle dissent unrelated to the pandemic. Violations include killings and other violence, arbitrary detention and prosecution, media shutdowns, and enacting vague laws criminalizing speech.

## Freedom of Speech

Military or police forces in at least 18 countries physically assaulted journalists, bloggers, and protesters, including some who criticized government responses to Covid-19 such as insufficient healthcare funding, lockdowns, and a lack of masks and gloves for medical workers.<sup>191</sup>

Since January 2020, governments in at least 24 countries have enacted vague laws and measures that criminalize spreading alleged misinformation or other coverage of Covid-19, or of other public health crises, which they claim threatens the public's well-being.<sup>192</sup> Governments can easily use imprecise laws as tools of repression. At least five countries have also criminalized the publication of alleged misinformation on a range of other topics, including public health.

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<sup>190</sup> "Covid-19 Triggers Wave of Free Speech Abuse," Human Rights Watch news release, February 11, 2021, <https://www.hrw.org/news/2021/02/11/covid-19-triggers-wave-free-speech-abuse>.

<sup>191</sup> "Covid-19 Triggers Wave of Free Speech Abuse: Violence," Human Rights Watch interactive feature, February 11, 2021, <https://features.hrw.org/features/features/covid/index.html#violence>.

<sup>192</sup> "Covid-19 Triggers Wave of Free Speech Abuse: Censorship Through Laws, Threats, and Blocking Reporting," Human Rights Watch interactive feature, February 11, 2021, <https://features.hrw.org/features/features/covid/index.html#censorship>.

Authorities in at least 51 countries have used laws and regulations adopted to prevent the spread of Covid-19, as well as counterterrorism and other measures predating the pandemic, to arbitrarily arrest, detain, and prosecute critics of government responses to the coronavirus, resulting in fines and imprisonment.<sup>193</sup> At least 51 have also used measures to counter Covid-19 to arrest, detain, or prosecute critics of policies unrelated to the pandemic.<sup>194</sup> Those targeted include journalists, bloggers and others posting online, opposition figures and activists, protesters, academics, medical workers, students, lawyers, cartoonists, and artists.

Using the new laws, laws predating the pandemic, or without citing any laws, at least 33 governments have threatened critics, in some cases with prosecution, if they criticize authorities' response to the pandemic.<sup>195</sup> Eight of these countries also investigated, threatened, and dismissed medical staff for speaking publicly about authorities' response to the pandemic. At least eight countries have also suspended or restricted the right to request and receive information from the authorities, including on public health matters.<sup>196</sup> At least 12 countries have blocked specific Covid-19-related media reports or shut down media outlets for their reporting on the pandemic.

## Freedom of Peaceful Assembly

Authorities in at least 10 countries arbitrarily banned or broke up protests against government responses to Covid-19, in some cases citing social distancing concerns, while at least 10 countries have used Covid-19 as a justification to end protests and other gatherings critical of government policies unrelated to the coronavirus.<sup>197</sup> In all these cases, the authorities intervened despite allowing other large gatherings to take place. While some restrictions to physical gatherings, including protests, may be necessary during the health emergency, they must be based on law and be necessary and

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<sup>193</sup> "Covid-19 Triggers Wave of Free Speech Abuse: Arbitrary Arrest, Detention, Prosecution," Human Rights Watch interactive feature, February 11, 2021, <https://features.hrw.org/features/features/covid/index.html?#arbitrary>.

<sup>194</sup> Ibid.

<sup>195</sup> "Covid-19 Triggers Wave of Free Speech Abuse: Censorship Through Laws, Threats, and Blocking Reporting," Human Rights Watch interactive feature.

<sup>196</sup> "Covid-19 Triggers Wave of Free Speech Abuse: Restricting Access to Public Health Information," Human Rights Watch interactive feature, February 11, 2021, <https://features.hrw.org/features/features/covid/index.html?#information>.

<sup>197</sup> "Covid-19 Triggers Wave of Free Speech Abuse: Banning Protests and Other Public Assemblies," Human Rights Watch interactive feature, February 11, 2021, <https://features.hrw.org/features/features/covid/index.html?#assemble>.

proportionate to the public health concern, according to international human rights standards. There are serious risks that restrictions on freedom of assembly that were implemented in response to Covid-19 could outlast the pandemic, leading to longer-term suppression of freedom of expression in those countries.

Abuses also included beating and firing live ammunition at peaceful protesters, and assaulting them in detention, with apparent impunity. In most cases, these forces said they were enforcing Covid-19-related regulations. In Uganda, for example, security forces violently dispersed political opposition rallies, arrested opposition members and killed protesters.<sup>198</sup> In Uganda, security forces used Covid-19 regulations as a pretext to clamp down on the opposition and the media, arresting opposition party leaders and journalists.<sup>199</sup>

In Algeria, the government banned all street demonstrations in March and established a nationwide lockdown. Despite easing the lockdown starting in May, police brutally dispersed attempts by activists to resume demonstrations.<sup>200</sup> This effectively ended a year of mass demonstrations by HIRAK, a proreform movement.

In Guinea, the government implemented a state of emergency in response to the pandemic. When an opposition coalition announced renewed protests in opposition to the new constitution in May 2020, the government responded that these demonstrations would “provoke clashes” and “spread Covid-19.” The government cited the state of emergency in banning other demonstrations.

Russian authorities cited Covid-19 to prevent peaceful protests since spring 2020.<sup>201</sup> Police even interfered with single-person protests, which do not require approval under national

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<sup>198</sup> "Uganda: Authorities Weaponize Covid-19 for Repression," Human Rights Watch news release, November 20, 2020, <https://www.hrw.org/news/2020/11/20/uganda-authorities-weaponize-covid-19-repression>.

<sup>199</sup> "Uganda: Authorities Weaponize Covid-19 for Repression."

<sup>200</sup> "Algeria: Repression of Resumed HIRAK in Several Cities, Riots in Béjaïa," *North Africa Post*, June 20, 2020, <https://northafricapost.com/41859-algeria-repression-of-resumed-hirak-in-several-cities-riots-in-bejaia.html> (accessed March 4, 2021).

<sup>201</sup> "Russia: Police Double Down on Detaining Protesters," Human Rights Watch news release, January 31, 2021, <https://www.hrw.org/news/2021/01/31/russia-police-double-down-detaining-protesters>; "Russia: Journalists Held Over Peaceful Pickets," Human Rights Watch news release, May 29, 2020, <https://www.hrw.org/news/2020/05/29/russia-journalists-held-over-peaceful-pickets>.

public health regulations.<sup>202</sup> In July, dozens of peaceful protesters were detained during a protest over a constitutional referendum, which authorities refused to authorize, citing the pandemic, despite lifting almost all other restrictions on public gatherings, and subsequently placing detained protesters in cramped and poorly ventilated police buses with no possibility of social distancing and no access to basic hygiene. In January and February 2021, authorities cited Covid-19 social distancing rules as they refused to sanction peaceful protests against the detention of opposition leader Alexey Navalny. Record numbers of protesters were detained; many reported long hours, and in some cases, days, of detention in cramped police buses and overcrowded cells.<sup>203</sup> Several criminal cases were opened, and civic activists were indicted for allegedly violating Covid-19 safety regulations and creating a risk of mass infection.

In Congo, a government-imposed state of emergency banned public gatherings between March and July. Security forces used excessive and often lethal force to break up demonstrations.<sup>204</sup> In Thailand, social distancing restrictions were enforced, targeting activists.<sup>205</sup> In Cameroon, the government prohibited private meetings planned by the opposition, citing concerns around Covid-19 and general public order, and used antiterror laws and Covid-19 movement restrictions to prevent protests around the time of regional elections.<sup>206</sup>

In Cuba, the government used regulations designed to prevent the spread of Covid-19 to harass and imprison critics. In June, authorities harassed and detained scores of people ahead of a protest against police violence, and accused some of the crime of “spreading an epidemic.” On November 26, 2020, Cuban security forces detained 14 government critics in Havana after alleging that one of them had violated Covid-19 rules by failing to retake a test for the coronavirus.

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<sup>202</sup> "Russia: Dozens of Journalists Detained for Peaceful Protests," Human Rights Watch news release, July 10, 2020, <https://www.hrw.org/news/2020/07/10/russia-dozens-journalists-detained-peaceful-protests>.

<sup>203</sup> "Russia: Police Double Down on Detaining Protesters," Human Rights Watch news release.

<sup>204</sup> "DR Congo: Authorities Foundering on Rights," Human Rights Watch news release, July 22, 2020, <https://www.hrw.org/news/2020/07/22/dr-congo-authorities-foundering-rights>.

<sup>205</sup> Thai Lawyers for Human Rights Facebook page, <https://www.facebook.com/lawyercenter2014/photos/a.668860109830513/3289569677759530/> (accessed March 4, 2021).

<sup>206</sup> "Cameroon: Heightened Crackdown on Opposition," Human Rights Watch news release, September 21, 2020, <https://www.hrw.org/news/2020/09/21/cameroon-heightened-crackdown-opposition>.

Other countries, such as Hungary and Georgia, passed sweeping and sometimes nontransparent state of emergency laws, giving the government power to restrict certain freedoms, including the freedom of assembly.<sup>207</sup>

## Internet Blackouts and Restrictions on Access to Information

Despite the internet being a crucial resource for information, communication, education, and business during lockdowns, some governments maintained internet blackouts during the pandemic.

In India, even after the Supreme Court ruled in January that access to the internet was a fundamental right, authorities permitted only slow-speed 2G mobile internet services in Jammu and Kashmir, leading doctors to complain that the lack of internet was hurting the Covid-19 response. The government restored mobile internet services at 4G speed in February 2021. Myanmar's then-civilian government maintained a second year of internet restrictions in conflict-ridden Rakhine and Chin States in 2020, with the restrictions only lifted in February 2021.<sup>208</sup> In Bangladesh, a nearly year-long internet shutdown in the Rohingya refugee camps hampered aid workers' ability to coordinate emergency responses, conduct contact tracing, and share critical information about Covid-19.<sup>209</sup> In Cuba, the government continued to impose targeted and temporary restrictions on cellphone data and phone services to dissidents and critics, often to prevent them from reporting about arbitrary arrests.<sup>210</sup> In Uganda and Tanzania, authorities restricted access to the internet and social media ahead of their respective elections.<sup>211</sup>

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<sup>207</sup> Lydia Gall, "Hungary's Orban Uses Pandemic to Seize Unlimited Power," commentary, Human Rights Watch dispatch, March 23, 2020, <https://www.hrw.org/news/2020/03/23/hungarys-orban-uses-pandemic-seize-unlimited-power>.

<sup>208</sup> "Myanmar: End World's Longest Internet Shutdown," Human Rights Watch news release, June 19, 2020, <https://www.hrw.org/news/2020/06/19/myanmar-end-worlds-longest-internet-shutdown>.

<sup>209</sup> "Bangladesh: Internet Ban Risks Rohingya Lives," Human Rights Watch news release, March 26, 2020, <https://www.hrw.org/news/2020/03/26/bangladesh-internet-ban-risks-rohingya-lives#>.

<sup>210</sup> "Cuba: Covid-19 Rules Used to Intensify Repression," Human Rights Watch news release, December 7, 2020, <https://www.hrw.org/news/2020/12/07/cuba-covid-19-rules-used-intensify-repression>; "Cuba: Protest Over Police Killing Suppressed," Human Rights Watch news release, July 28, 2020, <https://www.hrw.org/news/2020/07/28/cuba-protest-over-police-killing-suppressed>.

<sup>211</sup> "Uganda: Elections Marred by Violence," Human Rights Watch news release, January 21, 2021, <https://www.hrw.org/news/2021/01/21/uganda-elections-marred-violence>; "Tanzania: Repression Mars National Elections," Human Rights Watch news release, November 23, 2020, <https://www.hrw.org/news/2020/11/23/tanzania-repression-mars-national-elections>.

## Recommendations

Governments should:

- Ensure all Covid-19 responses comport with international and domestic law protections on freedom of speech and assembly;
- Provide all Covid-19 restrictions that infringe on fundamental rights are temporary, limited to the degree that is strictly necessary, and subject to sunset clauses;
- Register any derogation from obligations on freedom of expression and assembly invoked by reason of a state of emergency with relevant treaty bodies to enable independent oversight.

The UN Human Rights Council should:

- Task the UN High Commissioner for Human Rights to prepare a second report on states' compliance with their human rights obligations in responding to Covid-19, including the impact of their restrictions on free speech and assembly, with the aim of halting violations and contributing to accountability and redress for victims;
- Call on relevant special mandate holders, including the special rapporteurs on freedom of expression, freedom of assembly and association, and the right to physical and mental health to assist the high commissioner.

## Quarantines, Lockdowns, and Travel Bans

As governments moved to curb the spread of the coronavirus by imposing restrictions on movement, some introduced policies that were disproportionate to, or inappropriate for, the health threat. Most lockdown and quarantine measures were lifted or adjusted over time. However, around the world, governments instituted discriminatory policies, and authorities enforced measures discriminatorily and with excessive—and sometimes fatal—violence.

### Excessive Enforcement of Lockdowns or Quarantine

During the pandemic, some governments enforced lockdowns and quarantines in ways that were disproportionate to the public health threat and undermined human rights.

In China, during a quarantine of 11 million people in Wuhan in January 2020, many residents expressed difficulties obtaining medical care and other necessities, and chilling stories emerged of deaths and illnesses because people could not leave their homes. In Kazakhstan, officials in some cities bolted shut entryways to entire residential buildings where Covid-19 cases were confirmed.<sup>212</sup>

In Rwanda, police in March arrested over 70,000 people for infractions related to the measures introduced to prevent the spread of Covid-19, including a curfew, the closure of bars of restaurants, and restrictions on movement.<sup>213</sup> Authorities accused people of violating these measures and detained them in stadiums without due process or legal authority. In South Sudan, while enforcing curfews and other restrictions, security forces beat, arrested, and detained civilians.<sup>214</sup> By April, Nigerian security forces enforcing Covid-19 restrictions had killed 18 people, more than the virus had reportedly killed at the

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<sup>212</sup> “Central Asia: Respect Rights in Covid-19 Responses,” Human Rights Watch news release, April 23, 2020, <https://www.hrw.org/news/2020/04/23/central-asia-respect-rights-covid-19-responses>.

<sup>213</sup> Nicholas Bariyo, “Rwanda’s Aggressive Approach to Covid Wins Plaudits—and Warnings,” *Wall Street Journal*, September 29, 2020, <https://www.wsj.com/articles/rwandas-aggressive-approach-to-covid-wins-plauditsand-warnings-11601372482> (accessed March 4, 2021).

<sup>214</sup> United Nations Human Rights Council, “Emerging Impacts of COVID-19 on the Human Rights Situation and Peace Process in South Sudan,” June 23, 2020, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=25987&LangID=E> (accessed March 4, 2021).

time.<sup>215</sup> Beginning in March, Kenyan authorities forcefully quarantined tens of thousands of people, including travelers as well as people who had violated public orders on mask-wearing or curfew.<sup>216</sup> Many described poor conditions in the quarantine facilities, including lack of bedding, water, food, and soap, and said they were asked to pay for accommodations and food. They said the authorities sometimes extended quarantine periods from the initial mandatory 14 days to more than 30 days, even when people tested negative several times. Kenya eventually stopped the forced quarantine program in June.<sup>217</sup> In Uzbekistan, authorities seized electronic devices, including mobile phones, and bank cards while people were in the 14-day mandatory quarantine for traveling or being diagnosed with or suspected of having Covid-19.<sup>218</sup>

In some places, nonstate armed groups have also engaged in abuses in enforcing lockdowns and quarantines. In Colombia, armed groups in multiple states committed killings and other abuses against civilians in an effort to enforce their own measures to prevent the spread of Covid-19.<sup>219</sup> In Venezuela, returnees have been held, often for weeks, in overcrowded, unsanitary quarantine centers that likely contribute to spreading Covid-19.<sup>220</sup> Authorities and progovernment armed groups known as *colectivos* have threatened, verbally harassed, and mistreated returnees.

## Discriminatory Lockdowns

Some governments instituted lockdowns, quarantine requirements, and bans on movement that discriminated against specific groups.

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<sup>215</sup> “Coronavirus: Security forces kill more Nigerians than Covid-19,” *BBC News*, April 16, 2020, [https://www.bbc.com/news/world-africa-52317196?intlink\\_from\\_url=&link\\_location=live-reporting-story](https://www.bbc.com/news/world-africa-52317196?intlink_from_url=&link_location=live-reporting-story) (accessed March 4, 2021).

<sup>216</sup> “Kenya: Quarantine Conditions Undermine Rights,” Human Rights Watch news release, May 28, 2020, <https://www.hrw.org/news/2020/05/28/kenya-quarantine-conditions-undermine-rights>.

<sup>217</sup> Tenzin Wangmo, “Kenya Stops Abusive Forced Quarantine Related to Covid-19,” commentary, Human Rights Watch impact piece, July 31, 2020, <https://www.hrw.org/news/2020/07/31/kenya-stops-abusive-forced-quarantine-related-covid-19>.

<sup>218</sup> “Central Asia: Respect Rights in Covid-19 Responses,” Human Rights Watch news release, April 23, 2020, <https://www.hrw.org/news/2020/04/23/central-asia-respect-rights-covid-19-responses>.

<sup>219</sup> “Colombia: Armed Groups’ Brutal Covid-19 Measures,” Human Rights Watch news release, July 15, 2020, <https://www.hrw.org/news/2020/07/15/colombia-armed-groups-brutal-covid-19-measures#:~:text=Human%20Rights%20Watch%20documented%20three,deaths%20linked%20to%20the%20virus>.

<sup>220</sup> “Venezuela: Abusive Treatment of Returnees,” Human Rights Watch news release, October 13, 2020, <https://www.hrw.org/news/2020/10/13/venezuela-abusive-treatment-returnees>.

Some instituted gender-based lockdown measures, allowing men and women to leave home on separate days, to halve the number of people outside on a given day. This raised questions of necessity and proportionality in addition to concerns about its discriminatory impact on transgender people, who often carry documents listing them as the sex they were assigned at birth and not their actual gender identity. In Peru, the lack of accounting for trans people in the policy led to police abuses; the government reversed the measure after a week as it was deemed ineffective.<sup>221</sup>

In Colombia, Bogotá law enforcement officers were instructed<sup>222</sup> to respect gender identity and did not demand an ID to enforce compliance.<sup>223</sup> Bogotá soon scrapped its gendered quarantine as well.<sup>224</sup> In Panama, the government used a gender-based quarantine for months and, despite government pledges to respect the rights of trans people and pledges supporting LGBT diversity, public and private security agents repeatedly harassed trans people—including those who left their homes on the days according to their legal sex marker in an effort to avoid entanglements with police.<sup>225</sup>

Other lockdowns discriminated in their targeting by age. For example, in Bosnia and Herzegovina the government instituted a blanket ban on outdoor movement for older people and children.<sup>226</sup> It was overturned in April 2020 by the Constitutional Court.

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<sup>221</sup> Canela López, “Peru reverses its controversial gender-based lockdown, quarantining men and women on different days, after intense backlash,” *Business Insider*, April 13, 2020, <https://www.businessinsider.com/peru-quarantining-men-and-women-different-days-2020-4?r=DE&IR=T> (accessed March 4, 2021).

<sup>222</sup> @PoliciaBogota, “Recomendaciones para la implementación del 'Pico y Género' en la ciudad de Bogotá de acuerdo al decreto 106 del 08 de abril del 2020 de @Bogota,” *Twitter*, April 8, 2020, 9:58 p.m. EDT, <https://twitter.com/PoliciaBogota/status/1248067741757702146> (accessed March 4, 2021).

<sup>223</sup> Daniel Febres Cordero, “Conoce el decreto 106 con las nuevas medidas en Cuarentena Por La Vida,” *Bogotá*, April 8, 2020, <https://bogota.gov.co/mi-ciudad/salud/coronavirus/conoce-el-decreto-106-y-las-nuevas-restricciones-para-salir-la-calle> (accessed March 4, 2021).

<sup>224</sup> Daniel Febres Cordero, “En este momento, la medida de pico y género no está vigente en Bogotá,” *Bogotá*, May 11, 2020, <https://bogota.gov.co/mi-ciudad/salud/coronavirus/hay-pico-y-genero-en-bogota> (accessed March 4, 2021).

<sup>225</sup> “Panama: New Trans Discrimination Cases Under Covid-19 Measures,” Human Rights Watch news release, July 13, 2020, <https://www.hrw.org/news/2020/07/13/panama-new-trans-discrimination-cases-under-covid-19-measures> (accessed March 4, 2021); Cristian González Cabrera (Human Rights Watch), “A Glimmer of Hope for Transgender People,” commentary, *La Prensa*, August 3, 2020, <https://www.hrw.org/news/2020/08/03/glimmer-hope-transgender-people>; Letter from Human Rights Watch to the President of Panama calling for the protection of transgender people during the quarantine, April 23, 2020, <https://www.hrw.org/news/2020/04/23/letter-president-panama-calling-protection-transgender-people-during-quarantine>.

<sup>226</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Bosnia and Herzegovina chapter, <https://www.hrw.org/world-report/2021/country-chapters/bosnia-and-herzegovina>.

Children across Spain were not allowed out of their homes at all for a six-week period between March 14 and April 26, 2020.<sup>227</sup>

## Discriminatory Travel Bans and Border Closures

Some governments also instituted disproportionate and discriminatory border closures. Hungary closed its borders to most non-Hungarian citizens while making exceptions for citizens from the Czech Republic, Slovakia, and Poland.<sup>228</sup>

Australia banned citizens from leaving the country unless they met strict criteria and restricted the number of citizens abroad allowed into the country, leaving nearly 40,000 Australians stranded overseas, including 5,000 who were listed as vulnerable.<sup>229</sup>

In the US, the CDC leadership issued an order closing the land borders, overruling CDC public health officials' opinions that it was not warranted.<sup>230</sup> This led to the expulsion of more than 400,000 people along the US-Mexico border, including children and asylum seekers.<sup>231</sup>

North Korea created buffer zones one to two kilometers from its borders, with guards ordered to "unconditionally shoot" anyone entering these buffer zones without permission.<sup>232</sup>

Japan initially issued tight restrictions on reentry for foreign nationals, but after widespread criticism that the ban violated rights, including of family reunification, Japan

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<sup>227</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Spain chapter, <https://www.hrw.org/world-report/2021/country-chapters/spain>.

<sup>228</sup> Lydia Gall (Human Rights Watch), "Hungary Weaponizes Coronavirus to Stoke Xenophobia," commentary, March 19, 2020, <https://www.hrw.org/news/2020/03/19/hungary-weaponizes-coronavirus-stoke-xenophobia>.

<sup>229</sup> Jason Om, "Vulnerable Australians being left behind amid scramble for seats on coronavirus repatriation flights," *ABC News*, January 27, 2021, <https://www.abc.net.au/news/2021-01-27/vulnerable-australians-overseas-missing-out-repatriation-flights/13095156> (accessed March 4, 2021).

<sup>230</sup> Jason Dearen and Garance Burke, "Pence ordered borders closed after CDC experts refused," *Associated Press*, October 3, 2020, <https://apnews.com/article/virus-outbreak-pandemics-public-health-new-york-health-4ef0c6c5263815a26f8aa17f6ea490ae> (accessed March 4, 2021).

<sup>231</sup> United States Customs and Border Protection, "Nationwide Enforcement Encounters: Title 8 Enforcement Actions and Title 42 Expulsions," March 9, 2021, <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics> (accessed March 4, 2021).

<sup>232</sup> John Sifton, "North Korea's Unlawful 'Shoot on Sight' Orders," commentary, Human Rights Watch dispatch, October 28, 2020, <https://www.hrw.org/news/2020/10/28/north-koreas-unlawful-shoot-sight-orders>.

allowed the reentry of all foreign nationals with residence status in September under certain conditions.<sup>233</sup>

In Thailand, interprovincial travel was banned for migrant workers.<sup>234</sup> In some provinces where authorities considered the situation as constituting a severe outbreak, migrant workers were not allowed to go outside the compound of their workplace, such as factories and markets. Lengthy border closures made it impossible for migrant workers to go back to their home countries or return to Thailand to resume their employment.

## Discriminatory Treatment of Migrants and Asylum Seekers

In addition to border closures, governments instituted policies that discriminated against migrants and asylum seekers, and authorities waged targeted crackdowns on migrant populations in some cases.

In Lebanon, municipalities introduced discriminatory restrictions on Syrian refugees.<sup>235</sup> In Greece, a nationwide lockdown implemented in March 2020 was eased in May 2020 for the general population, but the government maintained discriminatory restrictions on thousands of migrants and asylum seekers living in camps on the islands and mainland, and failed to take measures to alleviate overcrowding or improve sanitation in the camps.<sup>236</sup> As Venezuelans who fled repression and a humanitarian crisis faced job losses due to pandemic restrictions in their host countries, approximately 130,000 of them returned home, many on foot. Governments in the region reacted differently. Ecuador extended a March deadline for Venezuelans to register for humanitarian visas until August; Brazil banned Venezuelans from entering the country, including permanent residents who

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<sup>233</sup> “About efforts for new coronavirus infection,” Immigration Services Agency of Japan, August 28, 2020, [https://www.moj.go.jp/isa/publications/press/nyuukokukanrio8\\_00057.html](https://www.moj.go.jp/isa/publications/press/nyuukokukanrio8_00057.html) (accessed June 10, 2021).

<sup>234</sup> International Organization for Migration Thailand, “COVID-19 Flash Update: Government Guidance Affecting Migrant Workers and their Employers in Thailand and Neighbouring Countries,” January 21, 2021, <https://thailand.iom.int/sites/default/files/COVID19Response/21-01-2021%20IOM%20Flash%20Update%20on%20COVID-19%20for%20Migrant%20Workers%20in%20Thailand.pdf> (accessed March 4, 2021).

<sup>235</sup> “Lebanon: Refugees at Risk in Covid-19 Response,” Human Rights Watch news release, April 2, 2020, <https://www.hrw.org/news/2020/04/02/lebanon-refugees-risk-covid-19-response>.

<sup>236</sup> “Full lockdown in effect from Monday to curb coronavirus,” *ekathimerini.com*, March 22, 2020, <https://www.ekathimerini.com/news/250917/full-lockdown-in-effect-from-monday-to-curb-coronavirus/> (accessed March 4, 2021); Eva Cossé, “Greece Again Extends Covid-19 Lockdown at Refugee Camps,” commentary, Human Rights Watch dispatch, June 12, 2020, <https://www.hrw.org/news/2020/06/12/greece-again-extends-covid-19-lockdown-refugee-camps>.

entered from Venezuela, and ordered the deportation of those who managed to enter—even if they were asylum seekers.<sup>237</sup>

Despite guidance from the European Commission in March and April 2020, some member states suspended asylum procedures.<sup>238</sup> Italy, Spain, and Portugal took measures to protect and in some cases, extend, access to public health care and other rights to migrants during the pandemic.<sup>239</sup> As Covid-19-related travel restrictions indefinitely postponed deportations, some countries, such as Russia, Greece, and France, detained migrants in cramped, unsanitary, and dangerous conditions for indefinite periods of time, rather than releasing them.<sup>240</sup>

Substandard and crowded living conditions of asylum seekers put them at heightened health risk during the pandemic. National authorities in Spain, Italy, Germany, and Greece, for example, resorted to indiscriminate lockdowns of reception facilities.<sup>241</sup> Malta detained hundreds of people on small tourist ferries for weeks without any clear social distancing or isolation protocols.<sup>242</sup> Spain failed to ensure adequate conditions or access to information

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<sup>237</sup> Jorge González Franco, “Ecuador dio 38 246 visas humanitarias a ciudadanos venezolanos; aún se atenderán 26 000 solicitudes,” *El Comercio*, August 14, 2020, <https://www.elcomercio.com/actualidad/ecuador-visas-humanitarias-venezolanos-solicitudes.html> (accessed March 4, 2021); Human Rights Watch, *World Report 2021*, Brazil chapter, <https://www.hrw.org/world-report/2021/country-chapters/brazil>.

<sup>238</sup> European Commission, “COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement,” April 16, 2020, <https://ec.europa.eu/info/sites/info/files/guidance-implementation-eu-provisions-asylum-retur-procedures-resettlement.pdf> (accessed March 4, 2021).

<sup>239</sup> Statewatch, “Spain/Portugal/Italy: Partial relief: migrant regularisations during the COVID-19 pandemic,” June 8, 2020, <https://www.statewatch.org/analyses/2020/spain-portugal-italy-partial-relief-migrant-regularisations-during-the-covid-19-pandemic/> (accessed March 4, 2021).

<sup>240</sup> “Russia: As Pandemic Grows, Migration Detention Deadlock,” Human Rights Watch news release, April 16, 2020, <https://www.hrw.org/news/2020/04/16/russia-pandemic-grows-migration-detention-deadlock>; Contrôleure Générale des Lieux de Privation de Liberté, “COVID-19 : le CGLPL s’est rendu dans les centres de rétention administrative de Paris-Vincennes et du Mesnil-Amelot,” 2020, <https://www.cglpl.fr/2020/covid-19-le-cglpl-sest-rendu-dans-les-centres-de-retention-administrative-de-paris-vincennes-et-du-mesnil-amelot/> (accessed March 4, 2021).

<sup>241</sup> United Nations High Commissioner for Refugees, “UNHCR and IOM ask for an urgent and coordinated response to the alarming reception conditions of refugees and migrants in Melilla,” August 29, 2020, <https://www.acnur.org/noticias/ul/2020/8/5f4a583b4/unhcr-and-iom-ask-for-an-urgent-and-coordinated-response-to-the-alarming.html> (accessed March 4, 2021); Emma Wallis, “Were migrant rights infringed in Italy because of the coronavirus pandemic?” *Info Migrants*, August 7, 2020, <https://www.infomigrants.net/en/post/26493/were-migrant-rights-infringed-in-italy-because-of-the-coronavirus-pandemic> (accessed March 4, 2021); Marlene Auer, “Will Germany Seek Safe Housing Solutions for Asylum Seekers?” commentary, Human Rights Watch Dispatch, July 21, 2020, <https://www.hrw.org/news/2020/07/21/will-germany-seek-safe-housing-solutions-asylum-seekers>; Eva Cossé, “Greece Again Extends Covid-19 Lockdown at Refugee Camps,” commentary, Human Rights Watch dispatch, June 12, 2020, <https://www.hrw.org/news/2020/06/12/greece-again-extends-covid-19-lockdown-refugee-camps>.

<sup>242</sup> “Malta: Disembark Rescued People,” Human Rights Watch news release, May 22, 2020, <https://www.hrw.org/news/2020/05/22/malta-disembark-rescued-people>.

or asylum amid a significant increase in arrivals by sea to the Canary Islands.<sup>243</sup> In South Africa, authorities failed to take urgent steps to facilitate support, including from donors, for refugees and asylum seekers whose access to food and other necessities were limited during the nationwide lockdown. On March 24, the African Commission on Human and Peoples' Rights, in a letter to President Cyril Ramaphosa of South Africa expressed concern about the vulnerability of refugees and asylum seekers under South Africa's Covid-19 regulations.<sup>244</sup>

In some countries, migrant workers were subjected to discriminatory lockdowns in dangerous and overcrowded conditions. In Singapore, the government put all migrant worker dormitories on lockdown in early April, restricting the movements of almost 300,000 foreign workers, after a surge of cases among migrant workers, most of whom live in crowded dormitories provided by their employers and commute to work on crowded buses.<sup>245</sup> While some "essential" workers were moved, the bulk of the migrants were confined to hot, overcrowded rooms with little ventilation, leaving them at greater risk of infection. As of August 13, 52,516 dormitory residents had tested positive for the coronavirus, making up more than 90 percent of all cases in Singapore.<sup>246</sup>

In the Maldives, authorities cracked down on migrant workers protesting wage abuses and lack of access to food and other essential supplies triggered by the lockdown.<sup>247</sup> In July alone, police detained more than 80 migrants during protests. More than 8,000 were deported from July to September, some without receiving their owed wages.

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<sup>243</sup> "Spain: Respect Rights of People Arriving by Sea to Canary Islands," Human Rights Watch news release, November 11, 2020, <https://www.hrw.org/news/2020/11/11/spain-respect-rights-people-arriving-sea-canary-islands>.

<sup>244</sup> African Commission on Human and Peoples' Rights, "Press Statement on human rights based effective response to the novel COVID-19 virus in Africa," March 24, 2020, <https://www.achpr.org/pressrelease/detail?id=483> (accessed March 4, 2021).

<sup>245</sup> John Geddie and Ruma Paul, "Migrant workers fear massive Singapore dormitory lockdown is coronavirus time bomb," *Reuters*, April 6, 2020, <https://www.reuters.com/article/us-health-coronavirus-singapore-migrants/migrant-workers-fear-massive-singapore-dormitory-lockdown-is-coronavirus-time-bomb-idUSKBN21O138> (accessed March 4, 2021).

<sup>246</sup> Rebecca Ratcliffe, "We're in a prison': Singapore's migrant workers suffer as Covid-19 surges back," *Guardian*, April 23, 2020, [https://www.theguardian.com/world/2020/apr/23/singapore-million-migrant-workers-suffer-as-covid-19-surges-back?CMP=Share\\_iOSApp\\_Other](https://www.theguardian.com/world/2020/apr/23/singapore-million-migrant-workers-suffer-as-covid-19-surges-back?CMP=Share_iOSApp_Other) (accessed March 4, 2021); Kirsten Han, "The Cost of 'Singapore Inc.'? A Coronavirus Outbreak Among Migrants." *Nation*, August 17, 2020, <https://www.thenation.com/article/world/singapore-coronavirus-migrant-workers/> (accessed March 4, 2021).

<sup>247</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Maldives chapter, <https://www.hrw.org/world-report/2021/country-chapters/maldives>.

For many migrants, the fact that they are undocumented made it more difficult to access adequate health care. In Italy, a program to provide residency permits to undocumented migrants working in agriculture, domestic work, and home care was implemented but relied on employer participation, meaning access was entirely dependent on employers or intermediaries between workers and employers called *Caporali*, or gangmasters.<sup>248</sup> *Caporali* were reportedly requiring thousands of euros from workers to facilitate these contracts with employers. A few workers told Human Rights Watch that their employers also asked for exorbitant amounts of money in exchange for sponsorship. In Malaysia, authorities initially stated that they would not take action against undocumented migrants who came forward for testing.<sup>249</sup> But later, the defense minister announced that all “illegal immigrants” found in areas under enhanced movement control orders would be sent to detention centers when those orders ended. On May 1, hours after the easing of some restrictions, authorities raided one such area and rounded up hundreds of migrants. Malaysian authorities ultimately conducted multiple raids, ensnaring thousands of undocumented migrants and detaining them in overcrowded and unsanitary immigration detention centers to await deportation.

Using Covid-19 as a pretext, Houthi forces in Yemen in April forcibly expelled thousands of Ethiopian migrants, killing dozens and forcing them to the Saudi border.<sup>250</sup> Saudi forces fired on the fleeing migrants, killing dozens more, while hundreds of survivors escaped to a mountainous border area until Saudi officials allowed some to enter the country.<sup>251</sup> Greece barred the lodging of asylum claims for anyone crossing the border irregularly in March, prosecuted people for irregular entry, arbitrarily detained nearly 2,000 people in unacceptable conditions in two newly established detention sites on the mainland, under the pretext of Covid-19, and violently pushed back people attempting to enter the country.<sup>252</sup>

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<sup>248</sup> “Italy: Flawed Migrant Regularization Program,” Human Rights Watch news release, December 18, 2020, <https://www.hrw.org/news/2020/12/18/italy-flawed-migrant-regularization-program>.

<sup>249</sup> Human Rights Watch, *World Report 2021* (New York: Human Rights Watch, 2021), Malaysia chapter, <https://www.hrw.org/world-report/2021/country-chapters/malaysia>.

<sup>250</sup> “Yemen: Houthis Kill, Expel Ethiopian Migrants,” Human Rights Watch news release, August 13, 2020, <https://www.hrw.org/news/2020/08/13/yemen-houthis-kill-expel-ethiopian-migrants>.

<sup>251</sup> “Yemen: Houthis Kill, Expel Ethiopian Migrants,” Human Rights Watch news release, August 13, 2020, <https://www.hrw.org/news/2020/08/13/yemen-houthis-kill-expel-ethiopian-migrants>.

<sup>252</sup> @PrimeMinisterGR, “Our national security council has taken the decision to increase the level of deterrence at our borders to the maximum. As of now we will not be accepting any new asylum applications for 1 month. We are invoking

## Recommendations

Governments should:

- Avoid sweeping and overly broad restrictions on movement and personal liberty, and should not use the pandemic as a pretext to deny the right to seek asylum or to reject and expel refugees and asylum seekers in violation of the principle of nonrefoulement;
- Limit restrictions on movements to those that are scientifically warranted and necessary and when mechanisms for support of those affected can be ensured;
- Cease discriminatory measures that target migrant communities or otherwise discriminate on the basis of immigration status.

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article 78.3 of the TFEU to ensure full European support,” March 1, 2020, 2:04 p.m. EDT, <https://twitter.com/PrimeministerGR/status/1234192922813267976> (accessed March 4, 2021); “Migrants handed jail terms for illegal entry,” *ekathimerini.com*, February 29, 2020, <https://www.ekathimerini.com/news/250090/migrants-handed-jail-terms-for-illegal-entry/> (accessed March 4, 2021); “Greece: Nearly 2,000 New Arrivals Detained in Overcrowded, Mainland Camps,” Human Rights Watch news release, March 31, 2020, <https://www.hrw.org/news/2020/03/31/greece-nearly-2000-new-arrivals-detained-overcrowded-mainland-camps>; “Greece: Violence Against Asylum Seekers at Border,” Human Rights Watch news release, March 17, 2020, <https://www.hrw.org/news/2020/03/17/greece-violence-against-asylum-seekers-border>.

## Covid-19 in Conflict and Humanitarian Emergencies

Travel restrictions and lockdowns to stop the spread of Covid-19 hindered the delivery of lifesaving aid in some countries experiencing armed conflict or facing humanitarian emergencies.

In Myanmar, humanitarian organizations were severely hindered in reaching displaced people and others in need of assistance in Rakhine, Kachin, Shan, Chin, and Karen States, where new and overbroad restrictions put in place in response to Covid-19 compounded the impacts of longstanding aid blockages. In August, authorities ordered the UN and NGOs to suspend all but lifesaving activities in Rakhine State, with an explicit restriction on work in the Rohingya detention camps.<sup>253</sup> The Danish Refugee Council reported that aid was available but a nationwide curfew kept humanitarian workers from reaching people in need.<sup>254</sup> The Bangladeshi government significantly reduced humanitarian access to the Rohingya refugee camps to prevent the spread of the virus in the camps. But staff reductions also halted provision of critical health, water, sanitation, and protection services while an internet blackout and phone restrictions at Rohingya refugee camps obstructed humanitarian groups from addressing the Covid-19 threat.

In South Sudan, restrictions in place to stop the spread of the virus also slowed implementation of the peace deal and the delivery of aid to populations in need. In Colombia, Covid-19 temporarily hampered the often essential work of humanitarian agencies helping displaced people. While the Foreign Affairs Ministry told agencies in March that their work was exempted from the country's lockdown, many of them limited their activities to reduce the risk of contagion for their employees and the people they assist.

In Syria, the government placed restrictions on aid deliveries that prevented medical supplies and personnel needed to prevent, contain, and treat Covid-19 from reaching two

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<sup>253</sup> Human Rights Watch, *"An Open Prison without End": Myanmar's Mass Detention of Rohingya in Rakhine State* (New York: Human Rights Watch, 2020), <https://www.hrw.org/report/2020/10/08/open-prison-without-end/myanmars-mass-detention-rohingya-rakhine-state>.

<sup>254</sup> Danish Refugee Council, "Myanmar lockdown: Aid trapped in the middle," October 8, 2020, <https://drc.ngo/it-matters/current-affairs/2020/10/myanmar-lockdown-aid-trapped-in-the-middle/> (accessed March 4, 2021).

million people in areas in northeast Syria that are not under the government's control.<sup>255</sup> This followed a January UN Security Council decision that prevented UN-affiliated humanitarian agencies from accessing those areas through a border crossing with Iraq. Turkish authorities have also blocked adequate water supplies from reaching Kurdish-held areas in northeast Syria. Almost 10 years of war in Syria have decimated the country's health infrastructure. Most recently, in northwest Syria, attacks by the Syrian-Russian military alliance have not only damaged hospitals and clinics, but led to massive internal displacement that even before the Covid-19 crisis had overwhelmed the humanitarian capacity to respond.

While governments have the right to implement some restrictions in the interest of protecting public health, authorities should ensure that support for vital humanitarian operations carried out by the UN and other aid agencies do not suffer as a result of these measures.

The pandemic also exacerbated ongoing humanitarian emergencies. In Afghanistan, partial lockdowns in major cities caused increased hardship for daily wage earners; in June, the United Nations estimated that 14 million people—nearly 40 percent of the population—needed urgent humanitarian assistance, a 50 percent increase since December 2019, and doctors reported increased rates of suicide among women.<sup>256</sup> Price rises led to food shortages in some areas, and in response the government established bread distribution centers.<sup>257</sup> Covid-19 also exacerbated challenges in the humanitarian response in Nigeria's northeast region, where the government's armed conflict with the Islamist extremist armed group Boko Haram, now in its 11th year, has left over 7.5 million people in need of humanitarian assistance.

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<sup>255</sup> "Syria: Aid Restrictions Hinder Covid-19 Response," Human Rights Watch news release, April 28, 2020, <https://www.hrw.org/news/2020/04/28/syria-aid-restrictions-hinder-covid-19-response>.

<sup>256</sup> United Nations Office for the Coordination of Humanitarian Affairs Humanitarian Response, "Afghanistan: Humanitarian Response Plan (2018-2021) - June 2020 Revision," June 8, 2020, <https://www.humanitarianresponse.info/en/operations/afghanistan/document/afghanistan-humanitarian-response-plan-2018-2021-june-2020-revision> (accessed March 4, 2021); Sophie Cousins, "A quiet crisis: As the economy fractures, violence soars for Afghan women," *New Humanitarian*, December 16, 2020. <https://www.thenewhumanitarian.org/news-feature/2020/12/16/Afghanistan-women-economy-gender-based-violence> (accessed March 4, 2021).

<sup>257</sup> Stefanie Glinski, "Food prices soar under coronavirus threat in Afghanistan," *New Humanitarian*, April 7, 2020, <https://www.thenewhumanitarian.org/news/2020/04/07/afghanistan-food-insecurity-coronavirus> (accessed March 4, 2021).

The response to Covid-19 in Yemen was hampered by limited testing, a lack of healthcare centers, and severe shortages of medical supplies and PPE.<sup>258</sup> Scores of healthcare workers, underpaid or not paid at all and with little or no access to PPE, left their posts, forcing even more health centers to close. The pandemic response—as well as responses to other urgent health needs in Yemen—has been severely hampered by onerous restrictions and obstacles that the Houthi and other authorities have imposed on international aid agencies and humanitarian organizations.

## Recommendations

Governments should:

- Ensure that support for vital humanitarian operations carried out by the UN and other aid agencies does not suffer as a result of Covid-19-related restrictions;
- Uphold their obligations under international humanitarian law to facilitate safe access for aid workers to populations living in conflict zones, including to provide care for people suffering complications from Covid-19 and other illnesses as well as to provide Covid-19 testing and vaccinations.

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<sup>258</sup> Human Rights Watch, *Deadly Consequences: Obstruction of Aid in Yemen During Covid-19* (New York: Human Rights Watch, 2020), <https://www.hrw.org/report/2020/09/14/deadly-consequences/obstruction-aid-yemen-during-covid-19>.

## Protecting Environmental Health

The Covid-19 pandemic highlighted the importance of environmental regulations in protecting the right to health. The costs of not addressing global climate change have been disproportionately carried by those same marginalized communities impacted by the virus, including people in poverty, women and pregnant people, and older people.

Air pollution has significant impacts on respiratory health, making people more susceptible to complications from the virus.<sup>259</sup> For example, a study in July 2020 mapping Covid-19 deaths across Italy, Spain, France, and Germany found that over 75 percent of deaths occurred in just five regions, all among the most polluted.<sup>260</sup>

Instead of ensuring that recovery efforts to mitigate the economic fallout from Covid-19 simultaneously addressed the climate crisis and strengthened environmental laws to further protect human health, many governments instead rolled back environment regulations.<sup>261</sup> In the US, the Environmental Protection Agency (EPA) waived federal monitoring or reporting requirements, including for air and water pollution, if companies could attribute noncompliance to the pandemic.<sup>262</sup> The EPA also rolled back car emission and air pollution standards that protect against respiratory and cardiovascular illnesses exacerbated by air pollution.<sup>263</sup> Canada's federal government and the provinces of

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<sup>259</sup> Jing Yang, Ya Zheng, Xi Goua, Ke Pu, Zhaofeng Chen, Qinghong Guo, Rui Ji, Haojia Wang, Yuping Wang, and Yongning Zhou, "Prevalence of comorbidities and its effects in patients infected with SARS-CoV-2: a systematic review and meta-analysis," *International Journal of Infectious Diseases* (2020), [https://www.ijidonline.com/article/S1201-9712\(20\)30136-3/pdf](https://www.ijidonline.com/article/S1201-9712(20)30136-3/pdf) (accessed March 4, 2021).

<sup>260</sup> Yaron Ogen, "Assessing nitrogen dioxide (NO<sub>2</sub>) levels as a contributing factor to coronavirus (COVID-19) fatality," *Science of The Total Environment* (2020), <https://www.sciencedirect.com/science/article/abs/pii/S0048969720321215> (accessed March 4, 2021).

<sup>261</sup> Conservation International, "Global Conservation Rollbacks Tracker," October 13, 2020, <https://www.conservation.org/projects/global-conservation-rollbacks-tracker> (accessed March 4, 2021).

<sup>262</sup> United States Environmental Protection Agency, "Enforcement Policy, Guidelines & Publications," December 29, 2020, <https://www.epa.gov/enforcement/enforcement-policy-guidance-publications> (accessed March 4, 2021).

<sup>263</sup> Felix Horne, "US Car Emissions Rollback Endangers People's Health," commentary, Human Rights Watch dispatch, April 2, 2020, <https://www.hrw.org/news/2020/04/02/us-car-emissions-rollback-endangers-peoples-health>.

Ontario<sup>264</sup> and Alberta<sup>265</sup> announced similar bans on enforcement of environmental regulations.<sup>266</sup> In Brazil, the federal environmental agency announced it was cutting back on enforcement that includes protecting the Amazon from deforestation.<sup>267</sup> Other countries weakening environmental standards include South Africa, which weakened air pollution standards, and China, which relaxed enforcement on environmental regulations.<sup>268</sup>

Governments doubled down on support for fossil fuels as part of their recoveries.<sup>269</sup> For example, Canada's government increased fossil fuel subsidies by over US\$14 billion as part of its Covid-19 recovery.<sup>270</sup> The European Union, despite committing to reducing fossil fuel dependence as part of its European Green Deal, continued to subsidize fossil fuels by at least US\$165 billion annually.<sup>271</sup> The US has spent at least \$72 billion in recovery funds supporting fossil fuels, while only \$27 billion went to support clean energy, although the transition to President Biden's administration has fueled expectations of a shift in government support to clean energy.<sup>272</sup>

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<sup>264</sup> Emma McIntosh, "Ontario suspends environmental oversight rules, citing COVID-19," *Canada's National Observer*, April 8, 2020, <https://www.nationalobserver.com/2020/04/08/news/ontario-suspends-environmental-oversight-rules-citing-covid-19> (accessed March 4, 2021).

<sup>265</sup> Bob Weber, "Alberta Energy Regulator suspends environmental monitoring for oilpatch over COVID-19," *CBC*, May 21, 2020, <https://www.cbc.ca/news/canada/edmonton/alberta-energy-regulator-suspends-environment-monitoring-for-oilpatch-over-covid-1.5578994> (accessed March 4, 2021).

<sup>266</sup> Emma McIntosh, "Here's every environmental protection in Canada that has been suspended, delayed and cancelled during COVID-19," *Canada's National Observer*, June 3, 2020, <https://www.nationalobserver.com/2020/06/03/news/heres-every-environmental-protection-canada-has-been-suspended-delayed-and-cancelled> (accessed March 4, 2021).

<sup>267</sup> Jake Spring, "Exclusive: Brazil scales back environmental enforcement amid coronavirus," *Reuters*, March 27, 2020, <https://www.reuters.com/article/us-health-coronavirus-brazil-environment/exclusive-brazil-scales-back-environmental-enforcement-amid-coronavirus-idUSKBN21E15H> (accessed March 4, 2021).

<sup>268</sup> Sheree Bega, "Government 'locks' SA into deadly air pollution amid Covid-19 pandemic," *IOL News*, April 1, 2020, <https://www.iol.co.za/saturday-star/news/government-locks-sa-into-deadly-air-pollution-amid-covid-19-pandemic-45895850> (accessed March 4, 2021); Muyu Xu and Brenda Goh, "China to modify environmental supervision of firms to boost post-coronavirus recovery," *Reuters*, March 27, 2020, <https://www.reuters.com/article/us-health-coronavirus-brazil-environment/exclusive-brazil-scales-back-environmental-enforcement-amid-coronavirus-idUSKBN21E15H> (accessed March 4, 2021).

<sup>269</sup> Katharina Rall, "Addressing the Climate Crisis in Times of Pandemic," commentary, Human Rights Watch *World Report* 2021 essay, January 14, 2021, <https://www.hrw.org/news/2021/01/14/addressing-climate-crisis-times-pandemic>.

<sup>270</sup> International Institute for Sustainable Development, Overseas Development Institute, and Oil Change International, "Doubling Back and Doubling Down: G20 scorecard on fossil fuel funding," November 2020, <https://www.iisd.org/system/files/2020-11/g20-scorecard-report.pdf> (accessed March 4, 2021).

<sup>271</sup> Investigate Europe, "Dirty Subsidies: How Europe sabotages its climate goals," July 2020, <https://www.investigate-europe.eu/en/2020/fossil-subsidies/> (accessed March 4, 2021); European Commission, "The European Green Deal," November 12, 2019, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52019DCo640> (accessed March 4, 2021).

<sup>272</sup> Energy Policy Tracker, "United States," March 10, 2021, <https://www.energypolicytracker.org/country/united-states> (accessed March 4, 2021).

## Recommendations

Governments should:

- Prioritize support to renewable energy sources over fossil fuels during future Covid-19 spending packages to minimize air pollution and tackle the climate crisis to protect the lives and livelihoods of their populations, including those disproportionately impacted by Covid-19;
- Reinstate environmental regulations that were rolled back during the pandemic in order to protect the environment and human health.

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The series of essays accompanying this report was authored by Heather Barr, interim co-director, women's rights division; Deborah Brown, senior researcher and advocate on digital rights, business and human rights division; Aoife Croucher, associate, Africa division; Aruna Kashyap, senior counsel, business and human rights division; Laura Mills, researcher on older people's rights, disability rights division; Sarah Saadoun, senior researcher, business and human rights division; Lena Simet, senior researcher and advocate on poverty and inequality, business and human rights division; Namratha Somayajula, senior associate, business and human rights division; Amos Toh, senior researcher on artificial intelligence and human rights, business and human rights division;

Yaqiu Wang, China researcher, Asia division; and Margaret Wurth, senior researcher, children's rights division.

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## FUTURE CHOICES

### Charting an Equitable Exit from the Covid-19 Pandemic

The first year of the Covid-19 pandemic precipitated human rights crises around the world. While the scale and severity of the pandemic's public health threat justified some restrictions on rights, many governments ignored public health guidance and even used the pandemic as a pretext to grab power and roll back rights.

*"Future Choices"* draws on Human Rights Watch research over the first year of the Covid-19 pandemic, documenting how the public health emergency has laid bare systemic frailties in the protection of basic rights and spurred a cascade of human rights abuses.

The report also proffers recommendations to prevent further human rights backsliding and ensure an equitable exit from this global health crisis. This includes analysis of how vaccine development has largely mirrored the inequities that marked the rest of the pandemic: rich governments made opaque deals and prebooked the vast majority of vaccine supplies rather than cooperating to ensure poorer countries' affordable access to vaccines. These failures ensure that the pandemic – as well as the inequality and rights abuses that have flourished at this time – will continue in many countries for years to come unless governments urgently reverse course.

*(above) Relatives touch each other's hands through a plastic film screen and a glass to avoid contracting Covid-19 at the San Raffaele center in Rome, Italy, December 22, 2020. © 2020 Cecilia Fabiano/LaPresse via AP*

*(front cover) A doctor and a nurse, wearing protective gear, react at the end of their shift in a corridor of the intensive care unit treating Covid-19 patients, at a hospital in Rome, Italy in April 2020.*

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