

## **Introduction**

Below is a compilation of links to guidance and statements that have been published by international human rights bodies and other international organisations in response to COVID-19.

Please note that this list is non-exhaustive and while we seek to update it regularly, there may be recent items not yet captured.

The Scottish Human Rights Commission is undertaking its own analysis of the human rights implications of COVID-19 measures in a range of policy areas with reference to this guidance. All of our briefings, statements and other relevant publications are available on our website at: <https://www.scottishhumanrights.com/covid-19/>.

We are making this document available as we hope it will be helpful for others to have access to a collated set of international guidance across a number of human rights policy areas.

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# 1. United Nations

## 1.1 UN Secretary General

The UN Secretary General issued a [human rights policy paper](#) entitled 'We are all in this together' on 24<sup>th</sup> April 2020 which contains six key human rights messages:

1. Protecting people's lives is the priority; protecting livelihoods helps us do that
2. The virus does not discriminate; but its impacts do
3. Involve everyone in your response
4. The threat is the virus, not the people
5. No country can beat this alone
6. When we recover, we must be better than we were before

## 1.2 Office of the High Commissioner for Human Rights (OHCHR)

OHCHR has established a [web page on COVID-19](#), which is being continuously updated.

It contains guidance in the following areas:

- Access to health care
- Emergency measures
- Leaving no one behind
- Housing
- People in detention and institutions
- Information and Participation
- Stigmatisation, xenophobia, racism
- Migrants and Refugees
- Social and Economic Impacts
- Privacy
- Gender
- Water and sanitation

The UN High Commissioner for Human Rights issued [a letter to National Human Rights Institutions](#) on 24<sup>th</sup> April regarding the critical role that NHRIs play in responding to the COVID-19 pandemic. She also issued an "[Aide Memoire](#)" that has been developed by OHCHR to provide guidance to NHRI interventions based on international human rights standards.

## 1.3 UN Treaty Bodies

### Joint Treaty Body Declaration

A declaration of ten UN human rights treaty bodies was released on 24<sup>th</sup> March 2020. Read the press release: "[UN Human Rights Treaty Bodies call for human rights approach in fighting COVID-19](#)"

### Committee on Economic, Social and Cultural Rights (CESCR)

CESCR released a [Statement on the coronavirus disease \(COVID-19\) pandemic and economic, social and cultural rights](#) on 7<sup>th</sup> April 2020. As well as discussing targeted measures required at national level to protect economic and social rights, it also calls for the need for international coordination between states, particularly in the form of financial and technical assistance to support poorer and less prepared countries.

### Committee on the Rights of the Child (CRC)

CRC released a [statement](#) on 8<sup>th</sup> April, warning of the grave physical, emotional and psychological effect of the COVID-19 pandemic on children and calls on States to protect the rights of children, especially in countries that have declared states of emergencies and mandatory lockdowns.

### Committee on the Rights of Persons with Disabilities

A [Joint Statement](#) entitled 'Persons with Disabilities and COVID-19 by the Chair of the United Nations Committee on the Rights of Persons with Disabilities, on behalf of the Committee on the Rights of Persons with Disabilities and the Special Envoy of the United Nations Secretary-General on Disability and Accessibility' has been issued.

## Subcommittee for the Prevention of Torture (SPT) at the UN

The SPT published [Advice to States Parties and National Preventive Mechanisms relating to the Coronavirus Pandemic](#) on 25<sup>th</sup> March 2020, which details a range of actions governments and independent monitoring bodies should take to protect people deprived of liberty during the COVID-19 pandemic.

The measures include considering reducing prison populations by implementing schemes of early, provisional or temporary release of low-risk offenders, reviewing all cases of pre-trial detention, extending the use of bail for all but the most serious cases, as well as reviewing and reducing the use of immigration detention and closed refugee camps. The advice also emphasizes that all detainees, people in quarantine and closed medical settings, their families, and all staff, should receive reliable, accurate and the latest information concerning all adopted measures.

### 1.4 Special Procedures

#### Overview

[Special procedures](#) mandate holders have taken various initiatives in relation to COVID-19, which stress the importance of adopting a human rights approach in addressing the crisis. A [general call](#) stressing that “everyone has the right to life-saving interventions” was initiated by the Special Rapporteur on the right to health and issued by more than 60 mandate holders on 26 March 2020. The call highlights that the COVID-19 crisis cannot be solved with public health and emergency measures only; all other human rights must be addressed too.

An [information note](#), as well as a [flyer](#), detailing the various activities individual mandate holders have undertaken in response to COVID-19 has also been produced.

## Special Rapporteur on Housing

The Special Rapporteur on Housing has developed a [series of short COVID-19 guidance notes](#) on the right to housing in the context of the COVID-19 outbreak. These are:

- [Prohibition of Evictions](#)
- [Protecting Residents in informal settlements](#)
- [Protecting those living in homelessness](#)
- [Protecting renters and mortgage payers](#)
- [Protecting Housing from financialization and building back a better future](#)

There are also videos to accompany each guidance note.

## Special Rapporteur on the rights to freedom of peaceful assembly and of association

The Special Rapporteur on the rights to freedom of peaceful assembly has emphasised [ten key principles](#) to ensure that states respond to the pandemic in a manner that is compliant with their human rights obligations.

## Special Rapporteur on the independence of judges and lawyers

The Special Rapporteur on the independence of judges and lawyers has published a statement on [challenges for the justice system during the coronavirus emergency](#), calling attention to seven crucial aspects to keep the judiciary functioning during the crisis.

## 1.5 World Health Organisation

The WHO has a [dedicated COVID-19 Pandemic Webpage](#).

On this page, you will find:

- [Public Advice](#)
- [Country and Technical Guidance](#)
- [Rolling Updates](#)

As well as other items such as travel advice, situation reports, research and development, frequently asked questions and more.

## 2. Europe

### 2.1 Council of Europe

The [Secretary General](#) of the Council of Europe issued a [toolkit](#) for governments across Europe on 7<sup>th</sup> April 2020 on 'Respecting human rights, democracy and the rule of law during the COVID-19 crisis'.

The toolkit is designed to help ensure that measures taken by member states during the current crisis remain proportional to the threat posed by the spread of the virus and are limited in time.

The document covers four key areas:

- Derogation from the European Convention on Human Rights in times of emergency
- Respect for the rule of law and democratic principles in times of emergency, including limits on the scope and duration of emergency measures
- Fundamental human rights standards including freedom of expression, privacy and data protection, protection of vulnerable groups from discrimination and the right to education
- Protection from crime and the protection of victims of crime, in particular regarding gender-based violence.

A [declaration](#) by the Committee of Ministers at the Council of Europe on the COVID-10 pandemic was adopted on 22 April 2020.

### 2.2 Commissioner for Human Rights at the Council of Europe

The Commissioner has published a number of statements about the impact of COVID-19 on specific groups. All statements can be found here: <https://www.coe.int/en/web/commissioner/thematic-work/covid-19>

Here you will find statements on:

- [Privacy](#) in relation to COVID-19 measures
- [Learning from the pandemic to better fulfil the right to health](#)
- [Rescue at sea](#) during Covid-19
- [Care and Protection of Roma and Travellers](#) during the COVID-19 crisis
- The [rights of Prisoners in Europe](#) during COVID-19
- [Press freedom](#) during COVID-19
- [Disabled People](#) and COVID-19
- Release of [immigration detainees](#)
- Support for [older persons](#)
- [Respect for human rights](#) during COVID-19 response

## 2.3 Committee for the Prevention of Torture (CPT) at the Council of Europe

The CPT published a [statement of principles](#) relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic on 20<sup>th</sup> March 2020.

## 2.4 Fundamental Rights Agency (FRA)

The Fundamental Rights Agency (FRA) has published a report: [Coronavirus pandemic in the EU: Fundamental Rights Implications](#) which looks at the measures EU Member States are using to address the pandemic to highlight rights-respectful approaches that other Member States can learn from.

It underlines the need to carefully and regularly assess the impact on people's fundamental rights as governments react to the ever-developing pandemic:

- **Daily life:** Government responses have had a wide-ranging impact on fundamental rights, such as the rights to freedom of movement and of assembly, as well as rights relating to work, health and education.
- **Social and physical distancing measures** – While countries ordered at different times and with varying intensity such measures, they should not lead to social isolation.

- **Vulnerable groups:** some people are more vulnerable than others, for example the elderly and children, people with pre-existing medical conditions, Roma, refugees, homeless people, prisoners, people in institutions.
- **Greater protection** – EU countries should protect but not isolate people in institutional settings, such as nursing homes, prisons or refugee centres. They should develop targeted measures to address the specific needs of other vulnerable groups such as shelters for victims of domestic violence and accessible healthcare information to those who regular messaging may not reach.
- **Racism:** The COVID-19 pandemic triggered an increase in racist and xenophobic attacks particularly against people of perceived Asian background.
- **Reporting** – EU countries should closely monitor racist and xenophobic incidents and effectively report, investigate and prosecute such crimes.
- **Disinformation and data protection:** Almost all EU countries face disinformation on the pandemic. Many collect data to help curb the spread of the virus.
- **Ensure data protection** - EU countries should stay vigilant and ensure they implement all data protection safeguards when protecting health.

The report is the first in a series of three monthly reports on the impact of the Coronavirus disease (COVID-19) across the 27 EU Member States.

## 2.5 European Network of National Human Rights Institutions (ENNHRI)

ENNHRI has published information on how NHRIs are responding to the COVID-19 crisis, which includes statements made by different NHRIs. Find it here: <http://ennhri.org/news-and-blog/covid-19-how-are-nhris-in-europe-responding/>.

## 3. Other items of interest or news

- A tracker produced by the ICNL, ECNL, and a global network of partners, which monitors state responses to the pandemic, is available [here](#). Here you can find details of the enactment of emergency legislation in response to the pandemic in different countries around the globe.
- News item: “[COVID-19 security measures no excuse for excessive use of force, say UN Special Rapporteurs](#)” (17/04/20)
- News item: “[Germany constitutional court upholds freedom of assembly despite covid-19 restrictions](#)” (17/04/20)
- News item: “[Human Rights Council holds a virtual informal conversation with the United Nations High Commissioner for Human Rights on the Human Rights implications of the COVID-19 pandemic](#)” from Human rights Council (09/04/20)
- Guidance: “[States response to COVID-19 threat should not halt freedoms of assembly and association](#)” from the UN expert on the right to freedom of peaceful assembly (09/04/20)
- Statement: “[COVID-19 and Human Rights: The problems and challenges must be addressed from a human rights perspective and with respect for international obligations](#)” (9/4/20)
- Statement: “[COVID-19 and its Implication on Children’s Rights and Welfare- Guiding Note to Member States of the African Union](#)” (8/4/20)
- Statement from Independent Expert on Indigenous Peoples on rights of indigenous people during COVID-19 crisis: <https://www.ohchr.org/Documents/Issues/IPeoples/EMRIP/COVIDStatementEMRIP.docx>
- Statement from Special Rapporteur on Contemporary forms of racism: “[States should take action against COVID-19-related expressions of xenophobia, says UN expert](#)” (23/03/20)

- Press statement from the African Commission on Human and People's Rights: "[Human Rights based effective response to the novel COVID-19 virus in Africa](#)" (20/03/20)
- Press release: "[IACHR and OSRESCER Urge States to Guarantee Comprehensive Protection for Human Rights and Public Health during the COVID-19 Pandemic](#)" (20/03/20)