

## **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

The UN also issued a [Guidance Note](#) on 11<sup>th</sup> May on addressing and countering COVID-19 related hate speech.

## 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

As well as general information on the areas listed above, it provides specific guidance notes on the following:

- [Emergency Measures and COVID-19: Guidance](#) (PDF)
- [COVID-19 and the Rights of Persons with Disabilities: Guidance](#) (PDF)
- [Interim Guidance on COVID-19: Focus on Persons Deprived of Their Liberty](#) (PDF)
- [Technical Note: COVID-19 and Children Deprived of their Liberty](#)
- [Racial discrimination in the context of the COVID-19 crisis](#) (PDF)
- [COVID-19 and the Human Rights of Migrants: Guidance](#) (PDF)
- [COVID-19 and Women's Human Rights: Guidance](#) (PDF)
- [Guidance on COVID-19 and the Human Rights of LGBTI People](#) (PDF)
- [Guidance - COVID-19 and Indigenous Peoples' Rights](#) (PDF)
- [View: COVID-19 and Minority Rights: Overview and Promising Practices](#)

OCHCR has also produced a series of country-specific **info-graphics** identifying the recommendations made by human rights mechanisms that are particularly relevant in responding to the pandemic and its consequences in an inclusive and sustainable way.

The one for the United Kingdom can be accessed [here](#).

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.

On 14<sup>th</sup> May, the High Commissioner discussed **coming out of lockdown** with the Geneva Press. Her [opening remarks](#) focus on specific human rights considerations relating to lifting of lockdown measures, including:

1. First and foremost, have the health criteria been met?
2. Have special measures been introduced to address vulnerable locations?
3. Are targeted measures in place for people at high risk?
4. Have steps been taken to ensure workers are protected?
5. Is the population engaged in a way forward?

### **1.3. UN Inter-Agency Network on Youth Development**

A [Statement on COVID-19 and Youth](#) has been produced by the network, which focuses on three core areas:

- Young People's Action
- Engaging with Young People before and after the pandemic
- Impact of the pandemic on Young People

## 1.4. UN Treaty Bodies

The human rights treaty bodies have created a [dedicated webpage](#) on COVID-19, which draws together all the recommendations made by the different treaty bodies, in the form of guidance notes, advice, statements and press releases.

A [Compilation of Statements](#) document in the context of COVID-19 has published, which is regularly reviewed and updated.

A **Toolkit of treaty law perspectives and jurisprudence in the context of COVID-19** ([PDF](#) | [Word](#)) was published on 15<sup>th</sup> July 2020. This toolkit takes treaty law perspectives and jurisprudence and translates them into an operational contribution to strengthen the human rights-based approach to both UN and States' response to the COVID-19 pandemic. The toolkit requires adaptation to specific contexts.

### 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 17<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.

## Human Rights Committee (CCPR)

The Human Rights Committee adopted a [Statement on derogations from the Convention in connection with the COVID-19 pandemic](#) on 30<sup>th</sup> April 2020. Focusing on Article 4 of the Covenant, it calls on state parties who taken emergency measures in connection with COVID-19 that derogate from obligations under the covenant to comply without delay with their duty to notify the Secretary-General.

## 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.

## Committee on the Elimination of Discrimination against Women (CEDAW)

The Committee has produced a [Guidance Note](#) on CEDAW and COVID-19 which highlights deep concerns about exacerbated inequalities and heightened risk of gender-based violence and discrimination faced by women during the crisis and calls on states to take action to uphold the rights of women.

It also issued a [statement calling for joint action](#) from a women's rights perspective in times of the Covid-19 pandemic, which was adopted on 21<sup>st</sup> April 2020.

## **Committee Against Torture**

On the International Day in Support of Victims of Torture (26<sup>th</sup> June 2020), the UN Anti-Torture mechanisms unanimously warned that the COVID-19 pandemic is leading to an escalation of torture and ill-treatment worldwide, and torture survivors are especially in danger of getting infected by the lethal virus due to their vulnerable situation.

Read the statement [here](#).

## **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.

The Subcommittee also published [Advice on compulsory quarantine for COVID-19](#) on 31<sup>st</sup> March 2020, which gives information on the legal status of visits to places of detention by the National Preventative Mechanism (NPM) during quarantine. It confirms that places of quarantine fall within the visiting mandate of the NPM, although access



may be restricted temporarily for strictly limited reasons and not on the basis that it is a place of quarantine. It also highlights that quarantine should not result in ill-treatment of those detained.

### **Committee on Migrant Rights (CMR)**

The UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and UN Special Rapporteur on the human rights of migrants produced a [Joint Guidance Note](#) on the Impacts of the COVID-19 Pandemic on the Human Rights of Migrants on 26 May 2020.

## 1.5. Special Procedures

There is also a [dedicated webpage](#) on COVID-19 and 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. They have set up a [dedicated webpage on COVID-19 and Special procedures](#), on which advice and guidance to states on good practice will be added to over time.

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.

A [working report](#) was published on 28<sup>th</sup> April, which compiles all Special Procedures’ key messages and public actions in relation to COVID-19

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 of Persons with Disabilities

The **Special Rapporteur on the Rights of Persons with Disabilities** has issued two documents for states, prepared jointly with the World Health Organization, other United Nations entities and organizations of persons with disabilities, containing practical guidance to address the rights of persons with disabilities in the context of COVID-19:

- [Letter](#) sent by the SR Disability to all Permanent Missions in Geneva about COVID-19 and disability
- [Disability inclusive social protections response to COVID-19 crisis](#)
- [Disability considerations during COVID-19 outbreak](#)

## 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 right to education

The Special Rapporteur on right to education has submitted report to Human Right Council at its' 44th session that dealt with the issue '[Right to education: impact of the COVID-19 crisis on the right to education; concerns, challenges and opportunities](#)'.

## **Independent Expert on debt and human Rights**

The **Independent Expert on debt and human rights** issued a [letter](#) on 15<sup>th</sup> April detailing a number of measures “covering a wide range of economic, financial, monetary, fiscal, tax, trade and social policies” recommended in the context of COVID-19

## **Special Rapporteur on the promotion of truth, justice, reparation**

The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, [published detailed guidelines to governments](#) on measures to adopt while dealing with overcrowding in prisons on 29<sup>th</sup> April.

They have also produced an [Information Note](#) on COVID-19, prison overcrowding, and serving sentences for serious human rights violations

## **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.

## **Special Rapporteur on Extra-judicial, summary or arbitrary killings**

The Special Rapporteur on extra-judicial, summary and arbitrary killings has published [Guidance on the use of force by law-enforcement personnel in time of COVID-19 emergency](#).

## **Working Group on Arbitrary Detention**

The Working Group on Arbitrary Detention published a [Deliberation No. 11 on the prevention of arbitrary detention in the context of public health](#)

[emergencies](#) on 8<sup>th</sup> May 2020. The document establishes a set of guidelines to prevent arbitrary detention of liberty during public health emergencies, stressing that any control measures must be publicly delivered, strictly proportionate to the threat, be least intrusive means to protect public health and imposed only while the emergency lasts. It also states that detention in the context of migration is only permissible as an exceptional measure of last resort, the threshold of which for public health emergencies is very high.

### **Special Rapporteur on Freedom of Expression**

The Special Rapporteur on the Promotion and Protection of the right to freedom of opinion and expression published a [report](#) on 23<sup>rd</sup> April 2020 on ‘Disease pandemics and the freedom of opinion and expression’.

### **Special Rapporteur on Trafficking**

The Special Rapporteur on trafficking in persons, especially women and children, published [a Position Paper](#) on 8<sup>th</sup> June on ‘The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons’.

### **Independent Expert on Protection Against Violence and Discrimination based on Sexual Orientation and Gender Identity**

The Independent Expert published the ‘ASPIRE [guidelines](#) on COVID-19 response and recovery free from violence and discrimination based on sexual orientation and gender identity’ on 18<sup>th</sup> June 2020.

## 1.6. 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.

The WHO issued interim guidelines entitled '[Preparedness, prevention and control of COVID-19 in prisons and other places of detention](#)' on 15<sup>th</sup> March 2020, which outlines planning principles and human rights considerations necessary for ensuring an adequate health response and maintaining secure, safe and humane detention settings.

## 1.7. International Labour Organisation (ILO)

The ILO, supported by a number of other UN entities has led the development of a [Policy Brief](#) which was published in June 2020. The World of Work brief focuses on three key areas:

- Global Context: the world of work before COVID-19
- Impact of COVID-19 on the world of work
- Policy Recommendations.

## 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:

- [Lessons to be drawn from the ravages of COVID-19 pandemic in long-term care facilities](#)
- [The impact of COVID-19 on lesbian, gay, transgender and gender diverse persons.](#)
- [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. This set out the steps required to ensure respect for people's fundamental rights in the context of emergency public health measures. These fundamental rights include:

- The right to at least one hour of time in the open air each day



- The right to maintain adequate personal hygiene including access to soap and hot water
- The right of access to a lawyer
- The right to alternative means of contact with the outside world in the absence of face-to-face visits

The CPT also issued a [COVID-19 follow up Statement](#) on 9<sup>th</sup> July 2020, highlighting how the pandemic has taken place against a backdrop of pre-existing flaws in various criminal justice systems. It notes that resolute action has only now taking place- in crisis mode- on some issues the committee has been making recommendations on for years and calls for temporary measures (such as use of alternatives to custodial sentences) to be made more sustainable.

It also calls for temporary restrictions imposed to contain the virus to be lifted when no longer required. It welcomes the fact that NPM and other national monitoring mechanisms have started to resume their visits to places where people are deprived of their liberty in some locations.

## **2.4. European Social Charter Committee**

Information on [Social Rights in times of pandemic](#) has been published by the European Social Charter Committee, focusing on:

- The right to safe and health working conditions
- The right to protection of health
- The rights of elderly persons to social protection

## **2.5. European Union**

On 21 July 2020, EU leaders agreed on a [Recovery Plan for Europe](#) to help repair the economic and social damage brought about the Coronavirus pandemic.

## 2.6. Fundamental Rights Agency (FRA)

The Fundamental Rights Agency (FRA) published a report on 8<sup>th</sup> April 20 [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. This 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 and covers the period from 1 Feb- 20 March 2020.

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 [second report](#) was published on 26<sup>th</sup> May 2020, covering the period from 21 March until 30 April 2020.

It underlines the need to carefully and regularly assess the impact on people's fundamental rights as governments manage the pandemic and focuses on:

1. **Data protection:** Many countries allow health and police authorities to access traffic and location data from telecommunication providers to track individuals, such as those under quarantine. Governments are also rolling out the development of contact-tracing apps to curb the spread of the virus. Many consulted with data protection authorities and/or experts to ensure compliance with EU data protection rules.

Governments should ensure they implement all data protection legal safeguards when protecting health, including free and informed consent, and not extending the use of the personal data collected. Efforts to make the apps source code public should continue to enhance transparency and confidence in using such tools.

2. **States of emergency:** Many governments introduced or prolonged states of emergency or equivalent to manage the pandemic. Governments should carefully assess the fundamental rights impact of emergency measures when limiting and enforcing freedom of movement and assembly.
3. **Daily life:** All EU governments maintained physical and social distancing measures. This had a wide-ranging impact on fundamental

rights, such as the rights to freedom of movement and of assembly. Public health controls at the border also led some countries to suspend asylum procedures. Rights relating to work, education and access to justice were also affected. As almost all education facilities remained closed in April, some switched to distance learning. Governments should find ways to offset existing inequalities for those children that have remote access difficulties. These include migrant or minority children, children from poorer families, and children with disabilities.

**4. Vulnerable groups:** some people are more at risk than others because of the difficulty of physical distancing in residential care homes and prisons or overcrowded homeless shelters. Stay at home measures also disproportionately affect some groups like Roma whose livelihood often depends on working outdoors in markets, for example. Governments should continue to provide solutions to address the specific needs of these groups including maintaining social contact and support.

The third report entitled '[Coronavirus Pandemic in the EU- Fundamental Implications- Bulletin 3](#)' was published on 30<sup>th</sup> June 2020. The report covers the period 1 – 31 May 2020 and focuses on four interrelated issues:

- states of emergency or equivalent measures;
- measures to contain the spread of COVID-19 and mitigate its impact on social life, education, work, the justice system and travel to and within the EU;
- the impact of the virus and efforts to limit its spread on particular groups in society, namely persons with disabilities, detainees, homeless people and victims of domestic violence;
- the impact of the pandemic on the fundamental rights of older persons – as a specific focus.

## 2.7. 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.
- The European Centre for Not-for-Profit Law (ECNL) has published a paper on '[Protest in a Time of Pandemic](#)', which examines how COVID-19 restrictions to the freedom of assembly are provided for by legislation.
- Statement: '[COVID-19 exacerbates the risk of ill-treatment and torture worldwide](#)' (26/06/20)
- News item: '[Beyond COVID-19, human rights can help save the planet](#)' (04/06/20)
- New item: '[Disproportionate impact of COVID-19 on racial and ethnic minorities needs to be urgently addressed – Bachelet](#)' (02/06/20)
- Statement: "[Every worker is essential and must be protected from COVID-19, no matter what](#)" – UN rights experts" (18/05/20)
- News item: '[States must include LGBT community in COVID-19 response](#)': The how and why from a UN expert (17/05/20)
- Statement by UN Network on Migration: '[Forced returns of migrants must be suspended in time of COVID-19](#)' (14/05/20)
- News item: '[States must include LGBT community in COVID-19 response](#)': The how and why from a UN expert (14/05/20)
- [Inter-agency Statement on COVID-19 in prisons and other closed settings](#) (PDF)

- Statement by UN Commissioner on '[COVID-19 and the human rights of older people](#)' (12/05/20)
- News item: "[COVID-19 not an excuse for unlawful deprivation of liberty – UN expert group on arbitrary detention](#)" (8/05/20)
- 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)
- 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)