



Human Rights Institute

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IBAHRI COVID-19 Human Rights Monitor

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1. Gender-based violence and Women's health

Given the global rise in reported gender-based violence cases and restrictions on women's health services, significant measures must be put in place to protect vital services from being downsized or effectively removed in light of this unprecedented crisis.

2. LGBTQI+ rights

LGBTQI+ communities continue to experience discrimination, unwelcoming attitudes, and lack of understanding from providers and staff in many health care settings, and as a result, many are reluctant to seek medical care except in dire emergencies. On top of this, self-isolation in hostile and violent environments can lead to a disproportionate level of domestic and family violence, and scapegoating.¹

3. Prisoners and detainees

Across the world, conditions of prison and detention facilities consistently remain extraordinarily inadequate. Coupled with the coronavirus outbreak, this can lead to

¹ Outright Launches Covid-19 LGBTIW Global Emergency Fund, 08 April 2020
<https://outrightinternational.org/content/outright-launches-covid-19-lgbtig-global-emergency-fund>

disastrous effects. Precautions must be taken to ensure those in detention can be protected from the spread of the virus.

4. Refugee camps

It is undisputed that the coronavirus knows no borders. Widespread effects on domestic and global economies, healthcare systems and political frameworks can characterise the pandemic itself. Fear-exploiting rhetoric around globalisation, migration and the coronavirus outbreak could provide the political sphere with a means to push structural anti-migration policies into fruition.

5. Asylum procedures

As those waiting to access the asylum system face an indefinite period of uncertainty, asylum seekers are at an increased risk of exposure to human rights violations. For those currently in the asylum process who have registered their claims and had their cases suspended, remaining in temporary accommodation unsuitable for self-isolation makes the task of staying safe from the infection completely impossible. As a result, the unprecedented global pandemic severely impacts the wellbeing of asylum seekers and refugee communities.

1. Gender-based violence and women's health

Domestic violence

Gender-based violence has increased because of stringent measures to contain the coronavirus outbreak. The United Nations Population Fund released a statement declaring the coronavirus outbreak has 'severely disrupted' access to sexual and reproductive health (SRH) and gender-based violence (GBV) services 'at a time when women and girls need these services most'. Life-saving care and support to victims of gender-based violence, such as clinical management of rape, mental health and psychosocial support, may be disrupted in crisis centres in tertiary level hospitals when health service providers are overburdened and preoccupied with handling Covid-19 cases.²

During the initial stages of the coronavirus outbreak, the Hubei province in China saw an exponential rise in domestic violence reports, from 47 last year to 162 this year. These figures more than tripled in one county alone during the lockdown in February. In Kosovo, the Ministry of Justice has seen a 17 per cent increase in reported cases of gender-based violence. Statistical analysis indicates that urban areas are greatly affected, with one city in Kosovo recording a 100 per cent increase in violence. France has also witnessed an exponential rise in gender-based violence in the first week of the country's lockdown in March, with a 30 per cent increase in reported cases.³ As a result, France has issued a free SMS service for those in need of assistance during the crisis, set up temporary support centres outside supermarkets and is paying for 20,000 overnight stays in hotels and shelters for those who need to leave abusive partners during the lockdown.

The rise in internet searches and telephone calls to domestic violence help services also saw a surge in the first weeks of lockdown, with a 75 per cent increase in online searches for help with domestic violence in Australia, an 18 per cent increase in phone calls to domestic violence services in Spain, and South African authorities reporting 2,300 cases of violence against women. In the UK, Refuge reported a 700 per cent increase in calls to its helpline. Coupled with this, Refuge also stated traffic to its website increased by 150 per cent after the British government enforced stricter lockdown measures. However, online searches and telephone calls may still be too difficult for domestic violence victims to access. As Italy reported a 55 per cent decrease in calls to domestic violence helplines in the first two weeks of lockdown, UN

² UNHCR 'Gender-based violence prevention, risk mitigation and response during COVID19' 20 March 2020
<https://reliefweb.int/sites/reliefweb.int/files/resources/75296.pdf>

³ France24, 'French domestic violence cases soar during coronavirus lockdown', 10 April 2020
<https://www.france24.com/en/20200410-french-domestic-violence-cases-soar-during-coronavirus-lockdown>

Women has highlighted that these cases are a result of victims being unable to seek help, via telephone or online, due to their living conditions.

Economic and political crises are known to increase domestic violence cases. For Lebanon, the global pandemic has increased further concerns arising from an increasingly high unemployment rate, closure of businesses, political instability and currency depreciation of 50 per cent. Reported cases emerging during the initial lockdown stage has called for attention to be placed on domestic violence. In early April, two Lebanese women, a 20-year-old and a minor, were injured after they jumped from the second floor of their house in Beirut in an apparent attempt to escape abusive conditions. On 6 April, a six-year-old Syrian girl died after being severely beaten by her father, who was subsequently arrested by the country's Internal Security Forces.

Lebanon's strict 2014 domestic violence law, which does not criminalise men who breach their restraining orders or marital rape, coupled with the stigmatisation of reporting gender-based violence, can lead to victims of domestic violence failing to report their cases to authorities. Abaad, an NGO in Lebanon, has launched an awareness campaign to reach out to those suffering from domestic violence. Abaad has asked people to share messages from their balconies of their domestic violence hotline number to increase awareness and to depict messages of solidarity for all those in need. A spokesperson from Abaad highlighted that this is 'a message of hope and telling women residing behind closed doors that they are not alone'.⁴

Women's health

Emergency responses to the Covid-19 pandemic may lead to diversion of resources from sexual and reproductive health services, thereby detrimentally affecting women's health. Such actions can lead to a rise in maternal and newborn mortality, low availability of contraception and an increased number of unsafe abortions and sexually transmitted infections.⁵ Cross-examinations of data from previous outbreaks, such as the Ebola outbreak in 2013, show that women's health and wellbeing needs were significantly bypassed, with resources for reproductive and sexual health diverted to emergency responses, contributing to a rise in maternal mortality in a region with one of the highest rates in the world.⁶ Furthermore, gendered norms

⁴ Aljazeera, 'Domestic abuse cases soar in Lebanon amid coronavirus lockdown', 17 April 2020
<https://www.aljazeera.com/news/2020/04/domestic-abuse-cases-soar-lebanon-coronavirus-lockdown-200416233054044.html>

⁵ UNFPA, 'Protecting Sexual and Reproductive Health and Rights and Promoting Gender Equality', March 2020
https://www.unfpa.org/sites/default/files/resource-pdf/COVID-19_A_Gender_Lens_Guidance_Note.pdf

⁶ GBV Guidelines, Girls' Education Challenge Safeguarding and COVID-19, 19 March 2020

meant that women were more likely to be infected with the virus, given their predominant roles as caregivers within families and as front-line health-care workers.

Presently, pregnant women in Sierra Leone cannot access clinics and multiple cases of unsafe home births have been reported.⁷ Pregnant women have already died in Uganda due to lockdown restrictions,⁸ and a lawyer is suing the government for imposing a lockdown without following proper protocol.⁹ To make matters worse, governments around the world are using this time to pass laws against the sexual and reproductive health rights of girls and women. The government of Poland is currently planning to pass a law which will make it more difficult for women to gain access to abortions.¹⁰ In the United States, several states including Alabama and Ohio have issued orders blocking access to abortions¹¹. Courts in these states have intervened by placing temporary restrictions on such orders.¹² As a result, The World Health Organization is being urged to declare abortion an essential health service.¹³

The pandemic also poses severe threats to women's health in refugee camps, due to unhygienic conditions and a lack of social distancing. In Greece, refugee camps with a capacity of 6,095 are housing 37,000 individuals,¹⁴ and 20 refugees have tested positive at the Ritsona camp¹⁵ where pregnant women and new mothers are suffering in overcrowded conditions.¹⁶

https://gbvguidelines.org/wp/wp-content/uploads/2020/03/Girls-Education-Challenge-Safeguarding_and_COVID-19_Partner_Guidance.pdf

⁷ RFI, 'Sexual healthcare efforts falter in Africa as countries focus on Covid-19', 13 April 2020

<http://www.rfi.fr/en/africa/20200413-sexual-healthcare-efforts-falter-in-africa-as-countries-focus-on-covid-19>

⁸ Reuters, 'In Uganda, mothers in labour die amidst coronavirus lockdown', 9 April 2020

<https://www.reuters.com/article/us-health-coronavirus-uganda/in-uganda-mothers-in-labour-die-amidst-coronavirus-lockdown-idUSKCN21R2FA>

⁹ RFI, 'Sexual healthcare efforts falter in Africa as countries focus on Covid-19', 13 April 2020

<http://www.rfi.fr/en/africa/20200413-sexual-healthcare-efforts-falter-in-africa-as-countries-focus-on-covid-19>

¹⁰ Council of Europe, 'Commissioner urges Poland's Parliament to reject bills that restrict women's sexual and reproductive health and rights and children's right to sexuality education', 14 April 2020

<https://www.coe.int/en/web/commissioner/-/commissioner-urges-poland-s-parliament-to-reject-bills-that-restrict-women-s-sexual-and-reproductive-health-and-rights-and-children-s-right-to-sexuali>

¹¹ Forbes, 'States That Use COVID-19 To Ban Abortion Increase Our Risks, Hardships And Fear Nationwide', 12 April 2020

<https://www.forbes.com/sites/janetwburns/2020/04/11/states-using-covid-19-to-ban-abortion-increase-everyones-risks-and-hardships-in-a-crisis/#21414c83aa8c>

¹² Ibid.

¹³ The Guardian, 'Declare abortion a public health issue during pandemic', WHO urged, 10 April 2020

<https://www.theguardian.com/global-development/2020/apr/10/declare-abortion-a-public-health-issue-during-pandemic-who-urged>

¹⁴ Amnesty International, Greece: Urgently protect refugees from COVID-19, April 2020

<https://www.amnesty.org/en/get-involved/take-action/greece-refugees-coronavirus-covid-19/>

¹⁵ Aljazeera, 'Greece quarantines camp as 20 refugees test positive for COVID-19', 2 April 2020

<https://www.aljazeera.com/news/2020/04/woman-greece-refugee-test-positive-coronavirus-200401111738369.html>

¹⁶ Amnesty International, Greece: Urgently protect refugees from COVID-19, April 2020

<https://www.amnesty.org/en/get-involved/take-action/greece-refugees-coronavirus-covid-19/>

2. LGBTQI+

In Peru, over 16,000 people have been arrested for flouting social distancing imposed by the government amid the Covid-19 pandemic.¹⁷ The government has also introduced a law under which men and women are only allowed to leave their homes on specific days divided by gender.¹⁸ Such stringent restrictions on movement directly impact the LGBTQI+ community, a minority which already faces persistent threat. Activists in Peru have contended that the gender rule has left trans people vulnerable to invasive questioning and harassment by police, despite government assurances that enforcement would be free from discrimination¹⁹.

In a recent decision made by the Intern-American Court of Human Rights against Peru on the unlawful detention and torture of LGBTQI+ community, the court stated that strongly held prejudices against the LGBTI+ population exist in Peruvian society, and that these prejudices are often expressed in acts of state-administered violence. In Panama, this gender rule has also been imposed as part of quarantine measures, increasing the stigmatization of trans people. As a result, a transgender woman was detained for being out on a day designated 'for women' under a scheme that allows women and men to leave home on alternating days.

In Kampala, Uganda, 23 people belonging to the LGBTQI+ community living in a homeless shelter have been arrested on the grounds of 'a negligent act likely to spread infection of disease', as well as 'disobedience of lawful orders',²⁰ following a ban on gatherings of ten or more people during the Covid-19 pandemic. Three of those detained were released on medical grounds, while the remaining 20 detainees were produced before court without lawyers²¹ and remanded to prison until 29 April. Such action reflects an inherent prejudice against the LGBTQI+ community in Uganda, where sodomy is punishable by life imprisonment and sexual minorities are often persecuted and arrested.²² The executive director of Human Rights Awareness and Promotion Forum (HRAPF) Uganda, tweeted: 'Lawyers should be allowed to move as part of essential services since the police carrying out arrests and using force in a bid

¹⁷ The Rio Times, 'Over 16,000 People Arrested in Peru for Violating Social Distancing Rules', 27 March 2020

<https://riotimesonline.com/brazil-news/mercosur/over-16000-people-arrested-in-peru-for-violating-social-distancing/>

¹⁸ The Daily Sabah, 'Men and women given alternate days to go out in Peru to slow impact of COVID-19', 3 April 2020

<https://www.dailysabah.com/world/americas/men-and-women-given-alternate-days-to-go-out-in-peru-to-slow-impact-of-covid-19>

¹⁹ The Independent, 'Peru is responsible for rape and torture of trans woman, rules human rights court', 7 April 2020

<https://www.independent.co.uk/news/world/americas/peru-trans-woman-torture-rape-detention-azul-rojas-marin-human-rights-a9451871.html>

²⁰ Human Rights Watch, 'Uganda LGBT Shelter Residents Arrested on COVID-19 Pretext', 3 April 2020

<https://www.hrw.org/news/2020/04/03/uganda-lgbt-shelter-residents-arrested-covid-19-pretext>

²¹ 76 Crimes, 'No lawyers for 20 LGBT Ugandans in prison on Covid-19 charges', 31 March 2020

<https://76crimes.com/2020/03/31/no-lawyers-for-20-lgbt-ugandans-in-prison-on-covid-19-charges/>

²² Reuters, 'Ugandan rights groups demand release of LGBT+ people jailed over coronavirus', 1 April 2020

<https://www.reuters.com/article/us-health-coronavirus-uganda-lgbt-trfn/ugandan-rights-groups-demand-release-of-lgbt-people-jailed-over-coronavirus-idUSKBN21J6NK>

to enforce the lockdown. The right to legal representation should not be violated as it is part of the non-derogable right to a fair trial'.²³

3. Prisoners and detainees

Given the structural aspects of many detention centres, a high percentage are unadaptable for the stringent precautionary measures necessary during a global pandemic. A lack of basic protective measures such as social distancing and hygiene rules exposes prisoners and detainees to greater health risks. In several countries, measures taken to combat the global pandemic in detention facilities have already led to disturbances in the form of riots and protests, in addition to the loss of life. On 1 April, a Guatemalan migrant died and 14 others were taken to hospital after a riot broke out in a detention centre in southern Mexico. These events occurred after migrants voiced concerns about the spread of coronavirus and recent border closures. On 11 April, inmates in Tuminiting Prison in Manado, Indonesia rioted in response to a guard exhibiting coronavirus symptoms. As a result, hundreds of police and soldiers entered the prison and shot live rounds at the inmates, with at least one inmate being shot in the chest.

In Turkey, the government is preparing to grant amnesties for prisoners in their third reform package under the government's Judicial Reform Strategy, in order to prevent the spread of coronavirus. With a prison population of 300,000, one-third of prisoners will benefit from this reform. However, this excludes political prisoners, including those serving time for links to Kurdistan Worker's Party, the PKK and those detained under anti-terrorism laws. Anti-terrorism legislation remains vague and widely abused in cases against journalists, opposition political activists, lawyers, human rights defenders and others expressing dissenting opinions, with the IBAHRI consistently calling for the immediate release of Osman Kavala, a journalist and philanthropist imprisoned in Turkey. As a result, the AKP continues to put a significant proportion of non-violent prisoners and detainees at high risk of contracting coronavirus. With a reported 17 prisoners from open prisons contracting coronavirus and three reported deaths, there are increased fears that the virus could lead to a significant outbreak in the 355 prisons in Turkey.

As of the 12th April, 61 people in U.S. Immigration and Customs Enforcement had tested positive for the coronavirus²⁴. Given statistical analysis from the ongoing

²³ 76 Crimes, 'No lawyers for 20 LGBT Ugandans in prison on Covid-19 charges', 31 March 2020 <https://76crimes.com/2020/03/31/no-lawyers-for-20-lgbt-ugandans-in-prison-on-covid-19-charges/>

Mumps outbreak in detention facilities across the US, with 15 facilities in seven states infected from 2018-2019, close-contact settings along with poor hygiene and sanitary equipment allow viruses to spread at an exponential rate.²⁵ Evidence of this can be seen in the West Tennessee Detention Facility, a 600-bed facility with over 24 confirmed cases of coronavirus over a period of 3 weeks, resulting in a hunger strike and protests from inmates.²⁶

4. Refugee camps

With past pandemics such as the swine flu having higher mortality rates in low-income countries, it is clear that individuals subjected to sub-standard living conditions are most vulnerable. In refugee camps, where individuals are often held in crowded and unsanitary living conditions with limited access to resources and information, refugees are increasingly being met with significant challenges in protecting themselves against Covid-19.

On 19 March 2020, the Office of the United Nations High Commissioner for Human Rights (OHCHR) published a joint statement with the Inter-American Commission for Human Rights and the OSCE's Representative on Media Freedom to strongly reaffirm the need for all governments to ensure that access to 'truthful information about the nature and threat posed by the coronavirus' is readily and publicly made available during the Covid-19 pandemic. This includes unlimited access to the internet and the ability for journalists to freely assert their right to freedom of speech. Nevertheless, in the wake of the Covid-19 pandemic, state governments have increasingly enforced internet shutdowns and sought to penalise those seeking to access information, particularly for refugees. In response to this, the IBAHRI has consistently called for the end of internet shutdowns during the global pandemic.

Since September last year, Rohingya refugees living in refugee camps in Bangladesh have been faced with targeted internet bans and SIM card confiscations. Similar efforts in Myanmar have seen the government recently imposing internet bans in several states. Although such bans have been justified by the Arkan Army and the ongoing military conflict, the government has simultaneously ordered telecom companies such as Telenor to block over 200 websites declared as 'fake news' in

²⁴ Chicago Tribune, Immigrant rights group turns to federal court to seek release of detainees as some in Illinois test positive for COVID-19, 14 April 2020

<https://www.chicagotribune.com/coronavirus/ct-coronavirus-immigration-ice-positive-covid-20200413-7q52vcsotfgc5beqcsqu5uyhue-story.html>

²⁵ Centers for Disease Control and Prevention, 'Mumps in Detention Facilities that House Detained Migrants — United States, September 2018–August 2019', 30 August 2020

<https://www.cdc.gov/mmwr/volumes/68/wr/pdfs/mm6834a4-H.pdf>

²⁶ The Leader, 'April 20: There's a COVID-19 outbreak at the prison in Mason', 20 April 2020

<https://covingtonleader.com/news/april-20-theres-a-covid-19-outbreak-at-the-federal-prison-in-mason/>

relation to Covid-19. In both nations, misinformation concerning Covid-19 has been circulating within refugee camps, with some refugees in Bangladesh believing that individuals infected with the virus must be 'killed' in order to prevent its transmission. Overall, the internet bans imposed in both Bangladesh and Myanmar have made it nearly impossible for refugees to inform themselves about Covid-19 symptoms, critical healthcare advice, preventive methods and treatment. Such access to information is crucial to preventing the spread of coronavirus in Bangladeshi and Myanmar refugee camps.

As confirmed by the Centres for Disease Control and Prevention, individuals with underlying medical conditions are at higher risk for complications and 'severe illness' arising from coronavirus. Statistically, refugees disproportionately suffer from underlying health conditions such as diabetes and cardiovascular disease, often due to poor nutrition and genetic factors. Such underlying health conditions are worsened by the fact that refugee campsites are often overcrowded and lacking basic means of sanitation and hygiene. Therefore, refugees are at high risk of complications arising from coronavirus and in turn require special medical care.

As shown by previous health crises such as the Ebola crisis, the most effective way of managing disease among vulnerable groups is to ensure that testing, infection tracking and treatment facilities are readily available to all. Indeed, access to healthcare is paramount during the Covid-19 pandemic in order to reduce mortality rates and prevent the spread of the virus throughout refugee camps. However, refugee camps worldwide have historically struggled to meet the basic health needs of refugee populations, irrespective of an impending global pandemic. Hence, it is likely their already limited healthcare services will be unable to cope under the pressure of a potential coronavirus outbreak.

In Bangladesh for example, a population of one million Rohingya refugees from Myanmar are being hosted in Cox's Bazar district. The UN in Global Humanitarian Response Plan for Covid-19 acknowledged that the existing testing capacity and treatment facilities within its refugee camps would be unable to meet necessary demand. With only 154 health units and five hospitals across all 34 campsites in Bangladesh, there is limited-to-no capacity for intensive care units, nor access to ventilators.

Similarly, in Pakistan, refugee camps have failed to meet the basic need of food for Afghan refugees to date, let alone healthcare. In Myanmar, the national healthcare system, ranked one of the worlds' worst healthcare systems by the WHO, is already struggling to meet the medical demands of its local population, with a staggering 6.1 doctors per 10,000 people and less than 2,000 Covid-19 testing kits. To make matters worse, refugees in camps who need specialised medical care must obtain official permission from campsite authorities before being given access to a hospital facility.

Should Myanmar refugees, who are often harbouring underlying health conditions, fall seriously ill from cases of Covid-19, their ability to access necessary hospital and ICU facilities is significantly impeded.

5. Asylum procedures

It is largely accepted that the right of all individuals to seek asylum is a fundamental right under customary international law. In a statement released by the UNHCR last month, the UN High Commissioner for Refugees Filippo Grandi reaffirmed the need for states to refrain from the 'closure of avenues to asylum' in response to the coronavirus pandemic. Yet, with border states such as Greece and Italy increasingly struggling to manage the influx of refugees in the wake of the crisis, and political parties routinely blaming migrants for the rapid spread of coronavirus, the resulting border closures have largely jeopardised their fundamental right to asylum.

Forcible returns of asylum seekers are being increasingly justified on the basis of public health and safety. The United States has recently enacted the 'Migrant Protections Protocol' to justify the forcible return of over 60,000 Latin American asylum seekers to Mexico. In the US, almost 34,000 detainees in Immigration and Customs Enforcement custody are refugees seeking asylum. Although asylum is recognised as a human right in both international and federal law, many have been separated from family and held in crowded, unsanitary conditions. Asylum seekers arriving in Greece after 1 March were systematically denied access to asylum for 30 days. To make matters worse, individuals seeking legal support for denied claims of asylum or refugee status have been met with limited means of judicial redress. In the United States for example, court hearings for asylum seekers who have been forcibly returned to Mexico have been indefinitely postponed. Further, lawyers representing asylum seekers being held in refugee camps and shelters in Mexico have been denied client visits, due to the risk that they may spread the virus to refugee communities or bring it back to the United States upon their return.

Similarly, in Greece, individuals who have been refused asylum have been denied access to legal aid and are instead being detained in unsanitary facilities. In Belgium and the Netherlands, asylum registration has been suspended, leaving those reliant on the asylum system exposed to exploitation, homelessness, and the inability to access healthcare. Furthermore, the closing down of refugee resettlement pipelines greatly affects the development of asylum cases, with UNHCR and International Organization for Migration halting resettlement departures. For those who have undertaken the mandatory health checks for their application, the possibility of having

to reapply for health checks increases the risk of remaining in violent and hostile environments for an indefinite amount of time.