



IBAHRI Covid-19 Human Rights Monitor

Issue 20

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The latest issue of the **International Bar Association's Human Rights Institute** (IBAHRI) Covid-19 Human Rights Monitor addresses several key areas pertaining to the impact of the virus on vulnerable communities, including food inequality for members of the LGBTQI+ community, the disproportionate impact of the pandemic on the mental health of people living with disabilities and an update on freedom of assembly protests around the world.

Included in this edition:

- **Gender-based violence and women's health**
- **LGBTQI+ rights**
- **Refugee camps**
- **Prisoners and detainees**
- **Informal settlements and homelessness**
- **Disability rights**
- **Freedom of assembly**

The IBAHRI has been closely monitoring the responses of governments worldwide to the Covid-19 pandemic. Too often, the global crisis has been used as a guise by governments to extend their powers indefinitely. Whilst certain proportionate measures are necessary to curb the spread of the virus, these must be proportionate and have limitations, with respect to

fundamental human rights. While dubbed 'the great equalizer', it is indisputable that with emergency powers comes an increase in human rights violations against marginalised groups.

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Human Rights Institute

25 years promoting and protecting
human rights worldwide

IBAHRI Covid-19 Human Rights Monitor

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1. **Gender-based violence and women's health**
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1. Gender-based violence and women's health

UN Secretary-General Antonio Guterres said on 31 August that the pandemic has deepened gender inequality and reversed decades of limited and fragile progress on gender equality and women's rights, with millions of teenage girls out of school, teenage pregnancies increasing in some countries and skyrocketing reports of gender-based violence worldwide.¹ He also highlighted how women are suffering due to funding being redirected from maternal and reproductive health services and warned that the lost progress may take years, even generations, to recover from.²

Guterres said the UN has urged governments worldwide to prioritise prevention of gender-based violence in their national Covid-19 response plans. To mitigate the pandemic's economic impact, the world must start by 'putting money into the hands of women who work in both the formal and informal economies,' he added.³

Lebanon

Dozens of domestic workers have been stranded in Lebanon since the Beirut blast. Many have lost jobs and homes; they have no money for plane tickets back to their countries. The pandemic has further complicated the situation.⁴ About 30 women, domestic workers who had lost homes and jobs in the blast, staged a sit-in outside the Consulate of Kenya in August. One activist with them said, 'there are children here, and it's not the safest time or place to be sleeping on the streets.'

Migrant workers in Lebanon are constrained by the *kafala* system, which legally binds migrants to their employers. Amnesty International describes *kafala* as 'an inherently abusive migration sponsorship system, which increases their risk of suffering labour exploitation, forced labour and trafficking and leaves them with little prospect of obtaining redress.'⁵ Lebanon's recent economic crisis has worsened with the pandemic, leaving domestic workers with few options. 'Some sponsors are throwing the domestic worker on the street like garbage ... so as not to pay their salary,' said another activist.⁶

2. LGBTQI+ rights

Food inequality

¹ www.devdiscourse.com/article/headlines/1192661-covid-19-reverses-progress-on-gender-equality-and-womens-rights-un-chief

² <https://hwnews.in/united-nations/generations-of-progress-for-women-and-girls-could-be-lost-to-covid-pandemic-un-chief-warns/143318>

³ <https://reliefweb.int/report/world/secretary-generals-remarks-town-hall-young-women-civil-society-organizations-delivered>

⁴ <http://thedailynewnation.com/news/260640/bangladeshi-workers-in-lebanon-appeal-for-urgent-repatriation>

⁵ www.amnesty.org/en/latest/news/2020/06/lebanon-abandoned-migrant-domestic-workers-must-be-protected

⁶ www.pri.org/stories/2020-08-14/migrant-workers-stuck-beirut-wake-blast

Although South Africa has since relaxed lockdown restrictions from level 5 to level 2, *Human Rights Watch* reports that there is a bias on how Covid-19 food aid was distributed. South Africa excluded refugees and asylum seekers in its food aid programme, of which a large number of the refugees and asylum seekers are lesbian, gay, bisexual and transgender people that fled their home countries due to fear of persecution.⁷ In the Philippines, the LGBTQI+ community has been excluded from food relief, with the local government stating that homosexual couples do not count as a family.⁸ According to a report released by advocacy organisation OutRight Action International, 640 transgender people lost their jobs in Jakarta, Indonesia but were unable to receive food relief due to their gender identity.⁹ The police in Sri Lanka started giving out food parcels to individuals hard hit by the pandemic, however, members of the LGBTQI+ community did not go to the police station to collect food parcels because of fear of persecution.

Russia

The growing trend of Eastern European countries restricting LGBTQI+ rights during the Covid-19 crisis continues with a Bill before the Russian parliament which would criminalise same-sex marriage and reverse the legal recognition of transgender people. If the law is passed, it would prohibit transgender people from changing their gender assigned at birth, and those who had already changed their gender would have to revert to their gender assigned at birth. This is contrary to the decision by the European Court of Human Rights that the refusal by member states to change the birth certificate of an individual who has undergone gender reassignment violates the individuals' rights to privacy and personal autonomy under the European Convention of Human Rights.¹⁰

Due to lockdown restrictions, many Russians were more exposed at home to state propaganda stigmatising gay marriages in a bid to urge Russians to vote in a referendum on a 'package' of constitutional amendments containing provisions defining marriage as a union between a man and a woman. The lockdown restrictions were lifted just weeks before the voting on the referendum despite Russia having half a million cases at the time.

Morocco

The lockdown restrictions have forced many people in Morocco to take to social media to socialise, including an increased use of dating apps. This has become dangerous for the LGBTQI+ community in Morocco after Noafal Moussa, a transgender Instagram influencer, encouraged her followers to out gay men on the dating apps. The location-based dating apps made it easier for the greater public to identify and locate LGBTQI+ individuals. Many reported facing a wave of homophobic attacks after their

⁷ www.hrw.org/news/2020/05/20/south-africa-end-bias-covid-19-food-aid

⁸ www.thenewhumanitarian.org/news-feature/2020/06/24/LGBTQ-gender-coronavirus-discrimination-aid

⁹ [Vulnerability Amplified: The Impact of the COVID-19 Pandemic on LGBTIQ people](http://www.hrw.org/news/2020/08/06/russia-reject-anti-lgbt-traditional-values-bill)

¹⁰ www.hrw.org/news/2020/08/06/russia-reject-anti-lgbt-traditional-values-bill

pictures from the apps had been uploaded and circulated on Facebook pages. Although Facebook took down the pages, some men had already been evicted from their conservative families and some had fled fearing persecution as Article 489 of Morocco's Penal Code criminalises same-sex relations.¹¹

3. Refugee camps

Middle East

The Dheisheh refugee camp, one of 19 Palestinian refugee camps in the occupied West Bank, reported more than 65 cases in less than a week.¹² According to a report conducted by the Norwegian Refugee Council, fear of Covid-19 is leading to an alarming rise in stress levels amongst refugee and displaced children in the Middle East.¹³ In Iraq, Jordan, Syria and Yemen, 88 per cent of displaced and refugee children are stressed by the crisis, with evidence suggesting that repeated and prolonged exposure to high levels of stress can disrupt the development of major organs and lead to stress-related diseases and cognitive impairment. The pandemic is also forcing most children to look after younger siblings, taking on adult responsibilities that are denying them of their childhood. Refugee children are in urgent need of mental health and psychosocial support.¹⁴

Eastern Africa

The World Food Programme (WFP) has raised concerns about the situation of Eastern African refugees, saying that millions of people face serious famine and malnutrition due to the socioeconomic consequences of Covid-19. Despite WFP being a major provider of assistance across Eastern Africa, the reduced funding from donors caused by the Covid-19 pandemic has led to a 30 per cent reduction in food or cash transfers from WFP, leaving over 2.7 million refugees in Djibouti, Ethiopia, Kenya and Uganda in danger.¹⁵ On 29 August, 22 aid workers and 72 refugees tested positive for Covid-19 in Kyangwali Refugee Settlement in western Uganda, and refugees in the region remain vulnerable to the spread of Covid-19 because they are in crowded camps with weak or inadequate shelter.¹⁶

4. Prisoners and detainees

Indonesia

¹¹ www.worldaware.com/resources/blog/increased-persecution-against-lgbtq-individuals-morocco

¹² <https://mondoweiss.net/2020/08/covid-19-in-palestine-refugee-camps-at-risk>

¹³ www.nrc.no/shorthand/stories/stressed/index.html

¹⁴ <https://reliefweb.int/report/syrian-arab-republic/middle-east-fear-covid-19-triggers-alarming-rise-displaced-children-s>

¹⁵ www.infomigrants.net/en/post/26954/millions-of-eastern-african-refugees-risk-starvation-wfp

¹⁶ www.newvision.co.ug/news/1525887/expresses-concern-covid-19-outbreak-refugee-camp

At least 17 prisons in Indonesia have tested positive for Covid-19, with 120 inmates and 18 officials infected, according to a joint report from human rights groups. While testing rates are low, seven inmates are suspected to have died from Covid-19. The Ministry of Law and Human Rights admitted that health facilities in most prisons are inadequate to contain outbreaks of Covid-19 and care for sick prisoners. In April, the Minister of Law and Human Rights instructed the Ministry to reduce the prison population by 50,000 and suspend prison visits. This helped slow the spread, but it was insufficient. In July, prisons still held about 234,000 inmates, or 176 per cent of total capacity.¹⁷

Saudi Arabia

Saudi Arabia is keeping hundreds, if not thousands, of African migrants locked in slave camp-like conditions as part of a drive to stop the spread of Covid-19. Mobile phone images sent by migrants held inside the detention centres show dozens of emaciated men crippled by the Arabian heat lying shirtless in tightly packed rows in small rooms with barred windows. While some have died of heatstroke, others lack enough food and water to survive. Some have even resorted to suicide. The migrants claim they are beaten by guards who hurl racial abuse at them. ‘Photos emerging from detention centres in southern Saudi Arabia show that authorities there are subjecting Horn of Africa migrants to squalid, crowded and dehumanising conditions with no regard for their safety or dignity,’ said the Deputy Director of *Human Rights Watch* in the Middle East.¹⁸

Mexico

Deaths in Mexico’s shrouded prisons have surged since the pandemic hit in March, and advocates fear inmates are dying of Covid-19. 464 prisoners died between January and July, compared to 191 during the same period in 2019.¹⁹ The government provided no explanation about the cause of death of so many more inmates, but non-profits and rights groups said the situation in Mexico’s prisons (currently housing more than 210,000) is ‘critical’. Mexico’s prison system is notoriously overcrowded (rendering social distancing impossible), badly resourced and lacking in transparency.²⁰

5. Informal settlements and homelessness

Zimbabwe

Since announcing lockdown measures in March, the Zimbabwean government has used Covid-19 to demolish informal trading and residential areas. The rationale given was that this was a move to

¹⁷ www.hrw.org/news/2020/08/26/covid-19-spreads-indonesias-overcrowded-prisons

¹⁸ www.telegraph.co.uk/global-health/climate-and-people/investigation-african-migrants-left-die-saudi-arabias-hellish

¹⁹ www.gob.mx/prevencionyreadaptacion/documentos/cuaderno-mensual-de-informacion-estadistica-penitenciaria-nacional

²⁰ www.vice.com/en_us/article/7kpg9g/covid-may-be-killing-hundreds-of-prisoners-in-mexico

decongest the city and sanitise informal settlements. It has, however, increased the number of homeless people and has forced the centralisation of market places that sell fruit and vegetables. This has forced residents to shop at congested markets, and a lack of clean water has also forced residents to use overcrowded community boreholes, putting residents at further risk.²¹ The demolitions have had an impact on the sources of income of households as Zimbabwe's economy is largely informal. Although the government announced that they will be giving three dollars per household to cushion against the impact of the pandemic, the handout is inadequate to support families, forcing individuals to break lockdown regulations to provide for their families.

Vietnam

The homeless population in Hanoi has struggled through the lockdown. Informal hawking normally sustains the population with a meagre living, but a ban on this has made their lives extremely difficult. The government gave out a Covid-19 relief package of \$2.6 billion as a safety net for the poor and those hard hit by the pandemic. This relief package did not reach the homeless population as many are not permitted to be registered to receive the aid without a permanent address.²²

Kenya

President Kenyatta recently announced the easing of lockdown restriction despite the rising cases in the country. It has been feared that Kibera Kenya's largest informal settlement with a population of 250,000, will soon become the epicentre. Although the majority of its inhabitants are young, most suffer from underlying conditions such as HIV and Tuberculosis.²³ Living in Unhygienic conditions and without clean water results in higher Covid-19 risk levels in Nairobi's informal settlements.²⁴ The informal economic sector accounts for 83.6 per cent of total employment of urban informal settlement in Kenya, so lockdown has taken a huge toll on their livelihoods. The Population Council conducted research in five main informal settlements in Nairobi and found out that Kenyan adolescents living in these areas are facing increased stress and anxiety due to the worsened living conditions caused by the virus as compared to their counterparts living in low-density areas.²⁵ The UK has since donated six million dollars to help cushion 50,000 families living in informal settlements in Nairobi and Mombasa from the negative impacts of Covid-19.

6. Disability rights

²¹ <http://knowyourcity.info/2020/06/zimbabwe-federation-response-covid-19>

²² <https://southeastasiaglobe.com/homeless-in-hanoi>

²³ <https://pulitzercenter.org/reporting/their-own-hands-kibera-kenyas-largest-slum-tames-covid-19>

²⁴ https://docs.wfp.org/api/documents/WFP-0000118161/download/?_ga=2.81487262.842597114.1598950150-943605690.1598950150

²⁵ <https://theconversation.com/adolescents-in-nairobis-slums-are-being-hit-hard-by-covid-19-measures-143052>

Nepal

As of 1 September, Nepal had reported 40,529 cases.²⁶ As cases soar, a report from the Nepal's National Planning Commission reported a higher rate of infection among those living with disabilities due to weakened immunity. Further, they are also put at higher risk due to still needing to attend health facilities during lockdown. After an outbreak at a Spinal Injury Rehabilitation Centre in the Kavre District, 104 people including patients and health workers tested positive for Covid-19. While the country reports only 1.94 per cent of its population as living with a disability, various studies suggest the actual figure could be around ten per cent. A lack of proper facilities throughout the country to support this population only increases the risk, with reports of those living with disabilities being admitted to hospital for Covid-19 without wheelchair user-friendly facilities.²⁷

United Kingdom

The Office for National Statistics (ONS) has now published its third set of data on the impact of Covid-19 lockdown restrictions on the population living with disabilities during the month of July. From this, it is evident that the Covid-19 crisis is still having a disproportionate impact on the life and wellbeing of people with disabilities. The ONS found that 46 per cent of those living with disabilities, compared to 18 per cent of the rest of the population, reported that the pandemic worsened their mental health, and 42 per cent reported loneliness. Further, around 25 per cent of people with disabilities indicated that they were now receiving only some of their medical care from before the pandemic, compared to only three per cent of those not living with a disability.²⁸

8. Freedom of assembly

Germany

On 30 August 2020, the German government slammed the 'unacceptable' behaviour of protestors during a mass rally against Covid-19 restrictions. Hundreds of people, including some far-right supporters, were arrested and an attempt was made to storm the Reichstag parliament building.²⁹ Police said some 38,000 people had gathered in Berlin on Saturday to protest restrictions intended to curb the spread of the virus, such as the wearing of masks and social distancing.³⁰ According to Interior Minister Horst Seehofer, 'freedom of assembly reaches its limits when public rules are trampled on'.

Zimbabwe

²⁶www.google.com/search?q=nepal+coronavirus+cases&rlz=1C1GCEV_enGB885GB885&oq=nepal+coronavirus+cases&gs=chrome..69i57j0l7.2225i0j7&sourceid=chrome&ie=UTF-8

²⁷www.dw.com/en/coronavirus-in-nepal-a-double-threat-for-disabled-people/a-54769845

²⁸www.disabilityrightsuk.org/news/2020/august/ons-releases-new-coronavirus-and-disability-data

²⁹<https://en.mercopress.com/2020/08/31/anti-covid-19-restrictions-protestors-tried-to-storm-the-reichstag-in-berlin>

³⁰www.euronews.com/2020/08/29/thousands-of-anti-corona-protesters-flood-berlin

Zimbabwean President Emmerson Mnangagwa's ruling party has dismissed a statement by Western diplomats warning Zimbabwe's government not to use the Covid-19 pandemic as a pretext to stifle citizens' rights as 'rubbish'. The statement was delivered while more than a dozen citizens are in hiding for fear of persecution or prosecution for organising an anti-government protest which security forces thwarted in July. The head of *Human Rights Watch* in southern Africa, Dewa Mavhinga, says the government must investigate the claims.³¹

³¹ www.voanews.com/africa/diplomats-warn-zimbabwe-against-using-covid-19-restrict-citizen-rights