



## Growing repression in the context of COVID-19

Briefing note of the System of Solidarity Advisory Group

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The COVID-19 pandemic and responses to it have both exposed and exacerbated existing structural injustices relating to inequality, discrimination, marginalization and dispossession. Traditionally marginalized groups such as women, youth, indigenous peoples, migrants and ethnic minorities are facing increased vulnerability in the face of COVID-19 due to deepening of pre-existing discrimination. Meanwhile, many governments look to salvage the economy and corporations at the expense of the people.

ESCR-Net social movement members have previously identified some of these structural injustices in a Common Charter for Collective Struggle. Repression is seen as one of the common conditions facing communities and human rights defenders (HRDs) globally. In the past, governments have often used national security and public safety as a pretext for implementing dangerous measures that can be very difficult to roll back once the crisis, real or perceived, subsides.<sup>1</sup>

As states scramble to address the COVID-19 pandemic, several of them have adapted measures that raise new and deepen existing concerns relating to repression of civil society in general and HRDs in particular. The widespread praise of authoritarian and highly restrictive responses to the COVID-19 pandemic as the most effective alternatives is a source of concern on the short, medium and long term.

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<sup>1</sup> This has for instance been made very apparent after the 9/11 attacks in the US, which led to a series of dangerous measures being implemented in the name of security. Many of these measures are still in place.



In order to curtail the spread of the virus, most governments have introduced curfews or even lockdowns with few exceptions justifying movement. Similarly, in many places there are restrictions on gatherings in order to limit contagion. Such limitations on human rights are permissible under international law if they are provided for in law, are necessary and proportional. However, there have been worrying examples of these restrictions being used as an excuse to repress protesters criticizing regimes<sup>2</sup> or targeting particular marginalized and vulnerable groups in a discriminatory manner.<sup>3</sup> Likewise, curfews and lockdowns have resulted in increased militarization of communities and excessive use of force to ensure the implementation of these measures.<sup>4</sup>

In some countries, the lockdowns are enforced by police or military and in some instances non-state actors such as armed groups or organized crime have been enforcing their own lockdowns and curfews.<sup>5</sup> Increased militarization tends to have disproportionate impacts on women, leaving them more vulnerable to gender based violence. In addition to immediate concerns, these limitations of movement and gathering have also created difficulties in accessing food due to scarcity, hoarding and closing down, sometimes violently, of traditional markets. For that reason, HRDs, as many other people, are facing difficulties sustaining themselves and their families.

Accessing reliable information around how to protect your health during the pandemic is essential. However, in many authoritarian states, public faith in information provided by the government is often low. At the same time, journalists and whistleblowers are being targeted and face censorship for exposing deficiencies in state responses as well as corruption linked to the COVID-19 crisis.

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<sup>2</sup> For example, in Niger the government imposed a ban on gatherings of more than 1,000 people. However, a protest with far less participants was violently dispersed and leaders arrested.

<sup>3</sup> <https://www.theguardian.com/world/2020/apr/01/ugandan-police-accused-of-abusing-lockdown-laws-after-lgbt-arrests>

<sup>4</sup> <https://www.amnesty.org/en/latest/news/2020/04/philippines-president-duterte-shoot-to-kill-order-pandemic/>

<sup>5</sup> In Guatemala parallel groups are roaming the streets during lockdowns. Likewise, in Brazil and El Salvador, organized crime has taken it upon themselves to enforce curfews in the communities they control.



Often they face reprisals such as defamation campaigns, criminal charges or losing their jobs.<sup>67</sup> Likewise, social media and online search engines have in some instances been censored for instance by limiting searches on specific keywords and HRDs have been questioned<sup>8</sup> or detained<sup>9</sup> in relation to social media posts regarding COVID-19. Some countries have established harsh sentences for spreading fake news in relation to the pandemic.

HRDs routinely face state surveillance, however, many states have sought increased surveillance capacity and collection of data to track the spread of the virus. Many of these capacities are intrusive and in the hands of repressive governments could be dangerous.<sup>10</sup>

Governments are also using the current health crisis to expand their repressive powers. In some cases, this has happened through power grabs or declaring indefinite states of emergency thereby eliminating existing checks and balances on government power<sup>11</sup> or eliminating existing rights protections under the guise of needing expanded emergency powers to deal with the crisis.<sup>12</sup> Likewise, some are using the distraction created by the health crisis to gut environmental protections or pass unpopular laws.<sup>13</sup>

There is also a general concern relating to incarcerated populations in general, and incarcerated HRDs in particular. It is difficult or impossible for people in incarceration to follow many recommendations related to managing the coronavirus. Many prisons are overcrowded and have poor sanitary conditions that could compromise prisoner health under normal circumstances, let

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<sup>6</sup> <https://www.omct.org/es/human-rights-defenders/urgent-interventions/guatemala/2020/04/d25772/>

<sup>7</sup> <https://rsf.org/en/censorship-and-attacks>

<sup>8</sup> <https://www.frontlinedefenders.org/en/case/nurcan-baysal-investigated-social-media-posts-covid-19-and-prison-conditions#case-update-id-11285>

<sup>9</sup> <https://www.frontlinedefenders.org/en/case/arbitrary-detention-human-rights-defender-mohsen-bahnasi-amid-growing-covid-19-concerns>

<sup>10</sup> <https://www.amnesty.org/en/latest/news/2020/04/covid-19-surveillance-threat-to-your-rights/>

<sup>11</sup> <https://www.theatlantic.com/ideas/archive/2020/03/when-disease-comes-leaders-grab-more-power/608560/>

<sup>12</sup> <https://www.rollingstone.com/politics/news/doj-suspend-constitutional-rights-coronavirus-970935/>

<sup>13</sup> [https://www.huffpost.com/entry/pipeline-protest-laws-coronavirus\\_n\\_5e7e7570c5b6256a7a2aab41](https://www.huffpost.com/entry/pipeline-protest-laws-coronavirus_n_5e7e7570c5b6256a7a2aab41)



alone a pandemic. Incarcerated HRDs are often at particular risk relating to the COVID-19 virus due to some suffering from poor health and at times being denied necessary medical assistance.<sup>14</sup>

Criminalization and trumped up charges against HRDs for carrying out their legitimate human rights work are commonplace. Incarceration during a pandemic could, in addition to violating their right to defend human rights, be a further violation of their human right to health. Likewise, some HRDs are facing indefinite pretrial detentions with many courts being shut down or operating at low capacity during the crisis in violation of their rights to due process. While some countries have taken steps to liberate some, mainly non-violent, prisoners, in many cases these measures do not appear to have included HRDs.<sup>15</sup>

HRDs in need of protection are also facing serious vulnerabilities. Due to curfews, lockdowns and limitation of movement to prevent the spread of the virus, HRDs have been targeted in their homes by perpetrators that can more easily determine their location.<sup>16</sup> Closure of borders have provided obstacles for HRDs looking to relocate outside of their countries due to serious imminent security threats. Likewise, going into hiding in their own countries has become more difficult due to the increased surveillance powers by governments in many countries. Also, HRDs are not always able to access the already limited protection measures that were available to them. For instance, HRDs with outstanding arrest order against them are unable to post bail due to closure of courts.

## Our demands

- **States must not use the crisis related to the COVID-19 pandemic to expand their repressive power.** Any limitations on human rights must be provided for in law, be

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<sup>14</sup> <https://www.frontlinedefenders.org/en/statement-report/release-unjustly-imprisoned-human-rights-defenders-amid-covid-19-outbreak>

<sup>15</sup> <https://www.frontlinedefenders.org/en/statement-report/imprisoned-iranian-human-rights-defenders-should-be-freed-amidst-covid-19-outbreak>

<sup>16</sup> <https://www.theguardian.com/world/2020/mar/23/colombian-groups-exploiting-coronavirus-lockdown-to-kill-activists>



necessary and proportionate, and be time bound. Likewise, **states must look to lessen the impact of these measures on vulnerable communities and those that defend them.**

- **Access to reliable information and freedom of expression should be ensured.** Any surveillance measures must be the least intrusive possible to achieve their purpose and should be accompanied with sufficient and independent oversight.
- **Human rights defenders, including journalists, that are incarcerated or facing pretrial detention for exercising their right to defend rights should be released immediately** to further avoid violations of their human rights.
- Likewise, **states must ensure upholding, and expanding, existing protection of human rights defenders**, including access to due process.