

Joint NGO submission: Key issues for draft Presidential statement (PRST) – 4 May 2020

The following seven points were developed jointly with the endorsing organisations. Our organisations welcome the leadership of the President of the Council to present the draft Presidential Statement and strongly support the Presidency's efforts to facilitate a transparent and inclusive consultation process. The additions and other proposals set out below are intended to strengthen the draft, and should be read in conjunction with each organisations' individual submissions. The points below are not an exhaustive list of our proposals for the PRST but rather present key concerns that the endorsing organisations share.

1. Strengthen PP8 on the legality of emergency measures taken by governments

Original text: *Reaffirming* that emergency measures taken by governments in response to the COVID-19 pandemic should be necessary, proportionate to the evaluated risk and applied in a non-discriminatory way, have a specific focus and duration, and be in accordance with the State's obligations under applicable international human rights instruments; [based on OHCHR COVID-19 Guidance, Emergency Measures]

Proposal: [This paragraph and each of the criteria specifically mentioned in it are amongst the most essential elements in the draft. The paragraph should furthermore be strengthened as follows (additional elements based on the OHCHR Guidance¹ and Human Rights Committee statement²)

Reaffirming that emergency measures taken by governments in response to the COVID-19 pandemic should be necessary, proportionate, non-discriminatory and non-arbitrary, have a specific focus and duration, include safeguards such as sunset or review clauses with a view to ensuring the return to ordinary laws as soon as the emergency situation is over, be subject to independent review, and be in accordance with the State's obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, and consistent with the prohibition of any derogation of certain rights;

2. Expansion of the list of groups in vulnerable and marginalized situations set out in PP5

Original text: Deeply concerned that the COVID-19 pandemic perpetuates existing inequalities and that persons most at risk belong to groups in vulnerable and marginalized situations, including older persons, migrants, refugees, internally displaced persons, persons with disabilities, persons belonging to minorities, indigenous peoples and persons deprived of their liberty and recognizing the need to ensure that women's and children's rights are at the centre of all response measures,

Proposal: [changes based on OHCHR guidance referenced in OP1, under the heading "Leaving No-one Behind"]

¹ https://www.ohchr.org/Documents/Events/EmergencyMeasures_COVID19.pdf

² <https://www.ohchr.org/Documents/HRBodies/CCPR/COVIDstatement.docx>

Deeply concerned that the COVID-19 pandemic and responses to it perpetuate and exacerbate existing inequalities and that persons most at risk belong to groups in vulnerable and marginalized situations, including national, ethnic or religious minorities, indigenous peoples, migrants and stateless persons, displaced persons, and refugees, older persons, persons with disabilities, victims and survivors of contemporary forms of slavery and human trafficking, LGBTI people, people affected by extreme poverty, and persons deprived of their liberty, and recognizing the need to ensure that women's and children's rights are at the centre of all response measures,

3. Strengthen PP7 on equitable access to healthcare and services

Original text: *Further emphasizing* the importance of equitable access to health products necessary to tackle the pandemic, including for the most vulnerable people affected by armed conflict,

Proposal: [Based on the UN Secretary-General's Human Rights Guidance released in April 2020. The right to the highest attainable standard of healthcare requires non-discriminatory access to health care as well as to health products and equitable access to services and materials for hygiene and sanitation, along with accurate and timely information are all life saving measures]

Further emphasizing the importance of equitable and timely access to health care products and services, including reproductive health services, water and sanitation, food, accurate information, and other essential services necessary to tackle the pandemic, including for the most vulnerable people affected by armed conflict,

4. Additional PP to address impact on women and girls (new PP)

Proposal: [Based on the UN Secretary-General's Human Rights Guidance released in April 2020]

Recognizing that entrenched gender discrimination, higher socio-economic vulnerability, exacerbated domestic violence in lockdowns, and roles as caregivers and medical workers has led to higher exposure and more precarity experienced by women,

5. Additional PP to reference the essential role of civil society and human rights defenders (new PP)

Proposal: [based on statements by the High Commissioner and on OHCHR COVID-19 Guidance]

Recognizing the essential role played by civil society and human rights defenders and the need to incorporate their perspectives, voices and knowledge, including ensuring their representation, meaningful participation and leadership in the response to and recovery from COVID-19,

6. Additional PP to express concern about human rights violations in the context of States' responses to COVID-19 (new PP)

Proposal: [Based on concerns repeatedly expressed by the High Commissioner and Special Procedures about violations in the context of COVID-19 response measures]

Deeply concerned by reports of human rights violations and abuses within the context of measures adopted in response to the COVID-19 pandemic,

7. Strengthen the reporting set out in OP4

Original: *Requests* the United Nations High Commissioner for Human Rights to prepare a report on the impact of the COVID-19 pandemic on the enjoyment of human rights around the world, including good practices, and to present the report to the Council at its 46th session;

Proposal: [Reference to an interactive dialogue is necessary to ensure the report can be discussed; an “enhanced” interactive dialogue would facilitate the participation of relevant Special Procedures and UN agencies, so we suggest to]

Requests the United Nations High Commissioner for Human Rights to prepare a report on the impact of the COVID-19 pandemic on the enjoyment of human rights around the world, including good practices , and to present the report to the Council at its 46th session followed by an enhanced interactive dialogue;

Endorsing organisations:

1. Asian Forum for Human Rights and Development (FORUM-ASIA)
2. Asian Legal Resource Centre (ALRC)
3. Cairo Institute for Human Rights Studies
4. Center for Reproductive Rights
5. Centro de Estudios Legales y Sociales
6. CIVICUS: World Alliance for Citizen Participation
7. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
8. Human Rights House Foundation
9. Human Rights Law Centre
10. Human Rights Watch
11. International Commission of Jurists
12. International Service for Human Rights (ISHR)
13. Quaker United Nations Office
14. Réseau Ouest africain des Défenseurs des Droits Humains/West African Human Rights Defenders' Network
15. Women's International League for Peace and Freedom