

COVID-19 AND HUMAN RIGHTS

REPORT - JUNE 2021



ACRONYMS

AADH : Alliance des Avocats pour les Droits de l'Homme

ACAT France: Action des chrétiens pour l'abolition de la torture

AFCNDH: Association francophone des commissions nationales des droits de l'Homme

Agir ensemble : Agir ensemble pour les droits humains

ASF France: Avocats sans frontières France

CCEM: Comité contre l'esclavage moderne

CFDA: Collectif des familles de disparus en Algérie

ECPM: Together against the death penalty "Ensemble contre la peine de mort"

ERIM: Equal Rights & Independent Media

ESCR: Economic, Social and Cultural Rights

ESUS : Social Utility Entreprise "Entreprise solidaire d'utilité sociale"

EU: European Union

FEMED: Euro-Mediterranean Federation against Enforced Disappearances "Fédération euro-méditerranéenne contre les disparitions forcées"

FIACAT : International Federation of ACATs

NGO: Non-governmental organisation

OIAD : International Observatory for Lawyers "Observatoire International des Avocats"

PDH: The French Platform of Human Rights NGOs "Plateforme Droits de l'Homme"

RSF: Reporters Without Borders / Reporters sans Frontières

SIL: Solidarité Internationale LGBTQI+

TLP: Tournons La Page

THB/L : Trafficking in human beings for the purpose of labour exploitation

UDHR: Universal Declaration of Human Rights

VCHR : Vietnam Committee on Human Rights

WCADP: World Coalition Against the Death Penalty

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PDH PRESENTATION



The French Platform of Human Rights NGOs “Plateforme Droits de l’Homme - PDH” is a collective of French NGOs working internationally for the promotion and defence of human rights. It was created in response to the absence of such a network in France offering a permanent space for exchange and collaboration for French NGOs working on these issues at the international level. It allows members to increase their visibility, representation, networks, as well as mutually reinforce each other.

The Platform was officially created in September 2017 as an initiative by 12 NGOs who have their headquarters in France. As of 1 June 2021, the PDH has 25 members. Its objective is to strengthen the collective dynamics and the effectiveness of organisations working in the field of international human rights defence.

The PDH brings together non-profit organisations and ESUS, head offices or French-based representatives office, legal representation, who are committed to the field of human rights at international level, around the following objectives:

- To promote the representation and visibility of its members with French public authorities or any other public or private, national or international partner on issues related to the promotion and defence of human rights.
- Develop interfaces for dialogue between members by encouraging the pooling of resources, skills and tools at their disposal.
- To strengthen the capacity and effectiveness of members as key actors in the promotion and defence of human rights in their organisational and development practices.



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EXECUTIVE SUMMARY

Representing human rights organisations working internationally, The French Platform of Human Rights NGOs "Plateforme Droits de l'Homme" seeks to identify the impact of the current pandemic on human rights around the world and on the work of activists and civil society organisations committed to defending them.

FACED WITH THE HEALTH CRISIS, SECURITY DISCOURSE AND REDUCTION OF CIVIC SPACE

In many countries, the outbreak of the virus has been an opportunity to tighten the legal grip on fundamental freedoms and to reinforce a security discourse that is dangerous for human rights and democracy, with one of the obvious consequences being the reduction of civic space. This is a trend that can be observed on all continents. While the end of 2019 saw large social movements in many countries (1), there has been a significant backlash since the start of the pandemic, including a significant increase in the arrest of activists, human rights

defenders, journalists and whistleblowers (2). Moreover, with the numbers of the virus' spread attracting much of the attention, propaganda speeches have been made in many countries (3) (4), freedom of expression has been curtailed (5), all in the context of the 'international community's' human rights vigilance, which has focused more on the health aspects of the crisis.

1-Bourcier, N., Dagorn, G., Leclerc A., Thibault H., (8 November 2019). Du déclencheur local à la révolte globale : la convergence des luttes dans le monde. Le Monde. https://www.lemonde.fr/les-decodeurs/article/2019/11/08/du-declencheur-local-a-la-revolte-globale-la-convergence-des-luttes-dans-le-monde_6018514_4355770.html

2- Amnesty International. (2020). Covid-19 Crackdowns: Police Abuse and the Global Pandemic. <https://www.amnesty.org/download/Documents/ACT3034432020ENGLISH.PDF>

3- Abdelhalim A. (2 July 2020). Egypt. Fighting "Evil People" Rather Than Covid-19. Orient XXI. <https://orientxxi.info/magazine/egypt-fighting-evil-people-rather-than-covid-19,4011>

4- Von Hein, S. (9 March 2020). Coronavirus in Iran: A case of misinformation, conspiracy theories and propaganda. Deutsche Welle. <https://www.dw.com/en/coronavirus-in-iran-a-case-of-misinformation-conspiracy-theories-and-propaganda/a-52695116>

5- Civicus. (2021). Freedom of Expression and the COVID-19 pandemic: A snapshot of restrictions and attacks <https://monitor.civicus.org/COVID19May2021/>

ISOLATION OF HUMAN RIGHTS DEFENDERS

Ensuring respect for human rights and raising awareness of human rights violations has been difficult because civil society's voice has been stifled in regional and international forums. On the front line, human rights defenders are suffering from the international isolation brought about by the crisis, even though some are facing greater threats than usual. Michel Forst, former UN Special Rapporteur on the situation of human rights defenders (2014-2020), nevertheless insists on the technological possibilities offered by the crisis which could eventually better connect defenders to the rest of the world.

INCREASING COMPLEXITY OF ACCESS TO ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ESCR)

The pandemic revealed the lack of attention to ESC rights worldwide.

The health crisis has highlighted the social problems in Morocco and the lack of social protection in sub-Saharan Africa, although some progress is being made on a case-by-case basis. In some countries, contraceptive services or simple medical follow-ups have been reduced. In addition, it should be noted that already vulnerable populations have become more exposed (6) and their living conditions more precarious. The multifaceted crisis, not only in terms of health but also in terms of the economy and politics, has thus exposed the structural weaknesses of many countries.

MANY SECTORS AFFECTED BY THE UNDERMINING OF HUMAN RIGHTS

The relative lack of interest in human rights issues and less media coverage has affected a number of different sectors. Repressive policies have been reinforced with a consequent increase in arbitrary arrests, enforced disappearances and police violence in many countries. On the judicial side, the brutal closure of courts at the beginning of the health crisis led to a backlog of cases and numerous delays in proceedings. The weakening of actors such as lawyers has contributed to a weakening of judicial support.

6- Among others: internally displaced persons, migrants, people with disabilities, economically and socially disadvantaged people, etc.

The number of executions decreased in 2020. Some countries have commuted prison sentences or granted pardons. Chad joined the list of abolitionist countries. Egypt executed 78% more people in 2020 than in 2019 (7). Some states have normalised the remote imposition of death sentences, in clear disregard of the right to a fair trial.

In prisons, releases in many countries have reduced overcrowding. Significant decreases in the number of prisoners in the early months of the pandemic proved to be short-lived. Violations of fundamental rights persisted: the use of solitary confinement increased, links with families were weakened, and access to health care was inadequate.

Some populations, such as victims of forced labour or LGBTQI+ people, have suffered from increased isolation as a result of travel restrictions, despite being very isolated before the pandemic.

Finally, the support role of non-governmental organisations (NGOs), which is vital for vulnerable populations in France, has been weakened: emergency accommodation and assistance to migrant populations have suffered from the cumbersome procedures linked to the health crisis, and sometimes even from the complete cessation of care. Psychological support, made difficult by the distance and the impossibility of meeting, has also been at a low ebb since the beginning of the pandemic.

LARGE IMPACT ON THE WORK OF FRENCH NGOS: BETWEEN DIFFICULTIES AND ADAPTATIONS

The generalisation of remote work and travel restrictions has disrupted the internal organisation of French NGOs and caused delays or even the cessation of certain activities. This way of working has generated psychological difficulties for staff, although the habits acquired during more than a year of health crisis have made this last point less significant over time. At the operational level, the severing of links with partners on the ground and the impossibility of travelling made it more difficult for NGOs to document cases of human rights violations and to support their partners in the field. Monitoring information and developments on the ground became complicated and some activities were simply no longer possible. Advocacy is no longer as easy as it used to be, given the blockage of many of the traditional channels to the decision-making spheres. While the new virtual tools popularised by the crisis could improve working methods, there is a need for NGOs to complement them with technical training. Smaller, more flexible organisations have been less affected by these internal changes. PDH members have also been able to adapt by digitising many activities such as web conferences and online awareness raising.

7- Amnesty International. (2 December 2020). Egypt. La hausse alarmante des exécutions révèle la gravité de la crise des droits humains. <https://www.amnesty.org/fr/latest/news/2020/12/egypt-chilling-rise-in-executions-reveals-depth-of-human-rights-crisis/>

BETWEEN RENEWED STABILITY AND UNCERTAINTY: AN UNCLEAR FINANCIAL SITUATION

From a financial point of view, some organisations are in a stronger position than they were before the pandemic, due to the absence of expenses related to travel abroad or hosting partners in France. However, the observed drop in donations from individuals, the slowing of the search for funding induced by the pandemic, the end of the short-time working scheme in France, the extension of projects for the same budget and the lack of new projects could weigh on the financial health of other NGOs in the near future. The crisis has also revealed new funding needs in relation to changes in the organisation of NGOs and their support function: IT, training or human resources expenditure. The perception of the French state's support to NGOs is mixed: while some felt supported, others deplored a real lack of support throughout the crisis. On the other hand, the support of the European Union (EU) is generally well perceived. While EU projects are generally available to larger organisations, smaller organisations may have felt more abandoned by their national funders. While some of the latter have tried to reduce their budgets under the pretext of a context conducive to lower spending, most

have been flexible and understanding in their support to NGOs, such as the French Development Agency (AFD), even if the co-financing rates, although modified in 2020 and 2021, still have a negative impact on the implementation of projects for many PDH member organisations. They are still calling for more consultation to fully identify their specific needs in the face of a new kind of crisis.

PARTNERS IN THE FIELD IN DIFFICULTY BUT SUPPORTED BY FRENCH NGOS

NGOs' partners in the field have experienced a difficult year marked by an increase in their international isolation: carrying out their activities normally became impossible due to the various restrictions put in place by local governments. Additionally, low level of appropriation of issues related to Covid-19 sometimes occurred due to contradictory and sometimes misleading information. On the other hand, for some organisations, this crisis was an opportunity to obtain funding for short-term projects, thereby building legitimacy that will be useful for setting up future projects.

CONCLUSION AND RECOMMENDATIONS

CONCLUSIONS

Representation of human rights civil society organisations in international and regional forums

C.1 NGO representation in international and regional forums has declined since the beginning of the pandemic, with human rights issues taking a back seat.

While some HRDs have been able to benefit from the digitalisation of exchanges for more than a year, others are increasingly isolated.

RELATED RECOMMENDATIONS

For a better representation of civil society organisations in international and regional bodies

To international and regional bodies dealing with human rights issues and to the French authorities:

R.1.1 Organisation of meetings with NGOs prior to the sessions held in the bodies.

R.1.2 In partnership with NGOs, develop a French strategy to support human rights.

R.1.3 Sanctuarize human rights issues in the agendas of these sessions.

R.1.4 Encourage States participating in these meetings to create a human rights visa to facilitate the physical participation of defenders in the meetings of these bodies.

CONCLUSIONS

Human rights NGO dialogue with France and the European Union

C.2 France was seen as weak in its support for human rights NGOs, while the European Union appeared to be supportive. Human rights NGOs have identified a need for French authorities and the European Union to take better account of their specificities and those of their partners.

RELATED RECOMMENDATIONS

To the French authorities

R.2.1 Strengthen the co-construction of the French agenda for international solidarity and human rights at the European and international levels by better including French human rights NGOs in existing mechanisms (CNDSI, etc.) and by creating a human rights commission in the National Assembly and the Senate.

R.2.2 Creation of a consultation framework involving human rights NGOs and the French Ministry of Europe and Foreign Affairs divided by geographical area with regular meetings where human rights issues are on the agenda.

R.2.3 Creation of a governance and human rights referral function within the embassies and offices of the French Development Agency (AFD).

R.2.4 Creation of a human rights visa to facilitate the physical participation of human rights defenders in international meetings held in Europe.

To the French and European authorities

R.2.3 Take more account of the needs of NGOs in the current context through regular and facilitated online meetings.

CONCLUSIONS

Financial support to human rights NGOs

C.3 Donors integrate COVID aspects into the design of new projects as new human rights issues in operational terms emerge for NGOs.

RELATED RECOMMENDATIONS

To the French and European authorities

R.3.1 Adapting budgets accordingly without a specific focus on the health angle of the crisis, in particular by allowing extensions of projects with additional funds.

R.3.2 Allocation of additional funds ensuring the transition of NGOs, including smaller ones, to digitalisation through training and access to IT resources.

To the French authorities

R.3.3 100% funding of human rights projects to enable NGOs to better focus on project implementation

R.3.4 Project funding at micro and meso level with light project monitoring adapted to structural constraints for small and medium sized NGOs.

REPORT METHODOLOGY

In order to take advantage of the strength of our collective, we decided to build this report mainly on the expertise and experience of PDH member organisations. We sent out a questionnaire (8) to each of these organisations that focused on a number of different issues, and here is an overview of the issues we wanted to discuss with them:

- Perception of the human rights situation during a pandemic ;
- Positive impacts ;
- Negative impacts ;
- Testimonies.

To do this, we decided to take the framework used to design the previous report, published in June 2020 in French (9) and English (10), and enrich it to better take into account the impact of more than a year of pandemic on human rights issues:

Once the response phase was over, we proceeded to analyse the responses and began writing this report. Finally, we have sometimes chosen to rely on external sources that we felt were relevant in order to complement and enrich the analysis made by the member organisations.

8- See annex in the "Resources" section of the Platform website.

9- Human Rights Platform. (2020). COVID-19 et droits de l'Homme : Les impacts et les conséquences de la pandémie. https://www.platformedh.fr/wp-content/uploads/2020/06/PDH_covidetDH-1.pdf

10- Human Rights Platform. (2020). COVID-19 and Human Rights: Impacts and consequences of the pandemic. <https://www.platformedh.fr/wp-content/uploads/2020/07/PDH-CovidandHumanRights.pdf>

INTRODUCTION

INFORMING AND ALERTING

Since March 2020, humanity has faced a challenge of colossal proportions not seen for a century and the merciless Spanish flu: a pandemic.

Masked and at times deprived of our freedom of movement, we have seen the world come to a halt and slowly restart a constant battle against an enemy as invisible as it is formidable. From these unique experiences, which form a common experience for generations, the multifaceted crises that the citizens of our planet are experiencing have a profound impact on our lifestyles, our work and our various commitments. The defence and promotion of human rights, a field that is often relegated to secondary importance in many parts of the world, has not escaped these upheavals. The actors who make it possible to bring this ideal to life on a daily basis have had to make even greater efforts at a time when their isolation and the weak echo of their voices, masked by the health and security discourse, are weighing on them. In addition, the pandemic has also seen the hardening of many regimes, the undermining

of human rights and a sharp decline in democracy in various parts of the world, often in the name of the fight against the Covid-19 virus. The valuable role played by these human rights defenders and civil society organisations, who are deeply committed to societies that are more respectful of our fundamental rights, therefore appears more necessary and vital than ever. As a collective of 25 French organisations engaged in the promotion and defence of human rights internationally, we are deeply convinced of the importance of reporting on the problems posed by these long months of pandemic on the action of our partners in the field and their impact on our daily work. Behind the short-term, health-oriented view, which is essential in these times of crisis, we must not lose sight of the significance of what is going on in the background, and whose consequences will be felt in the coming years.



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“Behind a short-term and sanitary vision, indispensable in these times of crisis, we must not lose sight of the scope of what is being played out in the background, with little fanfare, and whose consequences will be felt in the coming years”

I. HUMAN RIGHTS DEFENDERS IN 2020/21

1.1 GLOBAL SITUATION

FRAGILISATION OF HUMAN RIGHTS

In most countries across the world, travel restrictions (curfews, lockdowns, etc.) have been put in place to combat the circulation of Covid-19, sometimes to extreme proportions, as demonstrated by the strict lockdowns in Wuhan and those in France, Spain and Italy in March 2020. In contrast to the hyper-mobility of a globalised world, these provisions have severely restricted the civil liberties of many citizens. Faced with the difficult implementation of such demanding measures for the population, some governments have not hesitated to use force.

“This need to promote health success stories around the world tends to neutralize the critical spirit of the international 'community' which sometimes comes to relay the various national propaganda”

Similarly, many leaders have used the apparent urgency of the health situation to justify restrictions on the right to protest, whether these protests are related to the health situation or to more social issues.

Human rights are not normally the focus of the international 'community' in foreign policy. The pandemic has further diminished the attention given to this topic as the international community has focused entirely on resolving the health crisis and controlling the epidemic. For example, the richer countries focused more on keeping Brazil's Covid-19 variant at bay than on the deplorable human rights situation in Jair Bolsonaro's Brazil.

"The supposed success of the Vietnamese authorities' management of the pandemic has allowed Vietnam to enjoy a certain amount of admiring complacency. The international press, some international organisations and some states have praised this management, taking Hanoi's claims at face value".

The Vietnam Committee on Human Rights (VCHR) denounces the discrepancy in the current context, in which countries known for their weak commitment to human rights are given brownie points by a concert of nations obsessed with respect for iron sanitary discipline that would offer the prospect of a sustainable recovery of national economies. Worryingly, this need to highlight health success stories around the world tends to neutralise the critical spirit of the international 'community', which comes to relay the various national propaganda. The case of Vietnam also illustrates the absence of dissenting voices on official figures following active censorship of the social network Facebook, which decided to accede to the demands of the local government. Aware of the opportunity offered by this long-running health crisis, some governments are therefore trying to make people forget their poor human rights record and restore their image. It is also an opportunity to "justify a control and surveillance system a posteriori" by basing its acceptability on the fact that it would be "effective in managing the health crisis", as the VCHR explains.

“Some governments have taken great pains to censor any information questioning the reality of the epidemic and their management of it”

The battle over the epidemic's figures, which can be used to decide who is good or bad, has raged throughout the year. In an effort to control their communication, sometimes to the point of flirting with propaganda, some regimes have censored any information that questions the reality of the epidemic and their management of it.

Freedom of expression has thus been severely affected since the pandemic was interrupted, following the example of Chinese doctor Li Wenliang, who became a whistleblower after sharing images on WeChat, a popular messaging application in China, suggesting the appearance of a new coronavirus in December 2019. After spotting him through his online activity, the authorities forced him to censor himself by publicly

acknowledging that he was disrupting the public order: by restricting freedom of expression, the Chinese regime delayed the discovery of the virus and lost precious weeks before it began to circulate. Activists and journalists alike have had to double down on their efforts to keep the world's citizens informed in a factual manner, with Reporters Without Borders reporting a fourfold increase in the number of arbitrary arrests and detentions of journalists between March and May 2020.

More generally, leaders of countries whose quality of democratic life and extent of civic space have been considerably restricted in recent times have also taken advantage of reduced vigilance by the international 'community' to accentuate these trends. "The pandemic has been an excuse for severe restrictions on civic space, resulting in bans on gatherings, travel and visits by people in prison," says the international citizens' movement Tournons La Page (TLP). In Guinea and Côte d'Ivoire, the health context has thus served as a pretext for Presidents Alpha Condé and Alassane Ouattara to limit freedom of expression and demonstrations in the run-up to the presidential election. Criticised by the population for ignoring the unwritten and democratic rule of limiting themselves to two consecutive terms, these presidents were able to be re-elected without hindrance and bring their fellow citizens to heel.

11- Reporters sans frontières (14 décembre 2020). Bilan RSF 2020 : une augmentation de 35% du nombre de femmes journalistes en détention arbitraire. Reporters sans frontières.
<https://rsf.org/fr/actualites/bilan-rsf-2020-une-augmentation-de-35-du-nombre-de-femmes-journalistes-en-detention-arbitraire>

“The gap is widening between the realities on the ground and political decisions”

In Africa, although less affected by the pandemic compared to the rest of the world, the restriction of freedoms has frequently been accompanied by police violence and arrests, which have increased significantly. Taking advantage of the economic blindness of their international partners, some regimes have even put in place liberticidal legislation, such as Niger, who adopted a law on data interception in June 2020. In Turkey, where Recep Tayyip Erdoğan's hyper-presidential regime is well established, offensives have focused on freedom of expression and women's rights, with timid international denunciations to boot.

This narrowing of civil society is reflected in the low level of civil society involvement and participation in regional and international fora where human rights violations are normally discussed. In fact, this essential transmission belt between civil society organisations, human rights defenders and regional and international organisations has seized up. Faced with the weak translation of human rights needs into decision-making bodies, it is difficult for civil society not to have the feeling that "the gap between the realities on the ground and political decisions is widening", as the International Federation of ACATs (FIACAT) puts it.

The restrictive nature of confinements and curfews has made the situation of already isolated populations even more difficult, cutting them off almost completely from potential support. For example, LGBTQI+ people living in countries where sexual orientation can lead to social ostracism have felt the full impact. Similarly, victims of forced labour have felt the weight of exploitation and control over them by their exploiters even more, with little social connection and support disappearing with their relative freedom of movement.

The health crisis did not stop at the doors of courts or prisons. The suspension of hearings, the slowing down of proceedings and the closure of courts have created a prolonged limbo. The situation of congestion observed in many judicial systems has worsened. The economic undermining of lawyers, who are central actors in legal support, has handicapped their daily work and compromised the ideal of fair legal representation for their clients.

The situation in prisons has received attention rarely seen before. The overcrowded facilities had all the characteristics of time bombs, ready to act as an accelerator of the virus. Prison populations declined rapidly as a result of sentence adjustments, pardons and fewer incarcerations. These decisions have been driven by health concerns, and demands for human rights, which have been made for decades, have not carried much weight. Those who could not benefit from releases remained detained in often unhygienic, isolated conditions. For some, the suspension of family visits meant the end of food parcels and a break in the supply of medicines. Activities and odd jobs were interrupted, links with the outside world were severed, recourse to isolation increased: prisoners endured what Prison Insider described as "confinement within confinement".

Overall, the Covid-19 pandemic has dealt a severe blow to human rights around the world. The result has been a decline in democracy in 70% of the countries surveyed by The Economist's Intelligence Unit for its 2020 Democracy Index (12). The latter shows the worst performance since the index was created in 2006. More than ever, it is necessary to affirm, as Agir ensemble does, that "human rights are not abstract legal concepts".

HEALTH & ECONOMIC CRISIS: VULNERABILITY AND ACCESS TO ECONOMIC, SOCIAL AND CULTURAL RIGHTS (ESCR)

The global health crisis in which we have found ourselves since the beginning of 2020 has led to the application of measures that severely restrict travel in order to combat the circulation of the virus. These measures have caused a lasting slowdown in the productive apparatus of many countries due to the difficulty of working because of long confinements, standardised curfews or the generalisation of remote work. The crisis has rapidly become multi-faceted - health and economic - and has increased the vulnerability of certain populations and considerably complicated their access to ESC rights.

12- The Economist Intelligence Unit. (2021). Democracy Index 2020: In sickness and in health?. <https://www.economist.com/graphic-detail/2021/02/02/global-democracy-has-a-very-bad-year>

With an epidemic epicentre in Europe in the first months of 2020, Covid-19 has highlighted the disastrous consequences of cost-cutting policies pursued for several decades in countries considered among the most developed in the world. The constant closure of ICU beds in recent years has highlighted inadequate access to care in times of health crisis. Accounts of triage of patients according to severity of condition and age - with older populations being more affected by severe forms of coronavirus disease - have become common despite their apparent incompatibility with systems that are presented as generous and protective of the majority.

In other parts of the world, "the pandemic has exacerbated inequalities and highlighted the neglect of the progressive realisation of ESC rights" according to Human Dignity. Solidarité Internationale LGBTQI (SIL) believes that "socio-economic conditions have deteriorated with the crisis" and points to the example of Lebanon, where a deep and multi-faceted crisis was already underway at the time of the arrival of the virus, which worsened the living conditions for a large part of the population on a daily basis. Acting as a revelation, the harshness of the first lockdown was able to highlight the precariousness that affects large sections of the population in many countries. The Comité contre l'esclavage moderne (CCEM) describes the case of Morocco, where the authorities finally had to "acknowledge the problem and take far-reaching measures". However, while these measures were welcome for the most vulnerable populations, they ignored the dignity of the people being helped, with reports of raids on places

"In other parts of the world, the pandemic has exacerbated inequalities and highlighted the neglect of the progressive realisation of ESC rights"

frequented by homeless people in order to move them to temporary accommodation.

More generally in sub-Saharan Africa, Human Dignity notes that "the COVID-19 pandemic has also highlighted the critical situation of the right to social protection" and "revealed the lack of commitment of states to implement this fundamental right". Some support funds for the poorest populations have emerged, but their eligibility conditions remain unclear and their duration very short compared to the support available to European populations, for example. As informality is a reality in many economies, the pandemic has had a double impact on all those involved in informal petty trade: government restrictions prevent them from practising their trade without financial support to compensate for their loss of income.

“From the lack of social protection to the lack of medical infrastructure and the blatant isolation of rural areas, the health crisis highlights the difficulty of the populations concerned to assert their ESC rights”

Human Dignity reports on cases of workers in the Democratic Republic of Congo and Senegal, among others, who have been hard hit. In the latter country, artisans and fishermen have swelled the ranks of illegal immigrants because of the impasse they have reached. Countries such as Togo, Mozambique and Madagascar have, however, innovated and acted in the direction of a certain social protection. While they claimed not to have sufficient resources to guarantee a social safety net for their populations, the pandemic has pushed them to ensure the protection of their populations by drawing on their own resources or development aid.

Traditionally marked by vulnerability and precariousness, displaced and migrant populations have seen their ESC rights particularly affected by the pandemic. For example, the nearly 300,000 people displaced in Mali due to the country's long security crisis, more than 50% of whom are children, see their precariousness continue and do not perceive any improvement in their living conditions due to a delay in the implementation of their rights to water, housing or health. In France, health and medical support for migrant populations has practically ceased, often leaving them facing the dangers of a life of wandering.

Finally, the health crisis has taken a heavy toll on rural areas in countries already struggling to implement ESCR. Mozambican women cannot rely on the continuity of abortion and contraceptive services due to lack of information, while the inhabitants of the Togolese town of Kara risked clandestinely crossing the officially closed border with Benin in the hope of benefiting from medical support that was impossible to find at home.

While the most developed countries have not necessarily excelled in managing the health crisis, and even in these countries access to basic social services has declined, the pandemic has highlighted more than ever the structural weaknesses of many countries in the world. From the lack of social protection to the lack of medical infrastructure to the blatant isolation of rural areas, the health crisis highlights the difficulty for the populations concerned to assert their ESC rights.

HUMAN RIGHTS DEFENDERS

The term "human rights defender" means any person who, individually or in association with others, works for the promotion or protection of human rights in a peaceful manner.

Office of the United Nations High Commissioner for Human Rights (13)

The end of 2019 had seen a wind of revolt blowing through countries on the verge of social explosion such as Lebanon, Iraq, Chile or Algeria, but the irruption of the virus constituted a backlash to the movements that were agitating them. In Algeria, for example, the "Hirak" guaranteed regular media coverage of arbitrary arrests. However, by March 2020, many activists, journalists, protesters and campaigners had been arrested, as the health crisis distracted attention from the social movement. Even in countries where the virus has not been a major problem, the authorities have been able to use the virus as a pretext to attack human rights defenders. For example, TLP denounces the arrest of some fifteen activists "during a demonstration on 15 March 2020, which was severely repressed by the forces of law and order, allegedly because of the risk of the virus spreading", even though "no case of the coronavirus had been declared at that time in the country". Moreover, the arbitrary arrest of these activists puts their health at risk, as the aforementioned overcrowding exposes them to infection with Covid-19.

The International Observatory for Lawyers (OIAD) reminds us that some defenders, such as lawyers, are cut off from valuable international solidarity and feel the burden of isolation in countries where they struggle daily to improve judicial processes. Committed citizens, who use modern information channels to denounce human rights violations, also find it very difficult to carry out their mission.

13- About Human Rights Defenders. Office of the United Nations High Commissioner for Human Rights. <https://www.ohchr.org/FR/Issues/SRHRDefenders/Pages/Defender.aspx>

14- This could be translated as "the movement".

“The isolation caused by the global health crisis makes it difficult for civil society organizations in other countries to support human rights defenders”

The ongoing censorship in Vietnam, mentioned earlier, has resulted in a series of mass arrests of bloggers and social network users who, in their own small way, were helping to expose their leaders' lack of commitment to human rights. While raising such a dissonant voice has always been risky, the VCHR believes that the current campaign of repression against those who try to counter government propaganda is unprecedented in the country's recent history. In addition to well identified dissidents, it is also more anonymous users who are now facing heavy penalties for their civic engagement. Although emblematic, Vietnam is far from being an isolated case. Indeed, in the Middle East, Asia and Africa, Action des chrétiens pour l'abolition de la torture (ACAT France) note an increase in the "persecution of defenders and whistleblowers in connection with the pandemic". In the face of these threats, the isolation induced by the global health crisis makes it difficult for civil society organisations to support human rights defenders from other countries.

The ongoing need - probably more now than ever due to the disorienting context - for training of human rights activists can hardly be met, as organising such events becomes difficult.

On the other hand, the representation of defenders in the international and regional spheres seems to benefit from the multiplication of online meetings, which avoids having to travel to countries where travel conditions are difficult (lack of infrastructure, insecurity). However, FIACAT tempers this observation by mentioning the persistence of a digital divide in many regions of the world. It cites the example of the 66th session of the African Commission on Human and Peoples' Rights, which took place entirely online in July 2020 and where there was a "50% drop in civil society participation compared to the previous session". Thus, while some human rights defenders finally have better access to decision-making and protection bodies thanks to the dematerialisation of exchanges, others see the infrastructural weakness of their region reinforcing their isolation.

Human rights defenders face daily threats in countries that are hostile to their civic engagement. The pandemic and the health crisis further constrain their actions. Unable to benefit from the precious solidarity of foreign civil society organisations, which manifests itself in various forms (media coverage, legal support, training, etc.) and unequally represented by the international and regional bodies that could protect them, their situation should alert us.

INTERVIEW WITH MICHEL FORST



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Michel Forst is the United Nations Special Rapporteur on the situation of human rights defenders between 2014 and 2020, former director of Amnesty International France and the driving force behind the first World Summit of Human Rights Defenders. We met him to get his impressions on the current situation.

Your term ended in March 2020 (when many countries were going into lockdown) but the virus had been circulating since late autumn of the previous year, did the pandemic affect your work?

Not directly because I was able to complete the missions and visits I had planned, including a major piece of work in Peru that ended in February 2020. I only had to cancel a mission to Brazil - which included meetings with indigenous people in the Amazon - as we felt it posed a risk of spreading the virus to these communities.

While I was presenting my report on human rights in Geneva, access to the Palais des Nations [the European headquarters of the United Nations] was gradually restricted and eventually closed to civil society organisations. However, I was able to conduct my last official meeting with women human rights defenders in Iraq.

After a year of global life disrupted by Covid-19, what do you see as the major human rights consequences of the pandemic?

We have seen the emergence of security measures everywhere, perhaps necessary to fight the pandemic, but accompanied by many laws restricting civil liberties. From the beginning, we received messages from all countries (from Pakistan to Europe, through the Middle East and Africa) denouncing the restriction of spontaneous demonstrations to demand better health management (denouncing the important lack of masks in the country for example). Today, these restrictions are still maintained in many countries.

In addition, access to funding remains complicated for civil society organisations, making the work of defenders more difficult. Finally, the state of emergency laws passed in many countries have affected the work of human rights defenders. On the other hand, the situation has had a positive effect with the sharp increase in digital communications. Digital technology allows everyone to communicate more quickly, especially for those who were furthest from the capitals.

Given the technological inequalities in the world, has the context of 'digitisation' of exchanges had an impact on the reporting of civil society organisations and human rights defenders in some countries?

The extreme poverty of some regions has not been a factor in enabling them to communicate better. However, it should be noted that defenders who were in very remote areas are now participating in webinars, which was not the case at all before. There is now a whole facility on Signal and other secure exchange applications that allows them to be better connected to other defenders in their country. Despite some technical problems, these defenders are nevertheless present on the Internet and in dialogue with non-governmental organisations and the United Nations.

I am in frequent contact with my successor, Mary Lawlor, who tells me that she could answer 50 messages a day inviting her to attend a meeting or training seminar if she wished. Although she can no longer travel as much due to the inability to provide the security necessary for the rapporteur's missions, she remains in contact with many defenders, to the extent that she has been able to add to her team of staff who are now dedicated to communicating with them digitally. Mary Lawlor believes that this new way of communicating will last as defenders have become accustomed to what is a security advantage for them: they can now quickly mobilise a network at regional and national level.

For the larger networks, the health crisis does not change significantly. But individual advocates, who did not know how to contact the rapporteur or did not dare to do so, now have a new skill that they can trigger more quickly.

How is the health crisis perceived by the UN Human Rights Council?

In Geneva, work has not yet resumed as before, but as long as countries are represented, diplomatic teams can work, the Council meets regularly and the Universal Periodic Reviews (UPRs) have resumed through a mixed participation alternating between physical and video. The situation is more complicated for the experts who are members of the treaty committees (human rights, rights of the child, etc.), who are elected by the States and come two or three times a year to speak on their subject. These experts feel remote from Geneva and complain about the working conditions, since the dynamics of the treaty committees are based on the ability of a group of experts to work in the same room, in an informal and confidential manner.

It is still difficult to have a global view of the situation because it is analysed more by country: my successor receives many individual communication requests but the typology does not change too much in terms of the types of dangers faced by defenders: forced disappearance, unfair trial, threats, etc.

1.2 SECTOR ANALYSIS

LAWYERS AND ACCESS TO JUSTICE

“The justice system has been greatly affected by the pandemic. It has led to dangerous isolation for both threatened lawyers and imprisoned persons”

The justice system has been greatly affected by the pandemic. It has led to dangerous isolation for both threatened lawyers and imprisoned persons. This disconnection from the outside world and the international community has increased their vulnerability, as lawyers have seen their lives further threatened and their economic situation weakened. COVID-19 has also made access to the law difficult by denying convicts visits from their lawyers, making it more difficult for them to defend themselves. "COVID-19 makes fair legal representation impossible", deplores FIACAT.

The pandemic has not prevented the judicial system from functioning, but it has changed the way it is applied. Judgments have been rendered and sanctions (imprisonment, death penalty, etc.) pronounced by videoconference, and some trials have even been conducted in an expeditious manner.

FIACAT gives an example, in Nigeria, on 5 May 2020: at the end of a trial before the Ikeja court in Lagos a man was sentenced to death for a murder committed in December 2018. His trial lasted only three hours and the sentence was pronounced by videoconference, a development in the procedure that led to the deterioration of an already precarious situation for the convicted, as condemned by ECPM.

Some organisations are concerned about the problems that will arise from these changes. FIACAT warns of the future congestion of courts in the months and years to come, which will lead to delays in cases, particularly those of detainees who cannot afford a lawyer. The CCEM wonders about the risk that investigations will be shortened, or even that requests for acts

ENFORCED DISAPPEARANCES, ARBITRARY ARRESTS, POLICE VIOLENCE AND TORTURE

will be ignored by the judicial authorities in order to make up for the backlog accumulated over the year 2020. Although hypothetical today, such a situation would flout the universal right to access to justice defined by articles 6 to 11 of the Universal Declaration of Human Rights (UDHR). (15)

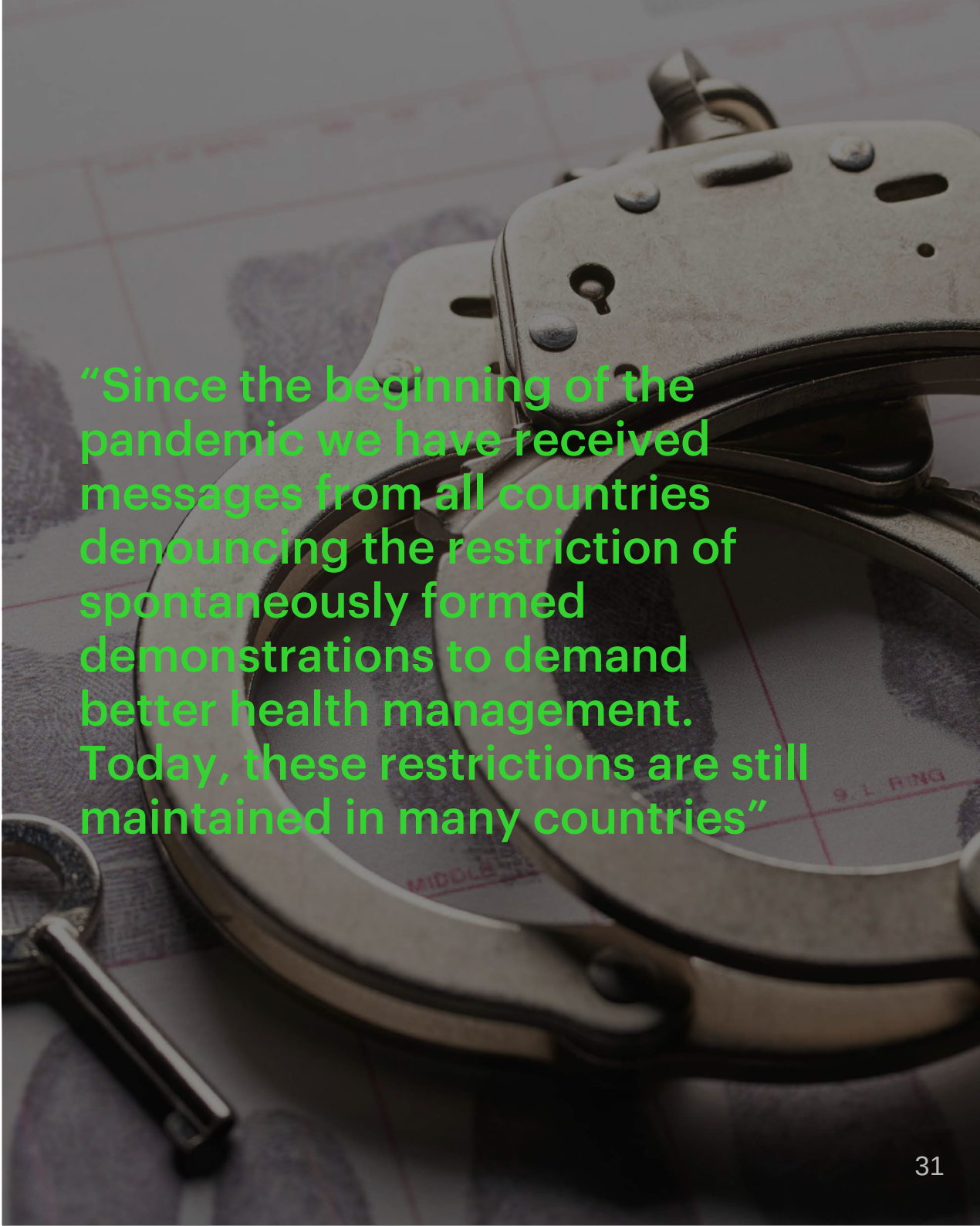
Beyond the judicial system, COVID 19 has had an impact on the pre-judicial system. The Euro-Mediterranean Federation against Enforced Disappearances (FEMED), for example, has noted that the pandemic has led to an increase in human rights violations in its countries of intervention (Algeria, Bosnia-Herzegovina, Cyprus, Spain, Iraq, Kosovo, Lebanon, Libya, Morocco, Serbia, Syria and Turkey). In terms of figures, an increase in enforced disappearances has been noted in Syria and Libya, while in Morocco, arrests have increased. According to the organisation, "the authorities have taken advantage of the crisis to respect human rights less. In Algeria in particular, the Collectif des Familles de Disparus en Algérie (CFDA) noted an increase in the number of arbitrary arrests and abusive convictions of journalists, demonstrators and activists between March 2020 and December 2020.

More broadly during the crisis, some countries tightened national legislation to best deal with the pandemic and used force, sometimes excessive force, to enforce these criticised measures.

15- The Universal Declaration of Human Rights. United Nations. <https://www.un.org/fr/universal-declaration-human-rights/>

From the very beginning [of the pandemic] we received messages from all countries denouncing the restriction of spontaneously formed demonstrations to demand better health management. Today, these restrictions are still maintained in many countries," reports Michel Forst, former UN Special Rapporteur on the situation of human rights defenders.

Some organisations criticised these measures as too restrictive and unjustified. The FEMED reports a clear decline in human rights in Turkey (freedom of expression, women's rights in particular). The aforementioned arbitrary arrests of 15 activists in Niger, denounced by TLP, are also evidence of a certain political opportunism. For its part, CCEM reports that its partners in the field have witnessed cases of detention of people, particularly foreigners, who were unable to comply with the lockdown (need to go to work or absence of residence, for example). Finally, the prohibitions on movement and the closure of borders may have made it impossible for organisations such as FIACAT to monitor and document cases of human rights violations, even though they were increasing.



“Since the beginning of the pandemic we have received messages from all countries denouncing the restriction of spontaneously formed demonstrations to demand better health management. Today, these restrictions are still maintained in many countries”

MODERN SLAVERY AND HUMAN TRAFFICKING

According to the CCEM, the impact of the pandemic on the phenomenon of trafficking in human beings for the purpose of labour exploitation (THB/L) can be observed at different levels. Firstly, the difficulties associated with THB/L are multiplied with confinements that further isolate victims currently in exploitation. THB/L is indeed made possible by the strong hold exerted by perpetrators on their victims. Since the work to which the victims are forced is mainly carried out behind closed doors (private homes, clandestine workshops, restaurant cellars, fishing boats, etc.) or in remote locations (agricultural areas, factories, etc.), the victims have very little contact with society, and the successive curfew and lockdown policies have reinforced this isolation. Those who managed to access some care, French classes or even meet other people - for example, by accompanying their children to school - found themselves completely cut off from the few social links and supports available to them, and their identification by individuals or specialised actors became extremely complex, if not impossible.

For victims exploited in a domestic setting (in private homes), the pandemic may have added to an already stressful workload. The closure of schools and nurseries, short-time working and remote work led exploiters to be even more

present in the home, and thus, for some victims, to increase tenfold the amount of domestic chores and tasks to be done, while at the same time increasing their control by the exploiters during the day.

The question of accommodation is a central issue for victims of THB/L: in 2019, 100% of the victims accompanied by the CCEM depended on their exploiters for accommodation; more than 90% of them lived in their workplace. Thus, if the pandemic did not increase their workload, it resulted in a brutal move to the street: several victims, particularly of domestic exploitation, identified between June and December 2020 told how the announcement of the 1st lockdown had suddenly forced them to live on the street. As a significant number of day centres, social services and medical services closed down, their referral to accommodation was often made more difficult.

Finally, based on the observations of many French actors (Fondation Abbé Pierre, Secours Catholique, etc.), who condemn the precariousness of a significant part of French society, it is reasonable to think that many will turn to increasingly precarious and dangerous work and agreements in the hope of providing for themselves, resulting in a possible increase in the phenomenon in the months or years to come.

“Access to emergency accommodation for victims has been complicated by the crisis, as the last few months have made it more difficult for NGOs to provide support”

Access to emergency accommodation for victims has been complicated by the crisis, as the last few months have made it more difficult for NGOs to provide support. Although the CCEM has an emergency flat that can accommodate up to six women, health measures forced it to reduce the capacity of the flat by 50% during the first lockdown, and then by 20% in order to have a room reserved in case of a suspected case of COVID in a person. The CCEM has also set up a two-week quarantine procedure in a social hotel at its own expense prior to arrival in the flat. As most of the accommodation facilities adopted similar measures, or even froze admissions completely, the CCEM was also forced to pay for rooms for some people. Thus, in 2020, the sheltering and accommodation of people has weighed heavily and totally unexpectedly on the expenses of this organisation, while requiring the mobilisation of certain professionals in a much more important way than usual.

Although the CCEM has managed to maintain the identification of victims, their extraction from the places of exploitation for some and their care, the evolution of practices into remote

interviews and the implementation of quarantine periods raise questions about the mental health of the beneficiaries, who, by finding themselves isolated for a fortnight in a social hotel where no support is available, without the possibility of meeting the CCEM team or discovering the premises, may feel particularly isolated, or even oppressed by solitude.

In the case of psychological support, for example, follow-ups by telephone, even if preferred by the beneficiaries over a straightforward suspension of support, came up against several difficulties. The beneficiaries' limited access to an internet connection or a comfortable telephone package; the impossibility for them to isolate themselves (collective accommodation, dependent children, etc.) and finally the impossibility of implementing the usual EMDR exercises and practices, or for the psychologist to pay attention to the signs and bodily attitudes (facial expression, tics, etc.) thus made this psychological support more difficult and, in a significant number of cases, it even turned into an emotional follow-up

16- Eye Movement Desensitization and Reprocessing, une thérapie visant à guérir traumatismes et événements douloureux par de rapides mouvements oculaires de la droite vers la gauche.

DEATH PENALTY

According to the Amnesty International report, "Death sentences and executions", the world saw a decrease in the number of executions in 2020 compared to 2019 (-26%) as well as a 36% decrease in the number of death sentences. These decreases are explained by the decline in the number of executions in Saudi Arabia and Iraq, countries where the death penalty is commonly used in the judicial system. As mentioned above, the restrictions linked to the pandemic have led to disruptions and delays in the judicial system in most countries of the world, thus postponing the date of certain sentences to the following year.

The pandemic has also prompted governments to take measures to promote respect for human rights. In several countries - Cameroon, Republic of Congo, Kenya, Morocco, Tanzania, Zimbabwe - prison sentences have been commuted or pardons granted to some prisoners on death row in order to relieve prison congestion. A necessary but insufficient step for some countries, according to FIACAT. In a significant development, Chad has taken a further step by becoming the 22nd African country to abolish the death penalty.

While in some parts of the world the pandemic has led to progress on the death penalty, in other territories it has sometimes been a pretext to increase the use of capital punishment - this is the case in Egypt, where three times as many executions took place in 2020 to reach 107. In Iran, Raphaël Chenuil-Hazan, director of Together Against The Death Penalty (ECPM), warns that despite the exceptional circumstances brought about by the pandemic, the country "has continued obsessively to execute people on death row". FIACAT also deplores executions in Botswana and Somalia and death sentences in other states. China and the USA have used accelerated procedures which Amnesty International has described as unjust.

The World Coalition Against the Death Penalty (WCADP) adds that in the USA, the resumption of federal executions has forced lawyers, prison officials, family members and others to travel to the facilities or execution chambers, exposing themselves to the risk of contamination and new clusters. This has been the case for the lawyers of Lisa Montgomery, whose execution on 12 January made her the first woman on federal death row to be executed in over 70 years.

17- Amnesty International. (2020). Condamnations à mort et exécutions en 2020. https://amnestyfr.cdn.prismic.io/amnestyfr/dcf5fc53-32bb-4d66-bfb9-2444a946dc4c_ACT_50_3760_2021_ext_FR.pdf.

18- FIACAT. (2021, 5 March). HRC46 -Déclaration de la FIACAT sur l'impact du COVID-19 sur la jouissance des droits humains lors du débat général sous le point 2. FIACAT. <https://www.fiacat.org/presse/communiqués-de-presse/2957-declaration-hrc46-declaration-de-la-fiacat-sur-l-impact-du-covid-19-sur-la-jouissance-des-droits-humains-lors-du-debat-general-sous-le-point-2>

19- Amnesty International. (2020). Condamnations à mort et exécutions en 2020. https://amnestyfr.cdn.prismic.io/amnestyfr/dcf5fc53-32bb-4d66-bfb9-2444a946dc4c_ACT_50_3760_2021_ext_FR.pdf

CONDITIONS OF DETENTION

The pandemic had some positive effects on the situation in prisons, with FIACAT and Agir ensemble pour les droits humains (Agir ensemble) note that the release of certain categories of detainees has had a positive impact in reducing overcrowding in prisons. Relative media coverage of the situation of people deprived of their liberty was also noted, although this was only from the point of view of health and did not last beyond the first phase of the crisis. New health protocols have been put in place, which may be beneficial in combating other diseases that pre-existed in prisons due to overcrowding.

Unfortunately, the effects of the current pandemic are mostly negative. People deprived of their liberty are becoming increasingly isolated, even though they rely heavily on external support (food, mental health, medical treatment). One of the most important problems is the breakdown of the informal economic chain that used to support prisoners and maintain a semblance of society within prisons. In the past, some prisoners had, for example, family members bring them food and share a meal with them afterwards, which is important as prisoners' rations are often reduced. Similarly, this is sometimes the only way for them to receive health care in countries where the prison authorities do not pay much attention to the health of prisoners.

In addition, the emotional aspect of these visits is important for these people who otherwise feel quickly cut off from the outside world. Indeed, as part of the health restrictions imposed in prisons, imprisoned people were separated from family members who could no longer visit them, an isolation that had a significant impact on the mental health of these already vulnerable people. The CCEM also found that the postponement of hearings planned before the pandemic created uncertainty for those accompanied and involved in proceedings.

In terms of health, the spread of Covid-19 is fast becoming a major threat to prisoners worldwide. In many countries, prisons have been described as 'time bombs': neglected care, overcrowding and unsanitary living conditions make it difficult to implement preventive measures. Slowing the spread of the virus comes at a price: prisoners are almost entirely cut off from the outside world, both in terms of outside support and in terms of guaranteeing their rights, as Prison Insider has found. In some countries, prisoners are emerging relatively unscathed from the first wave of the coronavirus, but they are more isolated than ever. This isolation raises fears of unspoken abuse, an increased risk of suicide, and other mental health problems.



In fact, the prevention measures relating to coronavirus in prisons have been carried out at the cost of great isolation, a rupture of links with the outside world, and confinement within confinement. This has resulted in more deprivation and infringements of fundamental rights: excessive use of isolation, severing of links with relatives, suspension of activities, repression of protest movements, etc. Finally, as external actors, families, journalists and observers no longer visit the prisons, the situation in the prisons remained hidden from outside eyes for long periods. As it is no longer possible for civil society actors to monitor places of detention, it is sometimes impossible to know what is going on in certain prisons, which makes detainees rightly fear that their jailers are taking advantage of the situation to deprive them of their rights.

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JOURNALISTS AND FREEDOM OF INFORMATION

“The current health context is used as a pretext to close journalists' access to the field, particularly in Asia and the Middle East, but also in Europe”

There has been little progress in this area, and in fact the situation has clearly worsened. Reporters Without Borders (RSF) estimates that journalism is "severely hampered" in 73 of the 180 countries in its 2021 ranking. The current health situation is being used as a pretext to deny journalists access to the field, especially in Asia and the Middle East, but also in Europe. The authorities have even put pressure on journalists to minimise the number of deaths caused by Covid-19, as in Iran, where journalists have been condemned, or in Egypt, where the president has simply forbidden the publication of figures.

According to Equal Rights & Independent Media (ERIM), governments have indeed used the health crisis as an opportunity to restrict freedoms, including freedom of expression for media and activists, censored by limiting access to social networks.

FEMED also reports an increase in the number of arrests in Morocco (including journalists who remain imprisoned on dubious grounds), while the CFDA notes an increase in the number of arbitrary arrests of journalists as the authorities have taken advantage of the health crisis.

The VCHR reports that the Vietnamese government has censored dissenting or divergent voices, notably on Facebook by censoring Vietnamese users.

“The pandemic made it possible to justify a posteriori the system of control and surveillance of the population already in place and to make it 'acceptable' since it was effective in managing the health crisis”

In addition, suspicious accounts of Vietnamese success compared to the chaotic management of the pandemic by Western countries have appeared on social networks. These may have been prompted by the authorities to normalise Vietnam's image and undermine the culture of human rights and democracy in Western countries. The country is currently experiencing one of the worst crackdowns on freedom of expression, with mass arrests and convictions of bloggers and social network users.

The pandemic made it possible to justify a posteriori the system of control and surveillance of the population already in place and to make it "acceptable" since it was effective in managing the health crisis. This crisis coincides with the growing submission of international internet actors operating in Vietnam to the injunctions of the authorities, who find in

Facebook, Google, Youtube and other social networks auxiliaries to their censorship, a complicity or at least complacency linked to the recent Vietnamese law on cybersecurity which organises and "legalises" censorship. For several months now, it is no longer only notorious dissidents who are targeted but all users of social networks. They are arrested on a massive scale and the sentences are sometimes extremely heavy.

RSF estimates that only 7% of the 180 countries evaluated in its ranking now offer a favourable environment for journalists to work, compared with 8% last year. Attacks on journalists have also increased this year, especially in countries where press freedom is respected, such as Germany and France. (21)

21- Ibid.

ASYLUM AND MIGRATION

The coronavirus pandemic has also severely affected the right to asylum in many countries, such as France, which has simply closed the one-stop-shops for asylum applications, while at the same time freezing visas for reunification, two measures that the NGO ACAT-France subsequently fought in court.

The conditions of detention for migrants have actually become harsher on all continents. In Mali, Human Dignity alerted in July 2020 on the catastrophic situation of economic and social rights of the 287,496 displaced persons, more than half of whom are children. In the current context of health crisis, the implementation of the rights to water, housing and health is indeed urgent to improve the standard of living and hygiene conditions in IDP sites.

Concerning vulnerable migrant populations, the Alliance des Avocats pour les Droits de l'Homme (AADH) testifies to the fact that the pandemic has aggravated and revealed the shortcomings of the French immigration and reception policy, with a total absence of care in certain territories and almost non-existent health and medical support. The lengthening of the time taken to examine administrative files has not helped matters.

LGBTQI+

On LGBTQI+ rights in general, SIL notes that vulnerable populations are made even more vulnerable (loss of jobs, difficulties in carrying out informal activities, transportation made more complicated...).

“Vulnerable populations are made even more vulnerable (loss of jobs, difficulties in carrying out informal activities, transportation made more complicated...)”

“There has also been an increase in domestic violence against young members of the community”

LGBTQI+ people have sometimes been blamed for the epidemic (e.g. in Senegal), which may have fuelled campaigns to scapegoat LGBT people as the cause of the country's problems. Human Dignity reports that "when COVID-19 was announced in Uganda, religious leaders were quick to call on people to repent of their sins...The LGBT community was the group singled out terribly as the cause of God's wrath in the form of COVID-19".

There has been an increase in domestic violence against young members of the community (a phenomenon that is certainly widespread and not limited to LGBTQI+), with parents or other family members confined to them being more aggressive than usual. The 2021 report by SOS Homophobie, which aims to be an observatory of LGBTphobia in France, also notes that while there has been a decrease in anti-LGBT acts in public places due to lockdowns, the proportion of LGBTQI+ people out of all victims of physical attacks remains the same as in 2019, at 12%. The NGO's outreach work, particularly in schools, has also been severely complicated by the crisis, often making it impossible for them to go out and hold talks. (22)

The closure of community socialising spaces (bars, meeting places, pride marches or other community events) has increased isolation and has sometimes had consequences on the mental health of LGBTQI+ people.

A Chilean report (23) notes that "there are few specific reports on the LGBT population in the context of COVID-19 (Sanchez et al., 2020; Santos et al., 2020; Suen et al., 2020). These studies demonstrate the negative effect of COVID-19 on mental health and well-being, leading to clinical depression and generalised anxiety disorders."

In some countries (e.g. Senegal, Uganda), law enforcement agencies have arrested LGBT persons on the grounds of non-compliance with barrier measures.

Among the marginalised populations, it should be noted that sex workers were deprived of income and did not have access to the social assistance that could be provided to the rest of the population.

22- SOS homophobia. (2021). LGBTIphobia Report 2021. <https://www.sos-homophobie.org/article/rapport-sur-les-lbgtpiobies-2021>

23- Barrientos, J., Guzmán-González, M., Urzúa, A., & Ulloa, F. (2021). L'impact psychosocial de la pandémie de COVID-19 sur les personnes LGBT au Chili. *Sexologies*, 30(1), 35-41. <https://www.sciencedirect.com/science/article/pii/S1158136020301171#>


HEALTH AND SOCIAL PROTECTION RIGHTS

The pandemic has greatly exacerbated problems of access to care in some parts of the world. In Mozambique, for example, while access to health services in rural areas is already difficult under normal circumstances, the impact of COVID-19 on the sexual and reproductive rights of rural women and girls is dramatic. Women and girls are disproportionately affected by the health crisis as sexual and reproductive health care is neglected. Human Dignity has expressed concern about the lack of information on the continuity of abortion and contraceptive services during the pandemic.

The inadequate implementation of the right to health was also felt in Togo through the lack of staff and health equipment to meet the needs of the population in the face of the crisis. In the town of Kara, in the absence of a scanner in the Regional Hospital Centre, people have to go to Djogou, in neighbouring Benin, to have tests done. However, the borders were officially closed and Togolese citizens were therefore taking risks by going through clandestine gateways. In the case of Togo, this harsh light on the failings of the health system has nevertheless helped to improve the situation, with all medical centres now having oxygen systems.

The pandemic has also highlighted the plight of the right to social protection in sub-Saharan Africa and revealed the lack of commitment by states to implement this fundamental right. Although some funds to support the poorest populations have been created to mitigate the consequences of COVID-19, their allocation criteria remain unclear and they are for the moment only planned for the short term.

The right to social protection is particularly difficult to implement in the informal sector in the event of loss of employment-related income due to unemployment or illness. Human Dignity mentions that its field partners in the Democratic Republic of Congo explained that women working in small businesses have not benefited from state financial support, despite the fact that they are unable to work due to government restrictions. The right to food was thus impacted as these women were unable to provide for their families. In Senegal too, the right to social protection is not sufficiently implemented for workers in the informal sector. Artisans and fishermen, affected by the restrictions on their professional activities, have therefore sometimes turned to clandestine emigration.



"Craftsmen and fishermen, hard hit by the restrictions on their professional activities, have sometimes turned to clandestine emigration"

2. FRENCH HUMAN RIGHTS NGOS IN 2020/21

2.1 STRUCTURAL IMPACT ON NGOS

INTERNAL ORGANISATION

As is already indicated in the previous report, the health situation, and especially the introduction of travel and assembly restrictions, has had an impact on the internal functioning of organisations. The introduction of remote work and even short-time working has considerably changed working habits and decision-making processes. Team cohesion had to be rethought, as well as the distribution of tasks and responsibilities.



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To ensure continuity of activities, new tools have been adopted (Zoom, Signal, Telegram, etc.). Although in most cases activities were maintained, it should be noted that delays were experienced, whether due to less productive remote meetings or to the prioritisation of ongoing projects and publications.

General assemblies - which are important meetings for NGOs, either because of their elective dimension or because they determine strategic orientations - were sometimes held remotely and had a smaller scope.

In some organisations, such as Avocats Sans Frontières France (ASF France), the teams reported psychosocial risks and uneasiness during personal interviews, (24) but this point was much less present than in the previous Covid report. Over a year of the pandemic and remote working has already taken its toll on NGO workers and, although habits are being formed, the situation remains stressful for many of them on a daily basis. However, these changes and impacts on internal organisation have had less of an impact on the smaller organisations. They have mainly highlighted the need to use new tools, but the small size of the teams has reduced the impact on the administrative and personnel management levels.

However, the relationship between employees and volunteers has changed. For example, it has been difficult to identify and deploy volunteers in the field. On the other hand, volunteers present in France could be mobilised more easily via online tools. For organisations where part of the team is deployed in the field, an additional difficulty emerged as the risks of arbitrary detentions were passed on to them. For example, TLP activists were arrested and detained under the pretext of limiting the spread of the virus.

FINANCIAL PLAN

Overall, there has been a slight improvement compared to 2019, with Ensemble Contre la Peine de Mort (ECPM), with an example being the beginning of a stabilisation in their finances. ERIM also believes that its financial situation has improved since the start of the pandemic. Some usual expenses have been made impossible by the pandemic, such as transport costs for certain trips abroad, or conversely to finance the arrival of partners in France. Some organisations, such as Alliance des avocats pour les droits de l'Homme (AADH), feel that they have not been affected by the pandemic, as donors have renewed their budgets in the same way as in previous years. Others have been lucky in the circumstances, such as FIACAT which started new projects in early 2020, or SIL which benefited from the creation of a solidarity fund for LGBTIQ+ organisations because of Covid-19.

24- ACAT-France has noted numerous cases of sick leave among its staff.

“Despite a slight overall improvement in the financial situation of organizations, the situation is not as positive when we look at the situation of each NGO”

However, some organisations such as the CCEM lament the loss of much needed funding this year due to the emergence of many unforeseen costs since the start of the pandemic. These include the costs of IT training to develop online activities, as well as an increase in budget for human resources as the pandemic has raised awareness of the importance of ESC rights.

In addition, the ban on foreign travel has made it impossible for many to go on mission, and therefore to obtain funding to carry out missions. In some cases, going on mission abroad may also have resulted in financial losses due to the quarantine imposed on staff, with the Association francophone des commissions nationales des droits de l'Homme (AFCNDH) reporting cases of experts being stranded on site for much longer than necessary. Concerning donations from individuals, they have undeniably decreased for some NGOs, as Prison Insider notes. Most organisations are already having difficulties in financing their operating expenses, which is likely to increase in the future.

The search for new funding is also made more delicate by the current health context. ASF France has noted a sharp slowdown in the number of partnerships under negotiation, although their usual donors have continued to support them. Conversely, Tournons La Page (TLP) deplores the fact that some donors have pushed back their granting agenda, thus limiting short-term funding.

Despite a slight overall improvement in the financial situation of organisations, the picture is not so positive when looking at the situation of individual NGOs. For OIAD, the tightening of member bar budgets has forced some of them to leave the organisation. For others, while the situation remains good for the time being, a backlash could occur in the coming years, especially with the introduction of short-time working and the lack of new projects.

2.2 PROJECTS WITH PARTNERS IN THE FIELD

SITUATION OF THE PARTNERS

The situation of partners is more difficult to monitor because of the widespread isolation caused by the pandemic. The pandemic has affected many groups, such as political prisoners, whose increased isolation often leads to distress as journalists, civil society and their lawyers are sometimes unable to monitor their situation. This makes them fear that they may become victims of abuse by their captors, who may enjoy a sense of impunity if no one is there to witness their actions. In general, the sectoral analyses of WHRDs discussed above apply, at different levels, to the NGO partners interviewed.

The situation of many of them remains difficult vis-à-vis local authorities and governments. Overall, the existing pressures and power relations have increased, as additional restrictive measures have been adopted and applied to HRDs. The anxiety-inducing period, which is not conducive to dialogue, is not conducive to being heard and is detrimental to the successful implementation of actions undertaken. In addition, the vagueness in some countries regarding health instructions and the misinformation about the pandemic did not help partners to grasp the issues specific to COVID, and it was difficult for them to take ownership of these problems.

As noted by Human Dignity, Agir ensemble and WCADP, for some partner organisations the health crisis has led to the postponement or cancellation of planned activities as a result of local government measures. This affected the impact, effectiveness and benefits of their work.

“The implementation of these actions has shown the seriousness of partners to donors and public authorities, which reinforces their legitimacy and may facilitate the setting up and design of future projects”

However, the situation may also have presented an opportunity, where some have been able to secure funding to carry out awareness-raising activities related to COVID and human rights, or even to completely digitalise a human rights awareness-raising campaign such as Agir ensemble in the Republic of Congo, moving from a campaign of physical conferences and meetings to a series of 6 webconferences from December 2020 to May 2021, producing podcasts and videos for social networks, or the PDH which transformed the organisation of a physical seminar planned - but postponed indefinitely - at the French National Assembly in October 2020, on cooperation between private actors and human rights NGOs into a series of 5 webconferences between October 2020 and June 2021, contributing in particular to increasing its subscribers on social networks. The implementation of these actions has shown the seriousness of partners to donors and public authorities, which reinforces their legitimacy and may facilitate the setting up and design of future projects.

CONSEQUENCES FOR NGO PROJECTS

Maintaining or implementing the respondent NGOs' projects has been very difficult: going into the field has become much more complicated, and the closure of borders has resulted in the cancellation of many missions. In general, many of the actions and activities have become more difficult to implement.

Practices have changed, and this has had an impact on the margins of action where NGOs used to operate.

25- Augmentation de 304% pour le compte LinkedIn et 349% pour le compte Twitter de la PDH.

“Similarly, monitoring information and developments on the ground is more difficult. Many channels have become restricted, and access to certain spaces, such as prisons, is largely compromised”

For example, advocacy actions have been weakened by the widespread use of distance meetings, where exchanges largely lose the spontaneity and excitement of physical meetings. The organisation of advocacy meetings, whether official or unofficial, is also becoming more delicate in France, and access to certain decision-making spheres is no longer possible, or is much more complicated. On the other hand, meetings with European and UN actors have often become easier through the uninhibited use of online conferencing tools. Similarly, monitoring information and developments on the ground is more difficult. Many channels have become restricted, and access to certain spaces, such as prisons, is largely compromised.

Nevertheless, the generalisation of activities via digital communication tools allows a wider audience to be reached and captured. Increasing adaptability and flexibility are being built into project procedures, making them more resilient to changes in context and ensuring greater efficiency in future projects if these elements are retained.

As remote project management becomes the norm, the tools and skills associated with it become paramount. This may represent a change from what was done before, but the introduction of new management tools has been able to solve this problem, such as Agir ensemble, which is developing an online resource centre based on the lessons learned in 2020 during the first wave. This resource centre is intended to serve the organisation's partners. This organisation also organised a four-day online associative forum in April 2021 with 20 organisations from Central Africa as part of the closing activities of a project on citizen mobilisation and the fight against discrimination, allowing knowledge to be shared. The difficulty remains, however, for NGOs that do not have these skills, do not have the means to train or for whom access to digital tools is more difficult.

2.3 REPRESENTATION ACTIVITIES IN REGIONAL AND INTERNATIONAL BODIES FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

The digitalisation of most meetings makes representation in regional and international bodies for the promotion and protection of human rights more difficult. Meetings are now often held by videoconference, with the associated technical problems (poor connections, sound problems, etc.), or are even cancelled altogether, which complicates advocacy activities with state bodies and intergovernmental organisations. The CCEM thus deplores the disappearance or reduction of certain spaces for exchange with institutional actors. FIACAT recalls that most of the sessions of the United Nations treaty bodies have been cancelled or postponed, even though a backlog had already accumulated. Civil society was thus unable to attend the virtual pre-session of the Universal Periodic Review (UPR), depriving it of essential bilateral meetings where part of the negotiations and contacts are made.

In the EU-AU dialogue, the process was less inclusive than in previous years. A common position with the European External Action Service was difficult to find, as few prior meetings were held to prepare the dialogue. The place of civil society was limited, as recommendations were presented at the end of the agenda, where their usefulness was very limited, and the time reserved for NGOs was halved (30 minutes instead of one hour). Some of the remarks on human rights were rejected on the grounds of the health crisis.

Representation in regional and international bodies for the promotion and protection of human rights was largely compromised during the pandemic. While some activities have been maintained, the voice of civil society is even more difficult to make itself heard, and it would therefore be important to provide spaces where civil society can express its opinions and demands.

“If some of the activities have been maintained, the voice of civil society is even more difficult to be heard and it is therefore necessary to provide spaces where it can express its opinions and demands”



2.4 PERCEPTION OF EXTERNAL SUPPORT

“While some of the organizations interviewed and their staff feel that they have been adequately supported, others do not feel particularly supported by the French authorities”

Overall, the perception of support from the French state is rather mixed. While some of the organisations interviewed and their staff felt that they had been properly supported, others did not feel particularly supported by the French authorities. Their claims were not taken into account and information on possible aid was perceived as lacking. AADH also points out that the payment of grants awarded was very late and deplores a lack of communication on the aid available.

It should be noted that some of the smaller NGOs, such as FEMED, did not seek support from the French state to cope with the crisis. FIACAT and Agir ensemble have noted that AFD has increased the share of co-financing it guarantees to projects (from 50% to 55%), and that the indirect costs of the latter have increased from 12% to 14%. This effort is real but remains limited since it only concerns new AFD projects, and automatically excludes smaller structures whose size and staff do not allow them to apply for these funds. In this regard, AFCNDH and Human Dignity would like to see the conditions for granting funding eased for these small organisations and support to help them recruit permanent staff. Agir ensemble, which is a small structure able to benefit from AFD funding, adds that although AFD support was real, the size of the organisation was not taken into account. NGOs feel a little more supported by the European Union, or the Council of Europe for Prison Insider for example. It is important to note that only large organisations have the capacity to apply for EU support and action, which effectively closes the door to smaller organisations.

“The need for support for human rights NGOs remains significant, and not all topics covered are necessarily directly related to health issues”

Our survey of member organisations shows that they are asking for greater involvement from the French and European authorities, in particular by directly questioning the needs of human rights NGOs and by valuing the time spent by project actors in adapting activities to the health situation.

On the whole, donors with whom relationships were already in place were understanding and allowed projects to be adapted to the situation. There was some flexibility in the use of contingency funds and administrative procedures were facilitated. On the other hand, some donors did not adapt effectively to the situation. For example, several donors were able to demand that COVID aspects be included in programmes during appraisal, even though the planned objectives were not related to health or hygiene.

Similarly, FIACAT notes the case of a donor who wanted to reduce the allocated budget under the pretext that advocacy had been carried out at a distance.

The response to the epidemic has led local authorities to incur significant expenses. This is now leading them to make savings and therefore to sharply reduce aid to associations (less than 30% for the delegation for international relations of the city of Paris).

Ultimately, donors and public authorities will need to be cautious in the future that aid and funding do not focus solely on health and COVID projects. There is still a great need for support for human rights NGOs, and not all the issues covered have a direct link to health issues.

CONCLUSION AND RECOMMENDATIONS

CONCLUSIONS

Representation of human rights civil society organisations in international and regional forums

C.1 NGO representation in international and regional forums has declined since the beginning of the pandemic, with human rights issues taking a back seat.

While some HRDs have been able to benefit from the digitalisation of exchanges for more than a year, others are increasingly isolated.

Based on this report and the survey conducted during its preparation, we identify three themes of findings related to (i) Representation of human rights civil society organizations in international and regional forums; (ii) Human rights NGO dialogue with France and the European Union; and (iii) Financial support to human rights NGOs; as well as three blocks of corresponding recommendations:

RELATED RECOMMENDATIONS

For a better representation of civil society organisations in international and regional bodies

To international and regional bodies dealing with human rights issues and to the French authorities:

R.1.1 Organisation of meetings with NGOs prior to the sessions held in the bodies.

R.1.2 In partnership with NGOs, develop a French strategy to support human rights.

R.1.3 Sanctuarize human rights issues in the agendas of these sessions.

R.1.4 Encourage States participating in these meetings to create a human rights visa to facilitate the physical participation of defenders in the meetings of these bodies.

CONCLUSIONS

Human rights NGO dialogue with France and the European Union

C.2 France was seen as weak in its support for human rights NGOs, while the European Union appeared to be supportive.

Human rights NGOs have identified a need for French authorities and the European Union to take better account of their specificities and those of their partners.

RELATED RECOMMENDATIONS

To the French authorities

R.2.1 Strengthen the co-construction of the French agenda for international solidarity and human rights at the European and international levels by better including French human rights NGOs in existing mechanisms (CNDSI, etc.) and by creating a human rights commission in the National Assembly and the Senate.

R.2.2 Creation of a consultation framework involving human rights NGOs and the French Ministry of Europe and Foreign Affairs divided by geographical area with regular meetings where human rights issues are on the agenda.

R.2.3 Creation of a governance and human rights referral function within the embassies and offices of the French Development Agency (AFD).

R.2.4 Creation of a human rights visa to facilitate the physical participation of human rights defenders in international meetings held in Europe.

To the French and European authorities

R.2.3 Take more account of the needs of NGOs in the current context through regular and facilitated online meetings.

CONCLUSIONS

Financial support to human rights NGOs

C.3 Donors integrate COVID aspects into the design of new projects as new human rights issues in operational terms emerge for NGOs.

RELATED RECOMMENDATIONS

To the French and European authorities

R.3.1 Adapting budgets accordingly without a specific focus on the health angle of the crisis, in particular by allowing extensions of projects with additional funds.

R.3.2 Allocation of additional funds ensuring the transition of NGOs, including smaller ones, to digitalisation through training and access to IT resources.

To the French authorities

R.3.3 100% funding of human rights projects to enable NGOs to better focus on project implementation

R.3.4 Project funding at micro and meso level with light project monitoring adapted to structural constraints for small and medium sized NGOs.

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