OHCHR Press conference: New policy guidance on emergency and exceptional measures - COVID-19

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Shotlist

Medium shot: Piggy Hicks & Georgette Gagnon
To help States in their response to COVID-19, the UN Human Rights Office on Monday issued new policy guidance on emergency and exceptional measures.


As Governments face the formidable challenge of protecting people from COVID-19, UN High Commissioner for Human Rights Michelle Bachelet has called on them to ensure human rights are not violated under the guise of exceptional or emergency measures.

High Commissioner Michelle Bachelet statement: https://vimeo.com/412228970

In a press conference given by Piggy Hicks, Director of Thematic Engagement and Georgette Gagnon, Director of Director of Field Operations detailed new policy guidance emergency and exceptional measures.

SOUNDBITE (English)—Piggy Hicks, Director of Thematic Engagement for the Office of the UN High Commissioner for Human Rights (OHCHR): “These are, as we all know, extraordinary times, and government responses to COVID-19 need to recognize that. On that basis, more than 80 countries have declared some form of state of emergency, and the vast majority of those have also implemented some sort of exceptional measures, even where they have not formally declared states of emergency.”

SOUNDBITE (English)—Piggy Hicks, Director of Thematic Engagement for the Office of the UN High Commissioner for Human Rights (OHCHR): The important thing to recognize, of course, is that human rights law explicitly recognizes that this type of situation could exist and in fact, in two different ways makes provisions to allow for states to meet public health emergencies of the sort that we're now facing. There, as I said, are two different approaches. One is the more limited approach, which is the more day to day approach, and one is the more sweeping approach of states of emergencies. We need to recognize that more limited approach first will call that exceptional measures. And what that means is that under existing human rights law, states always have the ability to restrict to some extent some rights, like freedom of movement, freedom of assembly and freedom of expression.”

SOUNDBITE (English)—Piggy Hicks, Director of Thematic Engagement for the Office of the UN High Commissioner for Human Rights (OHCHR): “And under the law, it needs to be the least intrusive measure that can be taken that’s appropriate to achieve the public health goal. So that means that these restrictions - call them exceptional measures or states of emergency should always be limited in their duration, in the scope, the geographic scope, if the crisis is in one place it should not extend beyond that and substantively: it should apply only apply to rights and areas that are necessary to meet that public health objective.”

SOUNDBITE (English)—Piggy Hicks, Director of Thematic Engagement for the Office of the UN High Commissioner for Human Rights (OHCHR): “Certain rights under both of these areas of limitation can never be abridged or limited. These are called non-derogable rights. And they include, for example, the right to life, the right to prohibition on ill treatment and torture and the right not to be arbitrarily detained.”

SOUNDBITE (English)—Georgette Gagnon, Director of Director of Field Operations for the Office of the UN High Commissioner for Human Rights (OHCHR): “The U.N. Human Rights Office has observed
a range of human rights violations in the context of the COVID-19 exceptional measures and states of emergency imposed by several states and across several regions. A main concern on exceptional and emergency natural measures is what's been described as a toxic lockdown culture in some countries, as the high commissioner highlighted. We've seen that police and other security forces are using excessive and sometimes deadly force to enforce lockdowns and curfews. These violations have often been against people from the poorest and most vulnerable segments of the population.”

On China:

SOUNDBITE (English)— Georgette Gagnon, Director of Director of Field Operations for the Office of the UN High Commissioner for Human Rights (OHCHR): “But since measures started to loosen a few weeks ago, the office has received reports of censorship on an offline intimidation, arrests and apparent detention of dissenting voices such as doctors, journalists, human rights defenders and members of the CCP. The office is in direct contact with Chinese authorities to clarify the status of around half a dozen of such cases. China has informed us at this point that at least some of them are under investigation or have been or have been charged. Of course, it's critical that people must be able to express their views and have access to information without reprisals.”

On Brazil:

SOUNDBITE (English)— Georgette Gagnon, Director of Director of Field Operations for the Office of the UN High Commissioner for Human Rights (OHCHR): “What we are concerned about is conflicting messages by authorities at times downplaying the seriousness of the situation, and that can undermine Brazil's efforts to address the pandemic with, of course, potential dire circumstances. And it's certainly our view that governments everywhere need to protect democratic values and human rights, preventing responses that fuel anti-democratic tendencies.”

On misinformation:

SOUNDBITE (English)— Piggy Hicks, Director of Thematic Engagement for the Office of the UN High Commissioner for Human Rights (OHCHR): “So, we really want to emphasize that harmful information that should be countered by coordinated efforts to provide credible and accurate information rather than sweeping laws that can give rise to a broad-based censorship of dissenting views or be used in other ways. We've also emphasized that this is an important moment to facilitate access to the Internet and to end any Internet shutdowns”