

“Fundamental Rights and Non-Discrimination in the COVID-19 Pandemic: Recommendations for Action” Webinar Summary

“The pandemic has only exposed and deepened existing discrimination, existing violence, and other violations.” —Tess McEvoy

On January 26th, the World Justice Project hosted the webinar, “Fundamental Rights and Non-Discrimination in the COVID-19 Pandemic: Recommendations for Action,” in partnership with CIVICUS and the International Service for Human Rights (ISHR). This webinar was the last in a four-part [series](#) promoting the World Justice Challenge, a global competition to identify, recognize, and promote good practices and high-impact projects and policies that protect and advance the rule of law in this time of crisis.

Moderated by Ted Piccone, Chief Engagement Officer of the World Justice Project, the webinar featured experts from CIVICUS, ISHR, and the India Justice Report. Speakers discussed the fundamental rights issues that COVID-19 has exacerbated, current on-the-ground solutions, as well as recommendations for action needed to support an effective recovery process and “build forward” toward more just, rule-of-law based societies.

“The situation of minorities even before the pandemic was that of a public tolerance for discrimination.” — Maja Daruwala

Diagnosing the rights crisis: Mandeep Tiwana, Chief Programmes Officer of CIVICUS, began by highlighting how governments have increased censorship as a means to “put their best foot forward” during the crisis. In particular, leaders were dishonest about the spread of the virus, allowed misinformation to spread, and made executive decisions without public knowledge or discourse. Tiwana added that the use of law enforcement agencies to repress dissenters and violators of lockdown was particularly cruel, citing examples of police brutality in Kenya and India. Furthermore, Tiwana explained how COVID-19 has allowed governments to increase monitoring and surveillance in the name of contact-tracing, raising serious privacy-rights concerns. Tess McEvoy, New York Co-Director and Legal Counsel of ISHR, added that the pandemic has created new challenges and threats to human rights, citing threats, attacks, reprisals, and dismissals of women’s rights defenders, refugees, Afro-descended and indigenous communities, the LGBTQ community, and other vulnerable groups. Maja Daruwala, editor in chief of the India Justice Report, explained that the disruption of life and lack of civil liberties became extremely apparent during lockdown in India and South Asia. Many people were left without a daily wage and family remittances, greatly affecting the fundamental right to food, education, and livelihood. Daruwala also credited the pandemic with exposing the “structure of weaknesses” that make up the protection systems across all governments. The police treated the pandemic as a law-and-order issue, media and social networks were not prepared to be used to exercise civil liberties, and the court systems shut down, losing a platform for remedy.

“The story of civil society in relation to the COVID-19 pandemic is a story of extraordinary courage and resilience.” — Mandeep Tiwana

The response: The speakers then focused on remedies that have emerged as a result of the pandemic. Tiwana praised civil society for organizing and responding to fundamental rights issues in cases where many government institutions failed. In India, for example, NGOs provided shelter and daily nutrition to migrant workers. Globally, civil societies set up helplines to address the rise in domestic violence, and in the United States, civil society brought forward the Black Lives Matter movement, which found particular global resonance during the pandemic. McEvoy added that healthcare workers have stepped up to report on information regarding COVID-19, provided quality healthcare, delivered humanitarian aid to marginalized groups disproportionately affected by the pandemic, and denounced the lack of quality healthcare. McEvoy also highlighted the importance of multilateral institutions during the emergency, referencing the UN Human Rights Council as a space where victims were able to virtually testify to abuses and discriminations they have faced during the pandemic. Daruwala agreed that civil society has been particularly important during this time and added that independent media and individual whistleblowers have been especially courageous, as they continue to call out wrongdoings and expose fake news while facing threats to their lives.

“We need to recognize, protect, and enable defenders to do their work.” — Tess McEvoy

Recommendations for Action: The speakers then gave their recommendations to build better protection systems for vulnerable groups after the pandemic has ended. Tiwana began by suggesting a restructuring of our economies that would implement progressive taxation and hold governments responsible for healthcare bills, social security, and a universal basic income. Tiwana spoke to three primary needs: bringing the most disadvantaged and vulnerable groups to the forefront of rebuilding social institutions, focusing on climate justice, and investing in international institutions. Furthermore, Tiwana called for the expansion of civil liberties and civic spaces to ensure the rule of law and democratic rights are protected now and in the future. McEvoy agreed with Tiwana and called for the application of a “feminist, human rights based, and intersectional lens” when building back our human rights systems to ensure the voices of the most discriminated against are heard. Additionally, McEvoy stressed the need to hold states accountable to transparency and their commitment to international institutions. States should not be able to restrict civil society, especially in an international emergency. Daruwala highlighted the need for legal literacy to ensure everyone is aware of their constitutional rights and recommended the justice sector be considered an essential service to guarantee the courts and legal aid do not shut down in a future emergency. Daruwala then called for a return to human rights as the “coin of foreign policy,” as opposed to economic prosperity.

The webinar concluded with questions from the audience that focused on the best protections for marginalized communities, addressing the digital divide, and remedies for combating misinformation.