



## ACTION BRIEF #4



# WOMEN HUMAN RIGHTS DEFENDERS: WOMEN, PEACE & SECURITY AND COVID-19 IN ASIA AND THE PACIFIC

Photo: UN Women

## WOMEN HUMAN RIGHTS DEFENDERS & COVID-19

Women human rights defenders (WHRDs) play a critical role in advancing the rights of women and girls, challenging inequalities, and holding those in power to account. In Asia and the Pacific, exceptional measures introduced to respond to the COVID-19 pandemic means that the work of WHRDs is needed now more than ever to ensure that COVID-19 responses protect and promote the rights of women and girls.

Human rights defenders, both men and women, have proven to be the backbone of society during the COVID-19 pandemic: from whistle-blowers who first raised alarms, to frontline workers securing access to healthcare for marginalized groups, journalists providing accurate news and information, civil society repairing social breakdowns, and scientists and lawyers combatting hate speech and discrimination.

WHRDs face opportunities and challenges during the COVID-19 pandemic. WHRDs are supporting a human rights-based approach to the pandemic, providing checks and balances to emergency powers, and laying the groundwork for creating resilient gender-equal cultures going forward. However, COVID-19 has also provided a cover under which WHRDs are being targeted for their work, resulting in harassment, intimidation, violence, incarceration, and even disappearance.

WHRDs are continuing to promote and protect the rights of women and girls during the COVID-19 pandemic. It is critical that the rights of those defenders, as well as the civic space for their engagement, are also protected. In an environment where executive powers are increasing and 2 billion people are living in states where parliaments have been restricted or suspended, WHRDs are essential to ensuring that the rights of women and girls are not rolled back during or after the pandemic.

## KEY CONSIDERATIONS

### IMPACT OF COVID-19 ON THE WORK OF WHRDs

WHRDs face additional and different risks and obstacles that are gendered, intersectional and shaped by entrenched gender stereotypes and norms. In the current political climate, where there has been a backlash against the human rights of women and girls, WHRDs are often the first to come under attack for their work. With COVID-19 and the introduction of emergency powers and broad restrictions, the safety and work of WHRDs is at even greater risk.

WHRDs who came to the attention of states before the COVID-19 pandemic now find themselves targeted under new emergency powers. WHRDs who have criticized governments' responses to COVID-19 have been harassed, threatened, or detained, and their access to the internet cut off and their social media accounts suspended. In some cases, WHRDs have had their names scrubbed from digital platforms, removing any trace of their voice.

*This is the fourth action brief on WPS & COVID-19 in Asia and the Pacific. The previous briefs on militarization, cyber security, and women's human rights defenders can be found on the UN Women Asia Pacific website: <https://asiapacific.unwomen.org/en/digital-library/publications>*

Lockdowns and quarantines enforced by state, non-state, and private security actors have seen increased brutality against WHRDs working on matters that have brought them into conflict with state policies and powerful entities, notably those working on sexual and reproductive health and rights, LGBTQI (lesbian, gay, bisexual, transgender, queer and intersex) rights, or Indigenous land rights and environmental issues.

COVID-19 has made it difficult for WHRDs to report threats, intimidation and violence to the police and access judicial remedies, due to lockdowns, quarantines, and the reallocation of law enforcement resources. Threats can sometimes include threats to infect WHRDs with COVID-19, if they do not cease their work.

### **THE SHRINKING SPACE FOR WHRDs**

As WHRDs navigate emergency powers and restrictions related to COVID-19, they are reporting a further shrinking of the space for their engagement, including restrictions on accessing and sharing information related to COVID-19, as well as providing frontline support to women and girls.

Most countries with severe restrictions on civic engagement have traditionally had high levels of militarization, and a greater focus on political and national security. COVID-19 has seen a rapid acceleration of these elements throughout the Asia-Pacific region, including in states with strong civilian-led governance and institutions.

Journalists, including women journalists, have come under particular scrutiny. In the **Philippines**, the Founder and Executive Editor of news website, *Rappler*, Maria Ressa, was convicted of criminal libel on 15 June. President Duterte had previously banned *Rappler's* reporters from covering the presidential palace.<sup>i</sup> Separately, the government has decided not to renew the licence one of the largest television broadcasters in the Philippines, ABS-CBN, which had been in operation for 25 years, cutting off many citizens' access to news and current affairs reporting.<sup>ii</sup>

There is also little tolerance for dissenting voices. In the **Solomon Islands**, the Ministry of Health advised it would terminate the employment of staff who shared comments online criticizing the government's response to the pandemic.<sup>iii</sup> In **Vanuatu**, news articles on COVID-19 must be vetted by the National Disaster Management Office.<sup>iv</sup> In **Sri Lanka**, the Inspector General of Police instructed police officers to take action against those who publish posts on social media criticizing government officials.<sup>v</sup> In **Thailand**, an artist was charged for criticizing the lack of COVID-19 screening at the airport on social media.<sup>vi</sup> In **Bangladesh**, the government is using the Digital Security Act to silence voices.<sup>vii</sup>

Frontline workers are also experiencing the shrinking of their space. In **Pakistan**, police have arrested health care workers who highlighted the lack of personal protective equipment.<sup>viii</sup> In **Bangladesh**, telecommunication restrictions in the Rohingya refugee camps have meant that humanitarian workers are unable to effectively communicate with the affected populations on COVID-19 risks, symptoms and preventative measures, and WHRDs in the Rohingya community are unable to report issues that women and girls face in the camps and request specific services and support.<sup>ix</sup>

The shrinking space for civic engagement is particularly concerning for WHRDs because it is within this space that women are often most able to promote and protect the rights of women and girls. If the space for WHRDs is not urgently protected, there will be long-term negative consequences for the rights of women and girls for generations to come.

---

**“Ensure that emergency powers are not used as a basis to quash dissent, silence human rights defenders or journalists, or any other steps taken that are not strictly necessary to address the health situation”.**

*United Nations, Policy Brief on COVID-19 and Human Rights: We are all in this together, April 2020*

---

### **INCREASED DIGITAL SURVEILLANCE OF WHRDs**

WHRDs have long understood the benefits and risks associated with digital platforms. These risks have traditionally varied from state to state, depending on legislation to protect individual's online data and privacy. As WHRDs increasingly work on digital platforms during COVID-19 lockdowns, and as more governments across the region adopt broad digital surveillance and contact tracing in response to COVID-19, there is a very real risk that these tools could be used against WHRDs.

WHRDs, including sexual rights activists, political opposition, religious and ethnic minorities, and journalists, rely on online privacy to assert their rights and protect the rights of others in the face of significant power imbalances, and to gain access to critical information, including in relation to health and safety.

WHRDs have cautioned of the long-term consequences and implications of increased digital surveillance, especially as national intelligence agencies are engaged to monitor citizens in some instances. Surveillance camera systems with facial recognition technology, mandatory scanning of QR codes to enter public spaces, and online declaration

forms rolled out as part of COVID-19 response make it significantly more challenging for WHRDs to move freely and access marginalized communities deemed illegal, such as undocumented migrants and sex workers.

Digital surveillance is often predicated on artificial intelligence and algorithms informed by keywords and images, and, as such, monitoring and censorship is undertaken without transparency or civilian oversight. More often than not, the public-facing documents of technology companies underwriting digital surveillance platforms fail to disclose digital surveillance activities undertaken or data shared with state actors. In some instances, WHRDs have developed code words for women to alert WHRDs to violations, and to circumvent digital surveillance and censorship.

With fewer than 40 percent of states in the Asia-Pacific region that have legislation to protect individual's online data and privacy,<sup>x</sup> it is essential that the consequences of digital surveillance and contact tracing for WHRDs be understood, and avenues for WHRDs work in the digital space protected, and that data collected is not used for purposes beyond the pandemic.

### ACCESS TO JUSTICE FOR WHRDs

States of emergencies often result in increases in the deprivation of liberty, notably for human rights defenders, with recourses to remedies suspended.

During the COVID-19 pandemic, judicial procedures, including hearings and sentencings, have been severely disrupted, and in some instances, suspended until COVID-19 restrictions are lifted. In states where timelines for lifting restrictions have not been made public, together with the World Health Organization's (WHO) advice that the threat of COVID-19 may never disappear entirely, WHRDs who are in conflict with the law face the risk of indefinite detention.

WHRDs who were incarcerated prior to the pandemic, including women political opposition and dissidents, are increasingly finding that measures to reduce prison populations through early release or non-custodial measures to prevent COVID-19 outbreaks do not apply to them, despite their low-risk profiles. WHRDs who have been detained for lengthy durations are finding that their convictions and sentencings are being rushed through courts at a time when their access to legal protections and advocates are constrained as a result of COVID-19 lockdowns and other measures.

In **India**, a pregnant WHRD was arrested for protesting the Citizenship Amendment Act, which provides avenues for Indian citizenship for certain migrants. She was granted bail

considering her pregnancy, as well as directives issued by the Indian Supreme Court on the decongestion of prisons during COVID-19. However, she was immediately re-arrested by the Special Crime Branch for a non-bailable offence. While she remained in jail, there was a social media campaign against her, which included fake pornographic content.<sup>xi</sup>

In the **Philippines**, the President of the Senate refused to allow detained human rights lawyer and Senator Leila de Lima to participate in Senate sessions via teleconference, preventing her from exercising her duties.<sup>xii</sup>

During the current pandemic, it is imperative that states ensure that any measures restricting WHRDs' ability to defend the human rights of women and girls are strictly necessary and proportionate for the protection of public health. If WHRDs are in conflict with the law, non-custodial measures must be prioritized, deprivation of liberty strictly time-bound, and access to gender-sensitive, effective and accountable legal systems and adequate remedies provided.

### NATIONAL HUMAN RIGHT INSTITUTIONS

National human rights institutions (NHRIs) play a crucial role in monitoring the implementation of international human rights law, standards and norms at the national level.

During the COVID-19 pandemic, NHRIs can contribute to core protection issues, including protection of WHRDs, as well as advancing the rule of law under emergency powers, including with regards to the judiciary and law enforcement agencies, and supporting parliamentary consideration of and adherence to human rights. In Asia and the Pacific, NHRIs, in partnership with WHRDs, are effectively identifying gaps and opportunities for promoting and protecting human rights during COVID-19, with 23 NHRIs in the region.<sup>xiii</sup>

In **Nepal**, the National Human Rights Commission headed a high-level monitoring team that highlighted the situation of vulnerable groups returning to their villages amid lockdowns due to a lack of access to relief where they were quarantined. The monitoring team found that hundreds of marginalized people, including women, pregnant women, children, and elderly were attempting to walk long distances home and that there was a lack of coordination between federal, provincial and local levels in distribution of relief.<sup>xiv</sup>

In **New Zealand**, the Human Rights Commission published a report<sup>xv</sup> on lockdown measures, human rights, and Te Tiriti o Waitangi (Treaty between the British Crown and Maori Rangatira (Chiefs)), highlighting areas for attention, including gender-specific considerations relating to the

disproportionate economic impact on women, family violence, and the increased vulnerability of Maori, Pacific and ethnic minority women. The report recommended increasing human rights considerations, including collecting gender-disaggregated data.

In the **Philippines**, the Commission on Human Rights urged the government to address the needs of vulnerable groups, including the economically vulnerable, refugees, internally displaced persons, stateless persons, and Indigenous people, and to ensure that restrictions on liberties are proportionate and strictly time-bound.<sup>xvi</sup> The Commission, together with Human Rights Watch, published a set of social media cards on human rights, including on the rights of women, freedom of expression and access to information, quarantines, lockdowns and travel bans, the rights of people in detention, the rights of health workers, and the right to education.<sup>xvii</sup>



*Image 1: CHR, social media card on the rights of women, including in relation to family violence, pregnant women, and access to sexual and reproductive health services.*

Through their independent mandate, NHRIs can support the work of WHRDs, facilitate dialogues between WHRD and the government, inform government policies and practices that promote and protect the rights and women and girls, and, investigate and respond to violations of the rights of women and girls.

## RECOMMENDATIONS

For all actors responding to the COVID-19 pandemic in Asia and the Pacific:

1. WHRDs and their work must be recognized and protected, without discrimination. Attacks against WHRDs must not be tolerated and access to redress provided. WHRDs are valuable partners in ensuring a gender-equal and human rights-based approaches to responding to the COVID-19 pandemic.
2. The space for WHRDs and their work across and within diverse sectors, including government, civil society, media, healthcare, and more, must be protected, and platforms for raising and addressing concerns relating to the human rights of women freely accessible and supported.
3. States should introduce or strengthen online and data privacy legislation, in consultation with WHRDs. Protections for WHRDs in relation to digital surveillance, facial recognition, and contact tracing, introduced in response to the COVID-19 pandemic, should be prioritized, with built-in review mechanisms and avenues to address misuse of data.
4. WHRDs, including political opposition and dissidents, with low-risk profiles should be immediately released from detention and non-custodial measures considered. WHRDs deprived of liberty should have access to proceedings without delay.
5. Governments should facilitate the participation of NHRIs in COVID-19 response and recovery planning, in consultation with WHRDs, protecting the independent mandate of NHRIs.

---

<sup>i</sup> <https://www.hrw.org/news/2020/06/15/philippines-rappler-verdict-blow-media-freedom>

<sup>ii</sup> <https://www.nytimes.com/2020/05/14/world/asia/duterte-philippines-tv-network-ABS-CBN.html>

<sup>iii</sup> <https://www.rnz.co.nz/international/pacific-news/413067/solomons-officials-face-sack-if-critical-of-covid-19-response>

<sup>iv</sup> <https://www.rnz.co.nz/international/pacific-news/413168/concerns-about-censorship-overreach-in-covid-19-responses>

<sup>v</sup> [http://www.dailymirror.lk/breaking\\_news/Strict-action-against-those-criticise-state-officials-on-social-media/108-186028](http://www.dailymirror.lk/breaking_news/Strict-action-against-those-criticise-state-officials-on-social-media/108-186028)

<sup>vi</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25920&LangID=E>

<sup>vii</sup> <https://www.dhakatribune.com/bangladesh/2020/06/28/upsurge-in-digital-security-act-cases-during-the-covid-19-pandemic>

<sup>viii</sup> <https://www.wionews.com/south-asia/pakistan-police-arrest-doctors-in-quetta-during-protest-against-lack-of-ppes-291462>

<sup>ix</sup> <https://reliefweb.int/report/bangladesh/covid-19-access-full-mobile-data-and-telecommunications-myanmar-and-bangladesh>

<sup>x</sup> [UNCTAD Data Tracker \(2020\)](#)

<sup>xi</sup> <https://www.frontlinedefenders.org/en/statement-report/false-charges-against-and-persecution-student-human-rights-defenders-and-those>

<sup>xii</sup> <https://www.fidh.org/en/issues/human-rights-defenders/arbitrarily-imprisoned-senator-de-lima-prevented-from-participating>

<sup>xiii</sup> [Accreditation status as of 27 November 2019.](#)

<sup>xiv</sup> [A high-level monitoring committee headed by the NHRC has expressed serious concern about the desperate humanitarian situation of many groups, 17 April 2020.](#)

<sup>xv</sup> [Human Rights and Te Tiriti o Waitangi: COVID-19 and Alert Level 4 in Aotearoa New Zealand, April 2020](#)

<sup>xvi</sup> [The Commission has stressed that upholding the human rights of the people should never be compromised, even in critical times, March 2020](#)

<sup>xvii</sup> [Commission on the Human Rights of the Philippines, Human Rights Dimensions of COVID-19 Response, April 2020](#)