



COVID-19 CRACKDOWNS

POLICE ABUSE AND THE GLOBAL PANDEMIC

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Cover photo: *A police officer hangs a face mask over his gun at Toncontin International Airport, in Tegucigalpa, Honduras, on March 12, 2020. © ORLANDO SIERRA/AFP/Getty Images*

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CONTENTS

1. EXECUTIVE SUMMARY	4
1.1 METHODOLOGY	5
2. INTRODUCTION	7
3. LAWS AND POLICIES VIOLATING INTERNATIONAL HUMAN RIGHTS LAW AND STANDARDS	9
4. HUMAN RIGHTS VIOLATIONS COMMITTED BY THE POLICE	11
4.1 ARBITRARY ARRESTS AND DETENTION	11
4.2 CRACKDOWN ON CRITICISM OF PANDEMIC RESPONSE	13
4.3 UNLAWFUL USE OF FORCE	14
4.3.1 ENFORCING THE LOCKDOWN	14
4.3.2 POLICING OF PUBLIC ASSEMBLIES	16
4.4 VIOLATIONS RELATED TO SITUATIONS OF DETENTION	17
4.5 TORTURE AND OTHER ILL-TREATMENT	18
4.6 ILLEGAL EXPULSION OF REFUGEES AND MIGRANT WORKERS	19
4.7 FORCED EVICTIONS	19
5. VIOLATIONS BY OTHER STATE ACTORS IN A POLICING ROLE	21
6. WHEN LAW ENFORCEMENT BECOMES DISCRIMINATION	23
7. CONCLUSION AND RECOMMENDATIONS	25

1. EXECUTIVE SUMMARY

“We hammer you, we hit you, then we do detention. If you escape, you are lucky.”¹

Zambia’s police spokesperson explaining their approach to lockdown policing

State responses to the COVID-19 pandemic, which has wracked all regions of the world and resulted in over 1.5 million deaths to date, have varied. Some states have emphasized empowerment and community engagement, including policies that build trust and solidarity; but in at least 60 countries in which Amnesty International has documented cases, authorities have adopted punitive and coercive measures that have not only resulted in violations of a range of human rights but also divided societies and failed to tackle the health crisis.

Law enforcement has often played a far too prominent role in what is fundamentally a public health issue.

Time and again police forces have used excessive and unnecessary force in the enforcement of COVID-19 lockdowns and curfews, clamped down on peaceful protests and suppressed dissent. In some countries, tens of thousands have been arrested for pandemic-related infractions or placed in inhumane and unsanitary state-run quarantine centres. In many regions, police forces have summoned for questioning or arrested journalists, bloggers, human rights defenders, political activists and social media users for merely expressing their views on COVID-19 measures or sharing information.

In many countries this has meant that law enforcement measures designed to contain COVID-19 and stop the spread of infections are doing more harm than good and in fact undermine the right to health. Far from containing the virus, decisions to arrest, detain, use force, and forcibly disperse assemblies have risked increasing contagion – for the law enforcement officials involved as well as those who are affected by police actions. Authorities across the world have forcibly evicted people from their home or detained them, all in the name of COVID-19 protection, even though such actions are likely to spread rather than contain the disease.

More fundamentally, against the backdrop of fears of contagion, states have used the pandemic as a pretext to introduce laws and policies that violate international law and roll back human rights, including by disproportionately restricting the rights to freedom of peaceful assembly and freedom of expression.

This briefing brings together a variety of documented cases of human rights violations related to law enforcement and the COVID-19 pandemic in 60 countries in all regions of the world. It looks at laws, policies and acts committed by police forces or other agencies carrying out law enforcement functions.

The cases range from security forces using live ammunition and tear gas to suppress COVID-19-related protests in several prisons in Iran, which resulted in the killing of around 35 prisoners and the injuring hundreds of others, to police choking and striking a doctor arrested for violating travel restrictions in Russia, to the police in El Salvador detaining, beating and shooting a young man in the legs for allegedly breaking the national quarantine

¹ Amnesty International, “Southern Africa: Government intervention required as millions face hunger under COVID-19 lockdown regimes”, 17 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/southern-africa-government-intervention-required-as-millions-face-hunger-under-covid19-lockdown-regimes/>

by going to buy food and fuel. In Kenya police killed at least seven people and left 16 hospitalized as a result of operations to enforce a curfew. Turkish police were reported to have detained 510 people for questioning on account of “sharing provocative coronavirus posts” on social media.

The enforcement of COVID-19 restrictions by security forces has had a disproportionate impact on members of marginalized groups. In Slovakia, for example, military personnel cordoned off inhabitants of Roma settlements under quarantine. In several other European countries police demonstrated racial bias and discrimination in their enforcement of COVID-19 lockdowns. Refugees, asylum-seekers, migrant workers, LGBTI and gender non-conforming people, sex workers, homeless people and people at risk of homelessness are among the groups that have been particularly affected by human rights violations in this context. Police have also been involved in refoulement, forced evictions and discriminatory practices, even as marginalized communities disproportionately suffer from the pandemic’s fallout.

Governments across the world were forced to take a wide range of measures restricting human rights to tackle the spread of the virus. While certain human rights norms and standards can be the subject of limitations – as long as these have a proper legal basis, pursue a legitimate aim such as the protection of public health and are both necessary and proportionate – this briefing provides numerous examples of state overreach and abuse of power that have been wrongly justified in the name of protecting public health.

While the role of law enforcement at this critical moment is vital, the profound impact of the pandemic on people’s lives compounds the need that all measures and their enforcement are carried out in full respect of human rights.

This briefing serves as a reminder to law enforcement agencies across the globe of their ultimate mission to serve and protect the population. This might be a particularly challenging task in such a major public health emergency, but this does not relieve law enforcement agencies from their obligation to carefully balance the interests at stake and to use their powers in a human rights-compliant manner.

Nor does it exempt the state from adopting laws and policies that align with their human rights obligations; or from investigating, and where warranted, sanctioning or otherwise prosecuting law enforcement officials following violations of human rights related to policing and the use of force. It is essential that, when defining legal powers, developing law enforcement policies and giving orders and instructions to their personnel, human rights are at the centre of the considerations of all authorities involved.

Authorities must treat the COVID-19 pandemic first and foremost as a public health crisis to be addressed through appropriate public health measures. Where law enforcement fulfils a legitimate and necessary role, authorities must:

- Ensure that laws, regulations and instructions establish clearly circumscribed responsibilities and tasks for law enforcement officials, reducing as much as possible discretion that may lead to arbitrary or otherwise excessive exercise of police powers.

Law enforcement agencies must:

- Avoid, where possible, the use of arrest and detention of people for the sole reason of breaching lockdown regulations, given the increased risk of contagion.
- Exercise restraint, carefully balancing the interests at stake, when enforcing lockdown regulations. The exercise of police powers must always respect the principles of necessity and proportionality.
- Not violate or unduly restrict the exercise of human rights, including rights to freedom of expression and peaceful assembly. Prohibitions on public collective protests as a result of measures imposed to protect public health must be a last resort based on a compelling need.

1.1 METHODOLOGY

The briefing synthesizes the main human rights issues documented by Amnesty International during 2020 as they relate to police enforcement of measures adopted to tackle the COVID-19 crisis and to policing more broadly in the context of the pandemic. It refers to research carried out by Amnesty International in 60 countries across all regions, verified with multiple sources. Full details of research methods can be found in the original Amnesty International reports cited. The research covers analyses of laws and policies that violate international human rights laws and standards as well as specific human rights violations committed by law enforcement agencies and bodies operating in a law enforcement role. Violations documented include arbitrary arrests and detention, unlawful use of force, torture and other ill-treatment, forced evictions, illegal expulsion of refugees

and migrant workers, and discriminatory policing. The briefing also includes legal analysis of international human rights law and standards in the context of policing to enforce the COVID-19 pandemic measures; for example, the right to freedom of expression and peaceful assembly and the use of force by law enforcement.

2. INTRODUCTION

Governments around the world are responding to an unprecedented public health crisis. Since the start of the COVID-19 pandemic, they have introduced measures that have severely affected people's exercise of their rights in many areas of their lives: movement, work, education, access to basic services, peaceful assembly, exercise of one's religion, and privacy and family life among others. In many, if not in most, areas, law enforcement agencies were tasked to ensure compliance with and to enforce these restrictive measures.

While violations have often arisen from the way in which police have enforced these measures, in many instances law enforcement officials were tasked with enforcing legislation that granted excessively wide powers or otherwise restricted human rights in an unnecessary or disproportionate manner.



HUMAN RIGHTS, LAW ENFORCEMENT AND THE PANDEMIC

International human rights law and standards remain in force even in times of crisis, including during the global response to the COVID-19 pandemic. International human rights instruments are drafted in such a way as to accommodate a range of situations, allowing for restrictions of certain human rights as long as these have a proper legal basis, are necessary and proportionate, and pursue a legitimate aim – such as the protection of public health. In other words, a number of rights can be restricted, but only where the restriction is the least intrusive means of safeguarding public health, does not discriminate against a specific group and

will not do more harm than good.

Law enforcement agencies must respect these principles at all times. In the first instance, they must consider whether in the circumstances, a law enforcement intervention is actually appropriate or necessary. In the context of addressing the pandemic, interference with human rights through law enforcement measures could be considered necessary only if they are effective in achieving the objective of protecting public health or other relevant legitimate purpose under international human rights law. Measures that are unlikely to support the objective or are even likely to be counterproductive violate the principles of necessity and proportionality.

Coercive approaches to fighting the pandemic generally contradict evidence-based public health best practice, and often target disadvantaged communities that are marginalized, impoverished or at risk of discrimination, resulting in stigma, fear and diminished trust in authorities. In contrast, an effective response to a health crisis should be rooted in the respect of human rights and emphasize empowerment and community engagement, including policies that build trust and solidarity. When people are empowered and supported to comply voluntarily with the required public health measures, they are more likely to cooperate with the authorities and change their behaviour than through the threat of coercive measures. As a result, turning to law enforcement and the exercise of police powers should only come as a last resort and only when they indeed contribute to protecting public health.

Furthermore, law enforcement should not do more harm than good. Where the resort to police powers affects the human rights of people in an excessive way compared to the public health benefit sought, law enforcement bodies should refrain from intervening. It must remain clear that the end does not justify all means and the police must be very careful not to take any action during a public health crisis that may make

matters worse in the name of enforcing public health restrictions. All these elements need to be taken into account when law enforcement officials consider arresting someone, resorting to the use of force or otherwise exercising their police powers.

Law enforcement officials must be held accountable for any excessive or otherwise unlawful exercise of their powers. In particular, when they are given additional tasks and granted more or wider powers in the context of the COVID-19 pandemic, authorities must ensure that they can effectively be held accountable in order to prevent impunity and opening the door for further abuses of power. This means ensuring that effective and accessible supervision, control, oversight and independent complaints mechanisms are in place to that end.

3. LAWS AND POLICIES VIOLATING INTERNATIONAL HUMAN RIGHTS LAW AND STANDARDS

In response to the COVID-19 pandemic, many countries rushed through legislation and policies that did not comply with international human rights law and standards. This included legislation creating a presumption in favour of the police when determining whether it is reasonable to use of lethal force, such as in Peru,² thus increasing the risk of police abuse and impunity.

State of emergency laws further conferred unfettered powers on governments to take measures to respond to COVID-19. Early in 2020, countries including Hungary adopted broad states of emergency that contained no checks and balances or periodic reviews by parliament.³ Cambodia's government used COVID-19 as a pretext to pass a law enabling and regulating states of emergency. The law's vaguely worded provisions, if invoked, would give the authorities unprecedented powers to implement "other measures that are deemed appropriate and necessary in response to the state of emergency", with no checks and balances.⁴ In several other countries including France,⁵ Thailand, Kazakhstan and Morocco, such measures disproportionately restricted the rights to freedom of peaceful assembly and freedom of expression.⁶ Even where no official state of emergency was declared, measures claimed by the authorities to be justified to fight the pandemic were used to repress dissident voices and political opponents. In Greece, the head of police declared a blanket ban on public outdoor

² Amnesty International, "Peru: State must immediately repeal law that sends a wrong message of impunity for possible police abuses amidst the COVID-19 emergency," 30 March 2020, <https://www.amnesty.org/en/latest/news/2020/03/peru-debe-derogar-ley-impunidad-abusos-policiales-emergencia-covid19/>

³ Amnesty International, "Hungary: Government must not be granted unlimited powers by new Covid19 law", 27 March 2020, <https://www.amnesty.org/en/latest/news/2020/03/hungary-government-must-not-be-granted-unlimited-powers-by-new-covid19-law/>

⁴ Amnesty International, "Cambodia: Proposed emergency powers would obliterate human rights", 2 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/cambodia-proposed-emergency-power-obliterate-human-rights/>

⁵ France's highest administrative court suspended first the blanket restriction on public assemblies as disproportionate to the aim of protecting public health, and later suspended an authorization requirement. Some measures were also introduced before the state of emergency was enacted. Amnesty International, *Arrested for protest: weaponizing the law to crackdown on peaceful protesters in France*, (Index: EUR 21/1791/2020)

⁶ Amnesty International, *Thailand: Covid-19 measures must not be used to violate individuals' human rights*, (Index: ASA 39/2403/2020); "Morocco and Western Sahara: End prosecution of activists under new health emergency law", 9 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/morocco-and-western-sahara-end-prosecution-of-activists-under-new-health-emergency-law/>; *Arrested for protest: weaponizing the law to crackdown on peaceful protesters in France*, (Index: EUR 21/1791/2020)

assemblies of four people or more for four days in November, which meant that yearly demonstrations to commemorate the 1973 Polytechnic student uprising against the military government were banned.⁷



FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY DURING THE PANDEMIC

Under international human rights law, restrictions can be lawfully placed on the right to freedom of peaceful assembly in order to protect public health or other legitimate concern where they go no further than what is necessary and proportionate.⁸ However, in many instances documented by Amnesty International restrictions go much further; for example, prohibiting or restricting protests where other public gatherings of similar sizes remained unaffected. In addition, in assessing whether restrictions on assemblies are necessary, authorities must take into account the measures that demonstrators are voluntarily

implementing to comply with public health restrictions, such as keeping enough physical distance or wearing masks; and in assessing proportionality the fundamental importance of the right to freedom of peaceful assembly must be given sufficient weight.

Similarly, states must ensure that any limitation on the right to freedom of expression introduced in the context of the COVID-19 pandemic is provided by a clear and accessible law, and is necessary and proportionate for the protection of public health or other relevant legitimate purpose under international human rights law. Blanket prohibitions on the dissemination of information based on vague and ambiguous concepts, such as “false news” or “spreading misinformation”, do not meet this test and are therefore incompatible with the right to freedom of expression. These measures further risk having a chilling effect on the population and the media, leading to self-censorship out of fear of reprisals. International law does not permit general prohibitions of expressions of an erroneous opinion or an incorrect interpretation of events.⁹

Amnesty International has documented overreliance on existing criminal offences as well as new emergency legislation to criminalize those exercising their right to freedom of expression. In Turkey, 510 people were reported to have been detained for questioning on account of “sharing provocative coronavirus posts” on social media.¹⁰ In Bahrain, Kuwait, Oman, Saudi Arabia and the United Arab Emirates, authorities have issued statements warning of criminal liability for publishing “false news” or “spreading misinformation” in the context of the pandemic, and there have been prosecutions of individuals who posted content on social media about the pandemic or the government’s response.¹¹ In Hungary, the Criminal Code was amended in March to include a penalty of up to three years’ imprisonment for those who obstruct government measures to fight an epidemic. New offences of “spreading false information” or “communicating facts in a way that impede public health measures” were added, which carry penalties of up to five years in prison. While the government has insisted that the measures are temporary, the changes to the law do not include any time limits.¹²

At the policy level, governments have defined approaches that enabled excessive use of police powers to suppress the rights to freedom of expression and peaceful assembly. In the Philippines President Rodrigo Duterte gave orders to the police, military and local officials to kill those who cause “trouble” during the imposition of community quarantine.¹³ In Kenya, the National Police Service Inspector General issued guidance to police on the enforcement of public health measures that failed to include human rights safeguards, thus increasing the risks of police abuses.¹⁴

⁷ Amnesty International, *Greece: blanket ban on public assemblies must be urgently revoked*, (Index: EUR 25/3346/2020)

⁸ See, for example, International Covenant on Civil and Political Rights, <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>

⁹ Human Rights Committee, General Comment No. 34, Article 19: Freedoms of opinion and expression, UN Doc. CCPR/C/GC/34 (2011), para. 49.

¹⁰ Amnesty International, “Turkey: Stifling free expression during the COVID-19 pandemic”, 16 June 2020,

www.amnesty.org/en/latest/campaigns/2020/06/turkey-stifling-free-expression-during-the-covid19-pandemic/

¹¹ Amnesty International, *Covid-19 is new pretext for old tactics of repression in GCC* (Index: MDE 04/3136/2020)

¹² Hungarian Criminal Code (Article 322/A). See also Amnesty International, “Global: Crackdown on journalists weakens efforts to tackle COVID-19”, 1 May 2020, www.amnesty.org/en/latest/news/2020/05/global-crackdown-on-journalists-weakens-efforts-to-tackle-covid19/

¹³ Amnesty International, “Philippines: President Duterte gives ‘shoot to kill’ order amid pandemic response”,

2 April 2020, www.amnesty.org/en/latest/news/2020/04/philippines-president-duterte-shoot-to-kill-order-pandemic/

¹⁴ Amnesty International Kenya, “Human rights-based Covid-19 policing guidelines for the NPS”, 7 April 2020, www.amnestykenya.org/human-rights-based-covid-19-policing-guidelines-for-the-nps/

4. HUMAN RIGHTS VIOLATIONS COMMITTED BY THE POLICE

Amnesty International is concerned that a law enforcement first approach has often been adopted where other measures that are less restrictive on human rights and yet still protect public health could have been used in their place. In many instances this results in the measures taken being unnecessary, disproportionate and thus unlawful. Against the backdrop of the pandemic, and often using the spread of COVID-19 as pretext, law enforcement agencies have committed a range of human rights violations from arbitrary detention to excessive use of force – particularly while policing public assembly – to acts of torture and other ill-treatment.

4.1 ARBITRARY ARRESTS AND DETENTION

In all regions, police arrested people in connection with the enforcement of responses to COVID-19. People have been arrested for violating quarantine measures, for violating restrictions on travel or holding meetings, for participating in peaceful protests and for speaking out to criticize their government's handling of the pandemic. In many of these cases, the arrests and detention would be considered arbitrary under any circumstances, with people arrested solely on account of the peaceful exercise of their human rights. In other cases, the arrests were arbitrary because they took place in the context of a pandemic when taking people into custody was often not reasonable, necessary or proportionate, and could cause significant harm given the risk of contagion in close quarters.

In many places arrest and detention has been used as a first rather than last resort in response to non-compliance with public health measures, often increasing the risk of contagion with little physical distancing employed. By the end of August, El Salvador's government had quarantined more than 16,000 people – including those accused of breaking the mandatory national lockdown, people returning from overseas or those suspected of having been in contact with anyone who had tested positive for COVID-19 – often in unsanitary conditions and without safeguards against human rights violations.¹⁵ In the Dominican Republic, police detained approximately 85,000 people between 20 March and 30 June, allegedly for non-compliance with the curfew.¹⁶ Video footage verified by Amnesty International's Citizen Evidence Lab showed police rounding people up without physical distancing for failing to wear masks.¹⁷ In Angola, seven men were arrested in April while going

¹⁵ Amnesty International, "Americas: Authorities convert state-run quarantines into form of repression", 21 September 2020, <https://www.amnesty.org/en/latest/news/2020/09/americas-state-run-quarantines-form-repression/>

¹⁶ Elina Castillo, "Sin derechos humanos, la promesa de 'cambio' para República Dominicana quedará vacía", Washington Post, 15 September 2020.

¹⁷ Amnesty International, "Americas: Authorities must protect people from COVID-19 instead of resorting to repressive measures", 15 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/americas-authorities-must-protect-people-covid19-repressive-measures/>; "The OAS must

to buy food.¹⁸ In the Philippines, 100,486 people had been arrested for alleged violations related to lockdown and curfew orders by 6 September.¹⁹



ARREST AND DETENTION AND THE PANDEMIC

Criminal-law measures are generally ill-suited to the protection of public health and should only be used as a last resort where other less rights-infringing measures have failed or are unavailable. Measures that involve arresting people and taking them into custody are especially ill-suited as they increase the risk of contagion.

The UN Human Rights Committee is clear that detention is considered arbitrary where it has “elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality”.²⁰ The

UN Working Group on Arbitrary Detention has specifically stated that measures implemented in the context of public health emergencies must also be “the least intrusive means to protect public health and imposed only for the time required to combat the emergency”.²¹



A woman displays a placard reading "Justice for Facuando" while marching to Plaza de Mayo square in Buenos Aires, Argentina. 3 September 2020. © Juan Mabromata/AFP/Getty Images

In Argentina, 22-year old Facundo Astudillo Castro went missing on 30 April after police arrested him for violating the national COVID-19 quarantine.²² On 2 September an independent forensic team identified a body that had been found as his; it is as yet unclear what happened between his arrest and death.²³

In Russia, Anastasia Vasilyeva, a doctor and leader of a medical workers union who exposed weaknesses in the health system's preparedness for fighting COVID-19, was arrested with colleagues and journalists on their way to deliver supplies to health

workers. They were charged with “non-compliance with the rules of conduct to prevent and liquidate an emergency situation”. While most of those arrested were later released, Vasilyeva was not allowed to leave the police station and was charged with “disobeying a police officer”.²⁴

In several countries, police have also arrested people for taking part in protests allegedly in contravention of COVID-19 measures. In Niger, the government issued in March a blanket ban on all demonstrations likely to attract more than 1,000 people, after members of civil society called for a demonstration against alleged

condemn repressive measures taken to combat the pandemic”, 17 September 2020, <https://www.amnesty.org/en/latest/news/2020/09/oas-must-condemn-repressive-measures-pandemic/>

¹⁸ Amnesty International, “Southern Africa: Government intervention required as millions face hunger under COVID-19 lockdown regimes”, 17 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/southern-africa-government-intervention-required-as-millions-face-hunger-under-covid19-lockdown-regimes/>

¹⁹ Amnesty International, “Philippines: President Duterte gives ‘shoot to kill’ order amid pandemic response”, 2 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/philippines-president-duterte-shoot-to-kill-order-pandemic/>; Rappler, “Over 100,000 quarantine violators arrested in PH since March”, 8 September 2020, <https://www.rappler.com/nation/arrested-quarantine-violators-philippines-2020>

²⁰ UN Human Rights Committee, General Comment 35: Article 9 (Liberty and security of person), (CCPR/C/GC/35)

²¹ Working Group on Arbitrary Detention, Deliberation No. 11 on prevention of arbitrary deprivation of liberty in the context of public health emergencies, 8 May 2020, Para: 3

²² Amnesty International, *Argentina: Disappeared during COVID-19 quarantine* (Index: AMR 13/2767/2020)

²³ Amnesty International, *Argentina: Disappeared during quarantine found dead* (Index: AMR 13/2978/2020)

²⁴ Amnesty International, “Russia: Authorities detain doctor who exposed flaws in COVID-19 response”, 3 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/russia-authorities-detain-doctor-who-exposed-flaws-in-covid19-response/>. For more details on Anastasia Vasilyeva's ill-treatment in detention, see *Torture and other ill-treatment* section below.

corruption in the Defence Ministry following a leaked audit. Security forces prevented access to the protest venue and fired tear gas to disperse the protestors, resulting in a fire in which three people died. Activists Moudi Moussa, Halidou Mounkaila, Maïkoul Zodi, Moussa Tchangari, Haliidou Mounkaila and Sani Chekaraou were arrested on charges of organizing an unauthorized gathering, complicity in damaging public property, arson and manslaughter for going ahead with the protest. They were later provisionally released pending trial.²⁵

On several occasions in May, Polish police issued heavy fines to peaceful protestors who were variously protesting the plan to hold the presidential election by postal vote, demanding the independence of the judiciary and criticizing the government for lack of support provided to small companies during the pandemic. Hundreds of protestors have been arrested simply for exercising their right to freedom of peaceful assembly.²⁶

Other protestors have been arrested for their participation in demonstrations that were specifically related to the authorities' response to COVID-19. In Malaysia in June, police dispersed a peaceful picket against a hospital cleaning services company that was accused of unfair treatment of union members and providing insufficient personal protective equipment (PPE) for cleaners. Five union activists were arrested, held overnight and charged with "unauthorized gathering".²⁷ On 2 October, the activists were granted a "discharge not amounting to acquittal", meaning that case against them will not proceed.²⁸ In the Philippines, following a spontaneous protest after an expected relief distribution did not take place in Quezon City, the police arrested and detained 21 protestors.²⁹ In France, 85 people were fined in three incidents for participating in small protests in May and June, including ones expressing support for health workers, despite protestors wearing face coverings and/or maintaining physical distance. Some protestors were also arrested or prosecuted.³⁰ In Niger, according to police figures, 274 people were arrested between 17 and 21 April after residents demonstrated against the imposition of a curfew.³¹ In Pakistan, on 7 April, 53 doctors and other health workers protesting the lack of resources, PPE and security from the government in Quetta were baton-charged, arrested and detained in police stations.³² In June, in the same city at least 24 students who were protesting the lack of Internet access to attend their classes virtually were also detained and kept in prisons for almost 24 hours.³³

4.2 CRACKDOWN ON CRITICISM OF PANDEMIC RESPONSE

In many places around the world, people have been arrested and detained simply for criticizing or questioning the government's response to the pandemic, including journalists, human rights defenders, social media users, doctors and other essential workers. In Turkey, on the basis of existing legislation, journalists and human rights defenders have been arrested for sharing factual information, and doctors have been arrested for publishing practical information and critical views on the authorities' response.³⁴ In Venezuela, at least 12 health workers have been detained and brought before tribunals during the pandemic after speaking out about safety concerns.³⁵ In Kazakhstan, the authorities abused the state of emergency measures envisaged by Article 274 of the Criminal Code, which prohibits "dissemination of knowingly false information", to clamp down on dissent. From January to August, 81 cases were started under Article 274 and five reached the courts. On 22 June, Alnur Ilyashev was found guilty under Article 274 for three posts on social media criticizing the government's response

²⁵ Amnesty International, "Niger: Charges must be dropped following release of three activists", 30 September 2020, <https://www.amnesty.org/en/latest/news/2020/09/niger-charges-must-be-dropped-following-release-of-three-activists/>

²⁶ Amnesty International, *Poland: COVID-19 is no excuse to crack down on protests* (Index: EUR 37/2421/2020)

²⁷ Amnesty International, "Protect union activists in Malaysia", <https://www.amnesty.org/en/get-involved/take-action/drop-all-charges-against-union-activists-in-malaysia/>

²⁸ Amnesty International, *Malaysia: Further information: Charges against union activists will not proceed* (Index: ASA 28/3240/2020)

²⁹ Amnesty International, "Philippines: President Duterte gives 'shoot to kill' order amid pandemic response", 2 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/philippines-president-duterte-shoot-to-kill-order-pandemic/>

³⁰ Amnesty International, *Arrested for protest: Weaponizing the law to crackdown on peaceful protesters in France* (Index: EUR 21/1791/2020)

³¹ Panapress, "Coronavirus: 274 arrested following demonstrations against curfew in Niamey", 22 April 2020,

https://www.panapress.com/Coronavirus-274-arrested-followi-a_630638542-lang2.html

³² The Guardian, "Pakistan arrests doctors protesting over lack of virus safety equipment", 6 April 2020, <https://www.theguardian.com/world/2020/apr/06/pakistan-arrests-doctors-protest-lack-coronavirus-safety-equipment>

³³ The Express Tribune, "Protesting students arrested for demanding internet facilities in Quetta", 25 June 2020, <https://tribune.com.pk/story/224922/protesting-students-arrested-demanding-internet-facilities-quetta>

³⁴ Amnesty International, "Turkey: Stifling free expression during the COVID-19 pandemic", 16 June 2020,

<https://www.amnesty.org/en/latest/campaigns/2020/06/turkey-stifling-free-expression-during-the-covid19-pandemic/>

³⁵ Amnesty International, "Venezuela: Authorities are repressing and failing to protect health workers as the COVID-19 pandemic gathers force", 18 August 2020, <https://www.amnesty.org/en/latest/news/2020/08/venezuelan-authorities-are-repressing-and-failing-to-protect-health-workers-as-covid-19-gathers-force/>

to COVID-19 and for corruption. He was sentenced to restricted freedom for three years and banned from “voluntary political and social activism” for five years.³⁶

In Morocco, between April and May, at least five human rights defenders and citizen journalists were arrested for online and social media posts criticizing the authorities’ handling of COVID-19 aid distribution. They were charged under both the health emergency law and Penal Code provisions for “offending public institutions” and “spreading false information”.³⁷ In Egypt, authorities have arrested, detained and opened criminal investigations into charges of “terrorism” and “spreading false news” against health workers and journalists critical of their handling of the pandemic, as well as against families and supporters of detainees calling for prisons to be decongested amid the pandemic.³⁸ Journalists, bloggers, human rights defenders and political activists have been similarly summoned for questioning or arrested for expressing their views on COVID-19 measures or sharing information in, among others, Palestine, Poland, China, Bangladesh, Madagascar, Eswatini, India, Tunisia, Niger, Cameroon and Venezuela.³⁹ In some countries, even private comments have been criminalized. In Niger, Amina Maiga, a court worker, was arrested on 29 April after the interception of a private WhatsApp conversation in which she criticized the government’s handling of the COVID-19 pandemic. She was sentenced to a three-month suspended prison sentence and a FCFA 20,000 fine for disturbing public order.⁴⁰

4.3 UNLAWFUL USE OF FORCE

4.3.1 ENFORCING THE LOCKDOWN

Amnesty International has documented the unlawful use of force, including lethal force, across regions to disperse crowds, conduct arrests or punish those violating public health restrictions. In El Salvador, a young man described how a police officer detained and beat him and shot him twice in the legs when he was caught going to buy food and fuel, allegedly in violation of a national quarantine.⁴¹ Across Europe, there were several cases in Belgium, France, Greece, Italy, Romania and Spain in which law enforcement officials resorted to the unlawful use of force to impose lockdown measures on people who did not offer any resistance or constitute a significant threat. As part of the documentation, Amnesty International’s Citizen Evidence Lab verified 34 videos showing police using force unlawfully in the context of lockdown enforcement, including police in Spain beating and pinning down a young man and his mother.⁴²

³⁶ Kazakhstani International Bureau for Human Rights and Rule of Law, 13 October 2020, <https://bureau.kz/novosti/rezhim-chp-sprovociroval-ohotu-na-vedm/>

³⁷ Amnesty International, “Morocco and Western Sahara: End prosecution of activists under new health emergency law”, 9 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/morocco-and-western-sahara-end-prosecution-of-activists-under-new-health-emergency-law/>

³⁸ Amnesty International, “Egypt: Release prisoners of conscience and other prisoners at risk amid coronavirus outbreak”, 20 March 2020, <https://www.amnesty.org/en/latest/news/2020/03/egypt-release-prisoners-of-conscience-and-other-prisoners-at-risk-amid-coronavirus-outbreak/>; “Egypt: End relentless attacks on journalists and other media workers”, 3 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/egypt-end-relentless-attacks-on-journalists-and-other-media-workers/>; “Egypt: Health care workers forced to make impossible choice between ‘death or jail’”, 18 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/egypt-health-care-workers-forced-to-make-impossible-choice-between-death-or-jail/>

³⁹ Amnesty International, “Palestine: End arbitrary detention of critics in West Bank and Gaza”, 7 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/palestine-end-arbitrary-detention-of-critics-in-west-bank-and-gaza/>; *China: COVID-19 activist held incommunicado: Chen Mei* (Index: ASA 17/2289/2020); “World Press Freedom Day: COVID-19 must not be a pathogen of repression”, 3 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/covid-19-must-not-be-a-pathogen-of-repression/>; “Southern Africa: COVID-19 a pretext for surge in harassment of journalists and weakening of media houses by states”, 3 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/southern-africa-covid19-a-pretext-for-surge-in-harassment-of-journalists-and-weakening-of-media-houses-by-states/>; “Global: Crackdown on journalists weakens efforts to tackle COVID-19”, 1 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/global-crackdown-on-journalists-weakens-efforts-to-tackle-covid19/>; “Tunisia: End prosecution of bloggers for criticizing government’s response to COVID-19”, 21 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/tunisia-end-prosecution-of-bloggers-for-criticizing-governments-response-to-covid19/>; *Venezuela: Journalist reporting on COVID-19 jailed* (Index: AMR 53/2019/2020); *Niger: Journalist given suspended sentence: Mamane Kaka Touda* (Index: AFR 43/2063/2020); “Cameroon: Authorities must urgently protect detainees against COVID-19”, 5 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/cameroon-authorities-must-urgently-protect-detainees/>; *Poland: COVID-19 is no excuse to crack down on protests* (Index: EUR 37/2421/2020)

⁴⁰ Amnesty International, “Niger. La loi sur la cybercriminalité est un instrument de répression des voix dissidents”, 8 May 2020, <https://www.amnesty.org/fr/latest/news/2020/05/niger-la-loi-sur-la-cybercriminalite-est-un-instrument-de-repression/>

⁴¹ Amnesty International, “El Salvador: Repression and broken promises, the new face of the country after one year of President Bukele’s government”, 1 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/el-salvador-repression-promesas-rotas-presidente-bukele/>

⁴² Amnesty International, “Europe: COVID-19 lockdowns expose racial bias and discrimination within police”, 24 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/europe-covid19-lockdowns-expose-racial-bias-and-discrimination-within-police/>



A South African policeman points his rifle to disperse a crowd of shoppers. Johannesburg, South Africa. 28 March 2020. © Marco Longari/AFP/Getty Images

In Kenya, at least seven people were killed and 16 hospitalized as a result of police operations to enforce the curfew over the first five days it was in place.⁴³ Widely shared video evidence showed police using tear gas on crowds waiting to board the Likoni ferry in Mombasa in the hours before the start of the curfew.⁴⁴ Other video evidence has shown security forces in India and Sierra Leone beating people with batons to enforce lockdown restrictions. In Nigeria, by May there had been reports of up to 18 people killed by security forces during lockdown.⁴⁵ In South Africa, police fired rubber bullets at people “loitering” on the streets on the first day of lockdown.⁴⁶ Zambia’s police spokesperson explained the approach to people found on the streets during lockdown as: “We hammer you, we hit you, then we do detention. If you escape, you are lucky”.⁴⁷

⁴³ Amnesty International Kenya, “Distance Conscious and Human Rights-Based COVID-19 Policing Guidelines Recommendations for the National Police Service of Kenya”, 2 April 2020, <https://www.amnestykenya.org/wp-content/uploads/2020/04/2020-NPS-Policing-Guidelines-FINALE.pdf>

⁴⁴ Amnesty International Citizen Evidence Lab, “How OSINT helps us hold governments to account during the COVID-19 pandemic”, 1 May 2020, <https://citizenevidence.org/2020/05/01/osint-covid-19-pandemic/>

⁴⁵ Amnesty International Citizen Evidence Lab, “How OSINT helps us hold governments to account during the COVID-19 pandemic”, 1 May 2020, <https://citizenevidence.org/2020/05/01/osint-covid-19-pandemic/>

⁴⁶ Amnesty International, “Southern Africa: COVID-19 a pretext for surge in harassment of journalists and weakening of media houses by states”, 3 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/southern-africa-covid19-a-pretext-for-surge-in-harassment-of-journalists-and-weakening-of-media-houses-by-states/>

⁴⁷ Amnesty International, “Southern Africa: Government intervention required as millions face hunger under COVID-19 lockdown regimes”, 17 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/southern-africa-government-intervention-required-as-millions-face-hunger-under-covid19-lockdown-regimes/>



INTERNATIONAL LAW AND STANDARDS ON THE USE OF FORCE

Criminal-law measures are generally ill-suited to the protection of public health and should only be used as a last resort where other less rights-infringing measures have failed or are unavailable. Measures that involve arresting people and taking them into custody are especially ill-suited, as they increase the risk of contagion.

The UN Human Rights Committee is clear that detention is considered arbitrary where it has “elements of inappropriateness, injustice, lack of predictability and due process of law, as well as

elements of reasonableness, necessity and proportionality”.⁴⁸ The UN Working Group on Arbitrary Detention has specifically stated that measures implemented in the context of public health emergencies must also be “the least intrusive means to protect public health and imposed only for the time required to combat the emergency”.⁴⁹

Similarly, in Chechnya, video footage showed police kicking and assaulting a man for not wearing a mask covering his face. The next day, state TV circulated a video in which the region’s head justified the use of force, saying: “It’s better to beat one than bury a hundred”.⁵⁰ Police in Angola killed at least seven boys and young men while dealing with breaches of the state of emergency regulations introduced to limit the spread of COVID-19.⁵¹

4.3.2 POLICING OF PUBLIC ASSEMBLIES

At least 16 people were killed by security officers (police and military) in Wolaita Zone in Ethiopia in August following protests against the arrests of local leaders and activists, allegedly for holding a meeting in contravention of COVID-19 restrictions.⁵² During protests against the reimposition of lockdown measures in Belgrade, Serbian police responded disproportionately to isolated incidents of violence, firing tear gas and stun grenades indiscriminately into the crowd. Mounted police charged at protesters and bystanders, who were also beaten by police in riot gear.⁵³ In the Philippines, residents of Quezon City who staged a protest after an expected relief distribution did not take place were hit by the police with wooden sticks to disperse them.⁵⁴

In Venezuela, there are indications that authorities used excessive and unnecessary force to disperse protests. In Honduras, the NGO ACI Participa reported that security forces used tear gas and firearms against peaceful protesters.⁵⁵ In Guinea, six people including a pregnant woman were killed on 12 May following protests against how pandemic measures were applied, including the installation of barriers to limit free circulation.⁵⁶ In Niger, three people died in March in a fire caused when tear gas was used to disperse a demonstration organized to call for investigations into embezzlement revealed by a defence ministry audit (see further details above).⁵⁷ In Poland, police used tear gas unlawfully to disperse peaceful assemblies.⁵⁸

⁴⁸ UN Human Rights Committee, General Comment 35: Article 9 (Liberty and security of person), (CCPR/C/GC/35)

⁴⁹ Working Group on Arbitrary Detention, Deliberation No. 11 on prevention of arbitrary deprivation of liberty in the context of public health emergencies, 8 May 2020, Para: 3

⁵⁰ Amnesty International, *Eastern Europe and Central Asia: Confronted with COVID-19: Responses and responsibilities* (Index: EUR 01/2215/2020)

⁵¹ Amnesty International, “Angola: Witnesses describe horrific killings of teenagers by police”, 25 August 2020, <https://www.amnesty.org/en/latest/news/2020/08/angola-witnesses-describe-horrific-killings-of-teenagers-by-police/>

⁵² Amnesty International, “Ethiopia: Stop the use of deadly force on protesters”, 14 August 2020, <https://www.amnesty.org/en/latest/news/2020/08/ethiopia-stop-the-use-of-deadly-force-on-protesters/>

⁵³ Amnesty International, “Serbia: Violent police crackdown against COVID-19 lockdown protesters must stop”, 9 July 2020, <https://www.amnesty.org/en/latest/news/2020/07/serbia-violent-police-crackdown-against-covid-19-lockdown-protesters-must-stop/>

⁵⁴ Amnesty International, “Philippines: President Duterte gives “shoot to kill” order amid pandemic response”, 2 April 2020, www.amnesty.org/en/latest/news/2020/04/philippines-president-duterte-shoot-to-kill-order-pandemic/

⁵⁵ Amnesty International, “Americas: Authorities must protect people from COVID-19 instead of resorting to repressive measures”, 15 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/americas-authorities-must-protect-people-covid19-repressive-measures/>

⁵⁶ Amnesty International, “Guinée. Les autorités alimentent le cycle de la répression dans le contexte du COVID-19”, 14 May 2020, <https://www.amnesty.org/fr/latest/news/2020/05/guinee-les-autorites-alimentent-le-cycle-de-la-repression-dans-le-contexte-du-covid/>

⁵⁷ Amnesty International, “Niger: 100-day detention of three activists highlights deterioration of freedom of expression”, 23 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/niger-day-detention-of-three-activists-highlights-deterioration/>

⁵⁸ Amnesty International, *Poland: COVID-19 is no excuse to crack down on protests* (Index: EUR 37/2421/2020)

4.4 VIOLATIONS RELATED TO SITUATIONS OF DETENTION



Police arresting a protester after violent clashes during a protest in Vallecas neighborhood. Madrid, Spain. 24 September 2020. © Marcos del Mazo/LightRocket/Getty

In Sierra Leone in April, prison guards used live ammunition to disperse a riot in Freetown's central prison, killing 31 people, including one prison officer, and leaving dozens of people injured. Twelve inmates died from gunshot wounds. Prisoners were reportedly concerned about overcrowding and measures to fight COVID-19.⁵⁹

In Iran, security forces reportedly used live ammunition, tear gas and beatings to suppress protests in several prisons in March and April, killing several prisoners and injuring others.⁶⁰

In some contexts, police have used concerns about COVID-19 as a pretext for denying the rights of people deprived of their liberty. For example, in Ethiopia, police would not allow the wife of a detained opposition politician to bring him food in detention, allegedly due to fear of COVID-19. It is common practice in Ethiopia, as in many countries, for family members to provide meals for detainees to supplement the meagre rations provided in detention.⁶¹ In Egypt, authorities suspended prison visits between March and August, citing COVID-19 fears, but failed to introduce alternative regular means of communications between those deprived of their liberty and their lawyers. During this period, prison administrations also barred a number of prisoners of

⁵⁹ Amnesty International, "Sierra Leone: Reasons underlying prison riot amid COVID-19 cse must be investigated", 30 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/sierra-leone-reasons-underlying-prison-riot-amid/>; AYV Newspaper, "April 21, 2020 Pademba Road Correctional Centre attack report out; 31 Inmates Killed, 53 Injured", 8 July 2020, <http://www.avnewspaper.com/index.php/2020/07/08/april-21-2020-pademba-road-correctional-centre-attack-report-out-31-inmates-killed-53-injured/>; The Sierra Leone Telegraph, "Freetown Correctional Centre publishes report into Pademba Road prison riot", 8 July 2020, <https://www.thesierraleonetelegraph.com/freetown-correctional-centre-publishes-report-into-pademba-road-prison-riot/>

⁶⁰ Amnesty International, "Iran: Prisoners killed by security forces during COVID-19 pandemic protests", 9 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/iran-prisoners-killed-by-security-forces-during-covid19-pandemic-protests/>

⁶¹ Amnesty International, "Ethiopia: Account for all people arrested after Hachalu Hundesa's killing", 18 July 2020, <https://www.amnesty.org/en/latest/news/2020/07/ethiopia-account-for-all-people-arrested-after-hachalu-hundesa-killing/>

conscience and others held in relation to political cases from receiving food, medicine, cleaning products and personal hygiene supplies from their families.⁶²



RIGHT TO HEALTH AND THE PANDEMIC

Article 12 of the International Covenant on Economic, Social and Cultural Rights guarantees “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”, including steps to be taken necessary for the “prevention, treatment and control of epidemic, endemic, occupational and other diseases”. The Committee on Economic, Social and Cultural Rights’ General Comment 14 on the right to health deals with situations in which there may be limitations on the exercise of other rights for the protection of public health. In these cases, measures should be “primarily intended to protect the rights of individuals rather than to permit the imposition of limitations by States”. They must be “in

accordance with the law, including international human rights standards [...] and strictly necessary for the promotion of the general welfare in a democratic society.” Such limitations must be proportional, of limited duration and subject to review.

4.5 TORTURE AND OTHER ILL-TREATMENT

Acts of torture and other ill-treatment are absolutely prohibited at all times, even in times of crisis and emergency, by all the main international and regional human rights instruments,⁶³ as well as by customary international law. The prohibition of torture enjoys the rare status of a jus cogens or peremptory norm of customary international law, which means it is applicable to all states and can never be opted out of. Yet, Amnesty International has documented several cases of torture and other ill-treatment, often committed in the name of protecting public health and stopping the spread of COVID-19.

In Russia, a doctor arrested for violating travel restrictions while attempting to distribute personal protective equipment was violently dragged back into the police station after her initial release. She was reportedly choked and hit in the abdomen and passed out.⁶⁴

Three opposition Zimbabwean activists involved in a protest about the state’s failure to provide social protection for the poor during the COVID-19 lockdown were abducted at a roadblock in May, and then sexually assaulted and otherwise tortured. They were arrested again in June, shortly after being discharged from hospital, accused of lying about being tortured.⁶⁵

In Côte d’Ivoire, Yapo Ebiba François, an online activist close to the political opposition, was allegedly subjected to acts of torture and other ill-treatment between 7 and 11 May while in police custody and was detained without access to his lawyer. He faces charges of “attack on national defence, disturbing public order, defamation and contempt on social networks, dissemination of fraudulently obtained computer data, publication of false information tending to create a belief that an attack will be committed against the physical or psychological integrity of persons”.⁶⁶ He is notably accused of having called, via a post on social networks, for the destruction of equipment intended for the construction of a COVID-19 screening centre.⁶⁷

⁶² Amnesty International, “Egypt: Allow prison visits and other communication for detained defenders and political opponents without discrimination”, 19 August 2020, <https://www.amnesty.org/en/latest/news/2020/08/egypt-allow-prison-visits-and-other-communication-for-detained-defenders-and-political-opponents-without-discrimination/>

⁶³ Article 5 of the Universal Declaration of Human Rights; UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Article 7 of the International Covenant on Civil and Political Rights; Article 5 of the African Charter on Human and Peoples’ Rights; Article 5 of the American Convention on Human Rights; Article 8 of the Arab Charter on Human Rights; Article 3 of The European Convention on Human Rights and Fundamental Freedoms.

⁶⁴ Amnesty International, “Russia: Authorities detain doctor who exposed flaws in COVID-19 response”, 3 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/russia-authorities-detain-doctor-who-exposed-flaws-in-covid19-response/>

⁶⁵ Amnesty International, *Zimbabwe: Further information: Tortured activists released on bail* (Index AFR 46/2729/2020)

⁶⁶ “Atteinte à la défense nationale, troubles à l’ordre public, diffamation et outrage sur les réseaux sociaux, diffusion de données informatiques frauduleusement obtenues, publication de fausses informations tendant à faire croire qu’une atteinte aux personnes va être commise”

⁶⁷ Amnesty International, *Cote d’Ivoire: Les allégations de torture subie par un cyber-activiste durant sa garde à vue doivent faire l’objet d’une enquête* (Index : AFR 31/2477/2020)

In Venezuela and the Dominican Republic, police have publicly humiliated and degraded people found breaking lockdown regulations.⁶⁸

4.6 ILLEGAL EXPULSION OF REFUGEES AND MIGRANT WORKERS

The pandemic has been used as pretext for the illegal expulsion of refugees and migrant workers, who have in some instances been scapegoated and blamed for the spread of COVID-19. Authorities in Trinidad and Tobago are reported to have violated the principle of non-refoulement and returned at least 165 refugees to Venezuela, despite the serious risks they would face in the midst of a humanitarian and human rights emergency there. The national police service has circulated messages on Facebook stating that “illegal immigration” could cause a “new wave of COVID-19” and called on people to report “suspicious activity”. These and other such messages are fuelling a xenophobic narrative in Trinidad and Tobago.⁶⁹

Police in Qatar rounded up dozens of Nepali migrant workers, telling them they were being taken to undergo COVID-19 testing, but instead they took them into detention centres and held them in appalling conditions before expelling them from the country.⁷⁰

Refugees and migrants in Libya continued to face racism and xenophobia and were blamed for bringing COVID-19 into the country. At least 5,000 people have been summarily expelled from eastern Libya in 2020 without the opportunity to seek international protection or appeal expulsion decisions. Being “carriers of contagious diseases” was cited as one reason for expulsion.⁷¹

4.7 FORCED EVICTIONS

While the pandemic has put many poorer people at heightened risk of homelessness, law enforcement agencies have continued to carry out forced evictions. Despite the challenges posed by COVID-19, police in Ethiopia and Kenya conducted forced evictions of people living in informal settlements. In Ethiopia, police demolished the homes of at least 1,000 people in a settlement in Addis Ababa without notice or consultation. Many were day labourers who were unable to work because of the COVID-19 pandemic.⁷² In Kenya’s capital, Nairobi, more than 7,000 households from Kariobangi Sewerage Farmers Slum, Korogocho Market, Kisumu Ndogo and Nyayo Village were forcibly evicted from their homes in May by police and other authorities, despite an interim court injunction.⁷³

In France, volunteers from Human Rights Observers documented 175 cases of forced evictions of migrants, asylum-seekers and refugees by law enforcement officials in Calais between March and May. The police also arrested people filming the forced evictions.⁷⁴ In Ghana, the Accra Metropolitan Assembly supervised the demolition of homes in Old Fadama, a slum in Accra, during the April lockdown. An estimated 1,000 residents were affected and the government made no arrangements to relocate them.⁷⁵

Approximately 50 people, including families with children, were reportedly evicted from an occupied building in Greece’s capital, Athens, in May. Riot police were allegedly deployed to quell protests around the eviction. Following checks at the police station, seven refugee families were released and ended up in a local square before being offered temporary accommodation by a local solidarity group.⁷⁶ In Italy, despite instructions to

⁶⁸ Amnesty International, “Americas: Authorities must protect people from COVID-19 instead of resorting to repressive measures”, 15 May 2020, <https://www.amnesty.org/en/latest/news/2020/05/americas-authorities-must-protect-people-covid19-repressive-measures/>

⁶⁹ Amnesty International, “Trinidad and Tobago: Deportation of 165 Venezuelans violates international law”, 6 August 2020, <https://www.amnesty.org/en/latest/news/2020/08/trinidad-tobago-deportation-165-venezuelans-violates-international-law/>

⁷⁰ Amnesty International, “Qatar: Migrant workers illegally expelled during COVID-19 pandemic”, 15 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/qatar-migrant-workers-illegally-expelled-during-covid19-pandemic/>

⁷¹ Amnesty International, “Between life and death: Refugees and migrants trapped in Libya’s cycle of abuse” (Index: MDE 19/3084/2020)

⁷² Amnesty International, “Ethiopia: Forced evictions in Addis Ababa render jobless workers homeless amid COVID-19”, 29 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/ethiopia-forced-evictions-in-addis-ababa-render-jobless-workers-homeless-amid-covid19/>

⁷³ Amnesty International, Kenya: Evicted residents vulnerable to COVID-19 (Index: AFR 32/2284/2020)

⁷⁴ Amnesty International, *Policing the pandemic: Human rights violations in the enforcement of COVID-19 measures in Europe* (Index: EUR 01/2511/2020)

⁷⁵ Joy Online, “Minority condemns ‘inhumane’ demolition at Old Fadama by AMA”, 16 April 2020, <https://www.myjoyonline.com/news/national/minority-condemns-inhumane-demolition-at-old-fadama-by-ama/>

⁷⁶ Amnesty International, *Policing the pandemic: Human rights violations in the enforcement of COVID-19 measures in Europe* (Index: EUR 01/2511/2020)

suspend evictions during the pandemic, forced evictions of Roma were carried out by local authorities. On 11 August, residents were forcibly evicted from the Roma informal settlement of via del Foro Italiaco 531 in Rome. In Turin, Roma families were forcibly evicted from their homes in segregated camps on three instances in August and September.⁷⁷

Forced evictions are a violation of international human rights law and have a particular disproportionate impact on marginalized communities.⁷⁸ Evictions should never take place without offering the affected people appropriate alternative housing. This becomes even more evident in times of a pandemic when people who have lost their homes are unable to distance themselves from others and are exposed to an increased risk of contagion.

⁷⁷ Amnesty International, "Affordable housing for all: key to building a resilient post-COVID-19 world", 5 October 2020, <https://www.amnesty.org/en/latest/news/2020/10/affordable-housing-key-to-resilience-post-covid/>

⁷⁸ Amnesty International, *Ending forced evictions in law and practice: A thematic submission to the United Nations Committee on Economic, Social and Cultural Rights* (Index: ACT 35/006/2013)

5. VIOLATIONS BY OTHER STATE ACTORS IN A POLICING ROLE

Amnesty International has also documented cases where state actors other than the police have been deployed to enforce public health restrictions and effectively taking on a policing role; for example, in enforcing mandatory quarantine measures. In Kyrgyzstan, local authorities welded shut the doors of an apartment block after one resident that tested positive for COVID-19 refused to share the names of those he had been in contact with.⁷⁹

In the Philippines, village officials responsible for enforcing a curfew forced three LGBTI people to perform humiliating acts as punishment for supposedly violating the curfew, recorded this on video and posted it on social media.⁸⁰

The deployment of the military to conduct public safety tasks is often inappropriate, given that military armed forces are trained and equipped to fight an enemy, rather than to maintain public order and to serve and protect the population. In South Africa, for instance, the military were involved in the killing of an individual for alleged breaches of lockdown regulations.⁸¹ In Slovakia, military personnel have been deployed to assist with carrying out of testing and keeping habitants of Roma settlements under mandatory quarantine, including with weapons that should only be deployed in high-risk scenarios and that do not have a place in day-to-day law enforcement, evidence of a worrying “combating an enemy” approach.⁸²

In several countries, the deployment of the military has been accompanied by the increasing militarization of law enforcement, reinforced by responses to the public health crisis. In September, the Inter-American Commission on Human Rights noted “the increase in militarization in the region, the excessive use of the force by the police and military in demonstrations and social protests caused by the fight against criminality in general, as well as arbitrary detention”. It called on states across the Americas to “respect and guarantee the exercise of the human rights through the strengthening of democratic and participatory citizen security policies that are focused on the protection of human beings”.⁸³ In Venezuela, where the military have been entrusted with enforcing mandatory

⁷⁹ Amnesty International, *Policing the pandemic: Human rights violations in the enforcement of COVID-19 measures in Europe* (Index: EUR 01/2511/2020)

⁸⁰ Amnesty International, “Philippines: Investigate humiliating abuses by local officials enforcing curfew”, 8 April 2020, <https://www.amnesty.org/en/latest/news/2020/04/philippines-investigate-humiliating-abuses-curfew/>

⁸¹ Amnesty International South Africa, “Call for independent investigation into Collins Khosa’s death”, 11 June 2020, <https://amnesty.org.za/call-for-independent-investigation-into-collins-khosas-death/>

⁸² Amnesty International, *Stigmatizing quarantines of Roma settlements in Slovakia and Bulgaria* (Index: EUR 01/2156/2020)

⁸³ Inter-American Commission on Human Rights, “La CIDH llama a los Estados de la región a implementar políticas de seguridad ciudadana democráticas y participativas centradas en la protección de la persona”, 25 September 2020, <http://www.oas.org/es/cidh/prensa/comunicados/2020/231.asp#>

quarantines under state custody, the NGO Provea has received reports of people being beaten with wooden sticks in one quarantine centre.⁸⁴

⁸⁴ El Pitazo, "Funcionarios disparan perdigones y lacrimógenas contra venezolanos en la Guajira", 21 July 2020, <https://elpitazo.net/sucesos/funcionarios-disparan-perdigones-y-lacrimogenas-contra-venezolanos-ubicados-en-pasi-de-guana/>

6. WHEN LAW ENFORCEMENT BECOMES DISCRIMINATION

Amnesty International has identified how certain communities have been especially targeted by police in the context of COVID-19 restrictions. Police in several European countries have demonstrated racial bias and discrimination in their enforcement of COVID-19 lockdowns, highlighting the ongoing issue of institutional racism within police forces. In some instances police used unlawful force on people who were not resisting or posing a serious threat, often in the context of identity checks, which are known to disproportionately target racialized groups. Stop and search of Black people in London significantly increased after the introduction of COVID-19 measures. In Seine-Saint-Denis, a working class neighbourhood in the Paris region with a high percentage of Black residents and residents of North African descent, the number of police checks was more than double the national average and the number of fines three times higher than in the rest of France. In several cases, police used racial insults while enforcing lockdown measures.⁸⁵

In some European countries, authorities have imposed targeted mandatory quarantines on entire areas, including where Roma live in informal settlements, villages and specific areas of towns, as well as where refugees, asylum-seekers and migrants live in camps, without evidence that they posed a threat to public health or security. Informal settlements and migrant camps have been heavily policed and law enforcement officials have used unlawful force against their residents in several cases.⁸⁶

As described above, police have violated the rights of people on the move in their enforcement of COVID-19 measures. Refugees, asylum-seekers and migrant workers have been subjected to discrimination based on their status and/or race, illegal expulsions from the country they resided in, and forced evictions from settlements they were living in. In Venezuela, authorities quarantined tens of thousands of returning migrants and refugees in inadequate centres, often under military control. High-level government officials described refugees returning from Colombia as “biological weapons” sent to infect people living in Venezuela. Returnees have also been called “traitors” by senior officials. This narrative, taken in conjunction with returnees’ automatic placement in state-run mandatory quarantines, raises concerns that their deprivation of liberty was discriminatory and arbitrary.⁸⁷

Existing threats against trans women in El Salvador increased in the context of COVID-19, including increased police violence, as many of them rely on sex work as their main source of income and have been unable to work

⁸⁵ Amnesty International, *Policing the pandemic: Human rights violations in the enforcement of COVID-19 measures in Europe* (Index: EUR 01/2511/2020)

⁸⁶ Amnesty International, *Policing the pandemic: Human rights violations in the enforcement of COVID-19 measures in Europe* (Index: EUR 01/2511/2020)

⁸⁷ Amnesty International, *When protection becomes repression: Mandatory quarantines under COVID-19 in the Americas* (Index: AMR 01/2991/2020); Human Rights Watch, “Venezuela: Abusive Treatment of Returnees”, 13 October 2020, <https://www.hrw.org/news/2020/10/13/venezuela-abusive-treatment-returnees>

during lockdown.⁸⁸ In Uganda, police arrested 23 young people at a shelter for LGBTI people on the pretext that they were guilty of “a negligent act likely to spread infection of disease,” as well as “disobedience of lawful orders”.⁸⁹

Sex workers often face multiple and intersecting forms of discrimination and structural inequalities, including on the basis of their gender, sexual orientation, gender identity, race, caste, ethnicity, Indigenous identity, migrant or other status. During the COVID-19 pandemic, sex workers have reported experiencing evictions, police raids and a lack of housing – which in turn puts them at further risk of violence and penalties for violating lockdown restrictions.⁹⁰ Police in Kenya and Sri Lanka were reported to be carrying out increased numbers of raids on sex workers community homes, as well as LGBTI and gender non-conforming community homes, including with the use of tear gas and excessive force. According to research conducted by Creating Resources for Empowerment in Action (CREA), those affected believed that the police was taking advantage of the lockdown to target them, knowing that it would be more difficult to access support from lawyers, for example. CREA has received reports of sex workers in border towns in Uganda and Kenya facing increased stigma and violence from the community and the police as they were accused of spreading the virus.⁹¹

Homeless people and people at risk of homelessness, often living in informal settlements, have also been disproportionately affected by COVID-19 restrictions and the police’s enforcement of those measures. In Italy, France, Spain and the United Kingdom, dozens of homeless people have been fined for not being able to comply with self-isolation measures and movement restrictions.⁹²



Policemen try to control stranded migrant workers and their families as they gather for a medical screening before taking a train to return to their hometowns after the government eased a nationwide lockdown imposed as a preventive measure against the COVID-19 in Amritsar, India. 20 May 2020. © Narinder Nanu/AFP/Getty Images

⁸⁸ Amnesty International, “For many trans women, living in El Salvador is a death sentence. Coronavirus is making it even worse”, 12 August 2020, <https://www.amnesty.org/en/latest/news/2020/08/trans-women-el-salvador-death-sentence-coronavirus/>

⁸⁹ Amnesty International, “Pride is a timely reminder that LGBTI people must not be left out of COVID-19 response”, 26 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/pride-lgbti-people-excluded-from-covid-19-response/>

⁹⁰ Amnesty International, *Include sex workers in the COVID-19 response: Public statement* (Index: POL 30/2788/2020)

⁹¹ CREA, “Submission to the Special Rapporteur on Violence against Women: COVID-19 and the Increase of Domestic Violence against Women,” July 2020.

⁹² Amnesty International, “Europe: COVID-19 lockdowns expose racial bias and discrimination within police”, 24 June 2020, <https://www.amnesty.org/en/latest/news/2020/06/europe-covid19-lockdowns-expose-racial-bias-and-discrimination-within-police/>

7. CONCLUSION AND RECOMMENDATIONS

1. The COVID-19 pandemic must be treated first and foremost as a public health crisis that needs to be addressed through evidence-based public health measures rooted in respect for human rights. From the experience of managing the HIV epidemic and other such crises, public health experts have found that these measures are most likely to be effective when they are driven by empowerment and community engagement.⁹³ Coercive law enforcement measures risk undermining the effectiveness of the response and must only be used as last resort.

In the COVID-19 response, authorities must ensure that laws, regulations and instructions establish clearly circumscribed responsibilities and tasks for law enforcement officials, reducing as much as possible discretion that may lead to arbitrary or otherwise excessive exercise of police powers. Instructions given must be based on scientific evidence and should include relevant public health guidance in order to allow law enforcement officials to respond appropriately to any situation they may encounter during this time of crisis. Restraint in the exercise of police powers and a voluntary, rather than a coercive approach should be prioritized to promote an effective public health response and to avoid unnecessary confrontations likely to increase the risk of contagion and to affect the legitimacy of law enforcement in the eyes of the public. Furthermore, coercive approaches often target disadvantaged communities that are marginalized, impoverished or at risk of discrimination. Policing powers must go hand in hand with appropriate accountability measures involving reporting obligations, supervision, control and the possibility for affected persons to complain effectively.

Overall, lockdown regulations must be in line with international human rights law and, in particular, authorities must:

- Ensure that public health regulations establish clearly circumscribed responsibilities and tasks for law enforcement officials, reducing as much as possible overly broad discretion that may lead to arbitrary or otherwise excessive exercise of police powers. Instructions given must be based on scientific evidence and should include relevant public health guidance in order to allow law enforcement officials to respond appropriately to any situation they may encounter during the time of crisis.
- Take all necessary measures to provide law enforcement officials with sufficient personal protective equipment to protect themselves and others while carrying out their duties.
- Properly train law enforcement officials that will be involved in responding to the pandemic to ensure they understand and adapt a public health approach that prioritizes empowerment and community engagement instead of coercive responses.

⁹³ UNAIDS, “Rights in the time of COVID-19: Lessons from HIV for an effective, community-led response”, March 2020, https://www.unaids.org/sites/default/files/media_asset/human-rights-and-covid-19_en.pdf; World Health Organization, “Addressing Human Rights as Key to the COVID-19 Response”, 21 April 2020, <https://www.who.int/publications-detail-redirect/addressing-human-rights-as-key-to-the-covid-19-response>; Nina Sun and Livio Zilli, “COVID-19 Symposium: The Use of Criminal Sanctions in COVID-19 Responses – Enforcement of Public Health Measures, Part II”, *Opinio Juris* blog, 3 April 2020, <http://opiniojuris.org/2020/04/03/covid-19-symposium-the-use-of-criminal-sanctions-in-covid-19-responses-enforcement-of-public-health-measures-part-ii/>; Umberto Pellicchia et al., “Social Consequences of Ebola Containment Measures in Liberia”, *Plos One* Volume 10, Issue 12, December 2015; Patrick M Eba, “Ebola and human rights in west Africa”, *The Lancet*, Volume 384, Issue 9960, [https://doi.org/10.1016/S0140-6736\(14\)61412-4](https://doi.org/10.1016/S0140-6736(14)61412-4); Global Commission on HIV and the Law, Risks, Rights & Health, 2012, www.hivlawcommission.org/report; Robyn Martin, “The Exercise of Public Health Powers in Cases of Infectious Disease: Human Rights Implications”, *Medical Law Review*, Volume 14, Issue 1, 1 March 2006, <https://academic.oup.com/medlaw/article/14/1/132/990506>

- Ensure the public is aware of the reasons for restrictions and also put in place measures for people to be able to comply with the restrictions, including by enabling them to satisfy their essential needs, and take into account the situation of marginalized groups that may require support in order to be in a position to comply with the restrictions.

2. Public health regulations must not be used as a way to violate or unduly restrict the exercise of human rights, including the rights to freedom of expression and peaceful assembly.

The pandemic has been used frequently as a pretext to introduce laws and policies that violate international law and roll back human rights, including by disproportionately restricting the rights to freedom of peaceful assembly and freedom of expression. While international human rights law allows for the restriction of some rights for the purpose of protecting public health or other limited objectives, these measures need to be reasonable, necessary and proportionate. Authorities must:

- Periodically and genuinely review the measures adopted under a state of emergency. Their renewal should not be automatic or presumed. The decision on renewal or extension should not be left solely to the executive, but the procedure should allow for meaningful scrutiny and challenge by the legislature and/or the judiciary.
- Lift all emergency measures as soon as they are no longer warranted by the pandemic and ensure that related restrictions and/or derogations of human rights do not become permanent.
- There should be no blanket ban on public assemblies, but each assembly should be assessed on a case-by-case basis to allow for measures to be considered that prevent contagion without a need to prohibit the entire assembly. Prohibitions on public collective protests as a result of measures imposed to protect public health must be a last resort based on a compelling need.
- Ensure that impediments for people to protest collectively in public as a result of lockdown measures must be a last resort based on a compelling need. Lockdown measures affecting public protests must be applied consistently compared to other activities that the authorities are permitting, giving due weight to the importance of the right to freedom of peaceful assembly and the increased need for people to jointly raise their voices in particularly difficult times and to ensure that authorities are not able to abuse their increased control over people's lives.
- Refrain from imposing blanket bans on the dissemination of information, including those based on vague and ambiguous concepts such as "false news" or "spreading misinformation", and repeal or amend legislation that imposes penalties simply for sharing or distributing information.
- Ensure that human rights defenders can conduct their work free from reprisals, intimidation or threats, and provide effective measures of protection to guarantee that those seeking to hinder their work do not take advantage of the crisis.

3. When enforcing lockdown regulations, law enforcement agencies should exercise restraint, carefully balancing the interests at stake. The exercise of police powers must respect the principles of necessity and proportionality.

Arrest, detention, the use of force, the forced dispersal of assemblies and the exercise of other police powers bear an increased risk of contagion, for the law enforcement officials involved as well as those who are affected by police actions. This additional risk further compounds the need for careful consideration of whether the enforcement of lockdown regulations actually serves the public health objective or is counterproductive. Given the increased risk of contagion, arrest and detention of people solely for breaching lockdown regulations will in most cases defeat the purpose of the police action and should therefore be avoided. In no event may the objective of protecting public health justify all means. The authorities must:

- Refrain from enforcing lockdown regulations where people have no choice but to act against them in order to secure their basic needs for their and their families' survival.
- Refrain, as far as is possible, from taking any person into police custody even in criminal investigations. Instead, consider alternative measures to secure the law enforcement proceedings at stake in that situation. The arrest and detention of persons particularly at risk of suffering serious health consequences if infected, such as older people or those with known underlying health conditions, should be avoided to the full extent possible.

- Take adequate preventive measures and proceedings to protect persons in police custody as well as police custody staff where the arrest and detention of a person is unavoidable in order to prevent, investigate or prosecute crime.
- Reinforce orders to law enforcement officials to only use force when strictly necessary and proportionate to achieve a legitimate objective, even in times of emergency. Law enforcement officials should in no circumstances resort to lethal force to enforce compliance with lockdown regulations. In the use of force, they must minimize harm and damage. In no circumstances should they resort to the use of force as a means of punishment, including for violations of lockdown regulations.
- Avoid using force to disperse an assembly with a view to prevent the spreading of COVID-19, especially when dispersal requires the use of chemical irritants such as tear gas.
- Take all available measures to ensure that the absolute prohibition of torture and other cruel, inhuman or degrading treatment is respected at all times. This includes a clear prohibition on resorting to humiliating exercises or other forms of punishments for people considered to have breached lockdown regulations.
- Stop all illegal expulsion of migrants and refugees.
- Put an end to forced evictions and ensure that no one is evicted from their homes during the pandemic and left vulnerable by being unable to comply with lockdown regulations and being exposed to increased risks of contagion.
- Ensure that any penalty for breaching enforcement measures conforms with the principles of legality, necessity and proportionality, which requires measures to be adequate to achieve their lawful purpose, be the least intrusive instrument among those that might achieve the desired result, and be proportionate to the legitimate interest to be protected.
- Refrain from imposing prison sentences solely for breaching restrictions imposed in the context of the COVID-19 pandemic, as this is likely to further compound the public health problems caused by the pandemic and would fail to meet the test of necessity and proportionality.
- Consider alternatives to alleviate the disproportionate impact of fines that can have particularly adverse effects on specific groups, including by linking the amount to the offender's income or by ordering community service.
- Ensure that marginalized communities and individuals are not penalized or otherwise sanctioned solely for not having the necessary resources and conditions to comply with public health measures. In cases where people may not have a place to self-isolate or quarantine, for example, women and girls, LGBTI and gender non-conforming people facing domestic violence, homeless people and people in street situations, urgently provide sufficient facilities for them to self-isolate if needed and ensure that no one is left vulnerable to catching the disease before applying penalties.

4. Law enforcement agencies should ensure that protections against discrimination are embedded in all measures to enforce public health responses to COVID-19.

- Take precautions to ensure that the enforcement of COVID-19 responses does not specifically or disproportionately target those who are already subject to discrimination and stigmatization, such as ethnic minorities, LGBTI people, sex workers, people who use drugs, migrants and refugees, and homeless people.
- Put in place mitigation measures and avoid blanket enforcement of measures to address COVID-19, such as lockdown measures or curfew regulations, that may have a disproportionate effect on marginalized groups and individuals, such as residents of informal settlements; migrants, asylum-seekers and refugees living in camps; and people who are homeless.
- Ensure non-repetition of discriminatory forced quarantines of Roma settlements and migrant camps and instead adopt measures to ensure that people living in settlements are given immediate access to adequate, affordable and safe water and sanitation, and support people with adequate social and material benefits to enable them to comply with public health measures.

- Cancel past fines where people breached the rules as a result of their homelessness and ensure no fines are applied against homeless people for non-compliance with the measures aimed at countering COVID-19.
- Collect disaggregated data by race, ethnicity, nationality and other relevant groups in relation to the implementation of measures to tackle the COVID-19 pandemic.
- Take action to ensure people, including those belonging to marginalized communities such as ethnic, religious and linguistic minorities, Indigenous peoples, communities discriminated on the basis of work and descent, LGBTI persons and migrants and refugees are not subjected to hate crimes or hate speech due to an alleged or perceived link with the pandemic; ensure that victims have access to remedy and that no statements are made by public officials which encourage the public to associate specific groups of people with the pandemic.

5. Military forces are generally not suitable to carry out law enforcement tasks and they should not be deployed to address the COVID-19 pandemic unless in exceptional and temporary circumstances, based on a clear needs assessment as to their added value in a concrete situation.

In that case, they are duty bound by the legal framework applicable to law enforcement, including the relevant norms of international and domestic human rights law, and they may only be deployed to carry out law enforcement functions if they are properly instructed, equipped and trained to carry out that function in a lawful, human rights-compliant manner. They should be subject to civilian command, control and oversight.

The military should not be deployed to specifically enforce lockdown rules in a discriminatory manner; for instance, in areas mainly inhabited by specific parts of the population, such as ethnic minorities. This will be perceived as a “fight the enemy” approach, create fear and anger among the concerned groups, and foster a hostile environment of stigma and discrimination of these groups.

6. Accountability for human rights violations committed by law enforcement officers and others playing a law enforcement role remains essential, even during a public health crisis:

- All alleged incidents of human rights violations perpetrated by law enforcement agencies, or those carrying out law enforcement roles, must be thoroughly, effectively and independently investigated, and where applicable perpetrators must be brought to justice in fair trials without recourse to the death penalty.
- There must be effective mechanisms in place to provide for adequate reparations for victims of such violations.
- States of emergency introduced for the protection of public health must be accompanied by robust oversight and accountability mechanisms that ensure the right to remedy for victims of human rights violations.

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COVID-19 CRACKDOWNS

POLICE ABUSE AND THE GLOBAL PANDEMIC

Governments around the world are responding to an unprecedented public health crisis. Experience has shown that the COVID-19 pandemic needs to be addressed through evidence-based public health measures rooted in respect for human rights.

But, while some states have emphasized empowerment and community engagement, in at least 60 countries documented in this briefing, authorities have adopted punitive and coercive measures that have resulted in human rights violations, divided societies and failed to tackle the health crisis.

In many countries this has meant that law enforcement measures designed to contain COVID-19 and stop the spread of infections are doing more harm than good and in fact undermine the right to health.

Far from containing the virus, decisions to arrest, detain, use force and forcibly disperse assemblies have risked increasing contagion – for both the law enforcement officials involved and those affected by police actions.