

# Press Release

Inter-American Court of Human Rights

I/A Court H.R.\_PR-27/2020 English

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## I/A Court H.R. Protecting Rights

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### **COVID-19 AND HUMAN RIGHTS: THE PROBLEMS AND CHALLENGES MUST BE ADDRESSED FROM A HUMAN RIGHTS PERSPECTIVE AND WITH RESPECT FOR INTERNATIONAL OBLIGATIONS**

San José, Costa Rica, April 14, 2020. The Inter-American Court of Human Rights adopted, on Thursday April 9, 2020, a Declaration entitled "COVID-19 and Human Rights: Problems and challenges must be addressed with perspective of Human Rights and respecting international obligations".

The President of the Inter-American Court, Judge Elizabeth Odio Benito, has indicated that this Declaration's intention is that "the States bear in mind and do not forget their international obligations and the jurisprudence of the Court to ensure the effective validity and protection of human rights in the response and containment in the face of the pandemic".

### **STATEMENT OF THE INTER-AMERICAN COURT OF HUMAN RIGHTS 1/20 APRIL 9, 2020**

### **COVID-19 AND HUMAN RIGHTS: THE PROBLEMS AND CHALLENGES MUST BE ADDRESSED FROM A HUMAN RIGHTS PERSPECTIVE AND WITH RESPECT FOR INTERNATIONAL OBLIGATIONS**

The Inter-American Court of Human Rights, as an organ for the protection of human rights, aware of the extraordinary problems and challenges that the States of the Americas, society as a whole, and each individual and family are facing as a result of the global pandemic caused by the COVID-19 coronavirus, issues this statement urging that the measures adopted and implemented in the context of the strategy and efforts made by the States Parties to the American Convention on Human Rights to address and contain this situation, which involves issues of life and public health, are undertaken within the framework of the rule of law, with full respect for the Inter-American instruments for the protection of human rights and the standards developed in the Court's case law. In particular, it considers that:

- The extraordinary problems and challenges resulting from this pandemic must be addressed through dialogue, together with regional and international cooperation that is implemented jointly, transparently and in a spirit of solidarity between all the States. Multilateralism is essential in order to coordinate regional efforts to contain the pandemic.
- The multilateral agencies, whatever their nature, must help and cooperate jointly with the States, with a human rights-based approach, to seek solutions to the present and future problems and challenges that this pandemic is causing and will cause.
- All the measure that States may adopt to address this pandemic and that may impair or restrict the enjoyment and exercise of human rights must be temporarily limited, legal, adjusted

to well-defined aims based on scientific criteria, reasonable, absolutely necessary and proportionate and in accordance with other requirements developed in Inter-American human rights law.

- Care must be taken that the use of force by law enforcement personnel to implement containment measures is in keeping with the principles of absolute necessity, proportionality and precaution, pursuant to the case law of the Inter-American Court.
- Given the nature of the pandemic, the economic, social, cultural and environmental rights must be guaranteed, without discrimination, to every person subject to the State's jurisdiction and, especially, to those groups that are disproportionately affected because they are in a more vulnerable situation, such as older persons, children, persons with disabilities, migrants, refugees, stateless persons, persons deprived of liberty, the LGBTI community, pregnant or postpartum women, indigenous communities, Afro-descendants, those who work in the informal sector, the inhabitants of underprivileged districts or areas, the homeless, those living in poverty, and the health care personnel who are responding to this emergency.
- At times such as this, it is especially important to ensure, promptly and appropriately, the rights to life and health of everyone subject to the State's jurisdiction without any discrimination, including older persons, migrants, refugees and stateless persons, and members of indigenous communities.
- The right to health must be guaranteed respecting human dignity and fundamental bioethical principles, as well as in accordance with Inter-American standards concerning its availability, accessibility, acceptability and quality, as appropriate for the circumstances resulting from this pandemic. Consequently, health workers must be provided with inputs, equipment, material and devices that protect their safety, their lives and their health, and that allow them to perform their task with reasonable safety and quality.
- In light of the social distancing measures that may result in an exponential increase of violence against women and girls in the home, it is necessary to underscore the State's obligation of strict due diligence with regard to the right of women to live a life free of violence, so that all necessary steps must be taken to prevent cases of sexual and gender-based violence; to provide safe mechanisms for receiving direct and immediate complaints, and to reinforce assistance for victims.
- Given the significant impact that COVID-19 may have on those persons deprived of liberty in prisons and other detention centers, and based on the State's special situation as guarantor, it is necessary to reduce the levels of over-population and overcrowding and to provide alternative measures to confinement, in an orderly and rational way.
- Care must be given to preserving employment and respecting the labor rights of all workers. Also, measures must be adopted and implemented to mitigate the possible impact on employment and income of all workers and to guarantee a subsistence level of income to uphold basic human dignity. Owing to social distancing measures and their impact on personal and family economies, mechanisms must be sought to ensure the supply of essential food and medicines and other basic necessities for those who are unable to carry out their normal activities, and also for the homeless.
- Access to accurate and reliable information, as well as to the internet, is essential. Adequate measures should be established to ensure that the use of surveillance technology to trace and monitor the propagation of the COVID-19 coronavirus is limited and proportionate to health requirements and does not involve an intervention that is excessive or harmful to privacy, personal data protection, and respect for the general principle of non-discrimination.
- It is essential that access to justice and to complaint mechanisms are guaranteed, and also that special protection is provided to the activity of journalists and human rights defenders so that they may monitor all the measures taken that harm or restrict human rights to ensure that

these conform to the Inter-American instruments and standards, and to assess their consequences for the population.

- It is also pertinent to alert the competent organs or agencies to combat xenophobia, racism and any other form of discrimination, so that they take special care to ensure that, during the pandemic, no one encourages flare-ups of this nature with fake news or incitements to violence.

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