



CATALYZING RIGHTS BRIEFING PAPER: INTERDEPENDENCE OF RIGHTS IN COVID-19 HUMAN RIGHTS MEASURES

DUKE LAW

INTERNATIONAL
Human Rights Clinic



catalyzing rights
INDEX OF ADVANCES DURING COVID-19

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ABOUT US

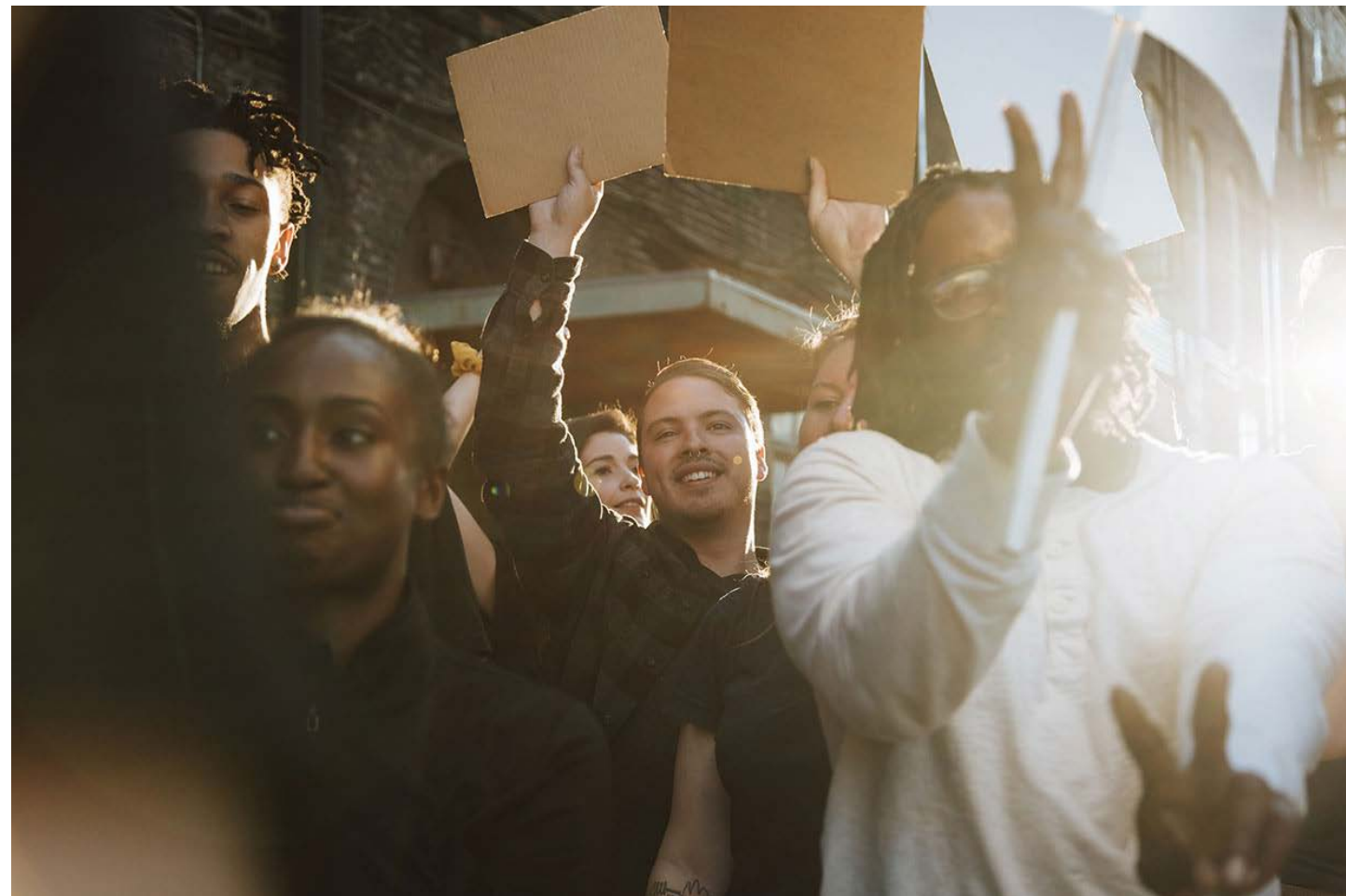
The [Duke Law International Human Rights Clinic](#) is a core component of the [Human Rights Program](#) at Duke Law. The Clinic is a semester-long course that enables students to critically engage with cutting-edge human rights issues, strategies, tactics, institutions, and law in both domestic and international settings. The Clinic's partners include local and international non-governmental organizations, as well as inter-governmental bodies such as the United Nations.

ABOUT THE CATALYZING RIGHTS PROJECT

Under the guise of protecting public health and reducing the spread of the novel coronavirus, many governments are restricting rights during the COVID-19 pandemic. Yet amid this widespread crackdown on rights, some governments have also tried to protect and, in some cases, even advance rights. Collecting, indexing, and sharing these positive steps allows identification of good practices, as well as tools to hold governments to account if they try to roll back these developments. Cataloging these developments also provides an opportunity to reimagine post-pandemic futures and advocacy strategies that fully center rights. This project, undertaken by the Duke Law International Human Rights Clinic, tracks these rights-positive responses to the COVID-19 pandemic around the globe, from the local to the national level.

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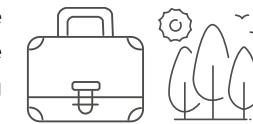


Positive human rights measures that governments have put into place during the COVID-19 pandemic demonstrate a recognition of the interrelated nature of human rights. Such measures actualize that “[a]ll human rights are universal, indivisible and interdependent and interrelated” and that economic social and cultural rights should be given the same status as civil and political rights. In putting into place such measures, governments have demonstrated that it is both effective and necessary to protect and promote multiple rights at once, including in a pandemic or other crisis. The below examples contained in [Catalyzing Rights](#) demonstrate how in the areas of employment as well as technology and digital rights, government measures have addressed the realization of multiple rights, including in ways that are non-discriminatory and that ensure equality. Finally, as noted in the [Methodology](#) section of [Catalyzing Rights](#), while “beyond the scope of the current phase of this project,” further investigation with respect to implementation the measures below “is required to assess full compliance under international human rights law.”

EMPLOYMENT

Employment and Environmental Justice

Governments have put into place measures to protect and promote the right to employment, including economic recovery and job creation,



in ways that also address environmental justice. Addressing both categories of rights in ways that complement each other is consistent with human rights norms and principles, including the call by the [United Nations](#) for jobs to be created “for a green, inclusive, and resilient recovery.” Examples of such measures (arranged by country in alphabetical order) include:

- Armenia’s [“Fifteenth Measure of Neutralization of Coronavirus Economic Consequences”](#) which calls for the creation of “temporary jobs in the agricultural sector by addressing environmental issues” and contains plans to “organize the establishment of river protection forest layers in the highlands.”
- In Chile, the objectives of a [“Fourth Agreement of Clean Production of the Industry of the Sustainable Processed Food Industry”](#) include “apply[ing] clean production through specific goals and actions and serv[ing] as a management instrument to improve conditions related to production, the environment, hygiene and labor safety, energy efficiency [and] efficiency in the use of water.”
- In Mauritius, the [“National Training and Reskilling Scheme”](#) formed part of a larger “Economic Recovery Programme,” involving the “training and reskilling of some 9,000 unemployed persons” and efforts to “provide jobs in the ‘Renewable Energy & Circular economy’ sector.”

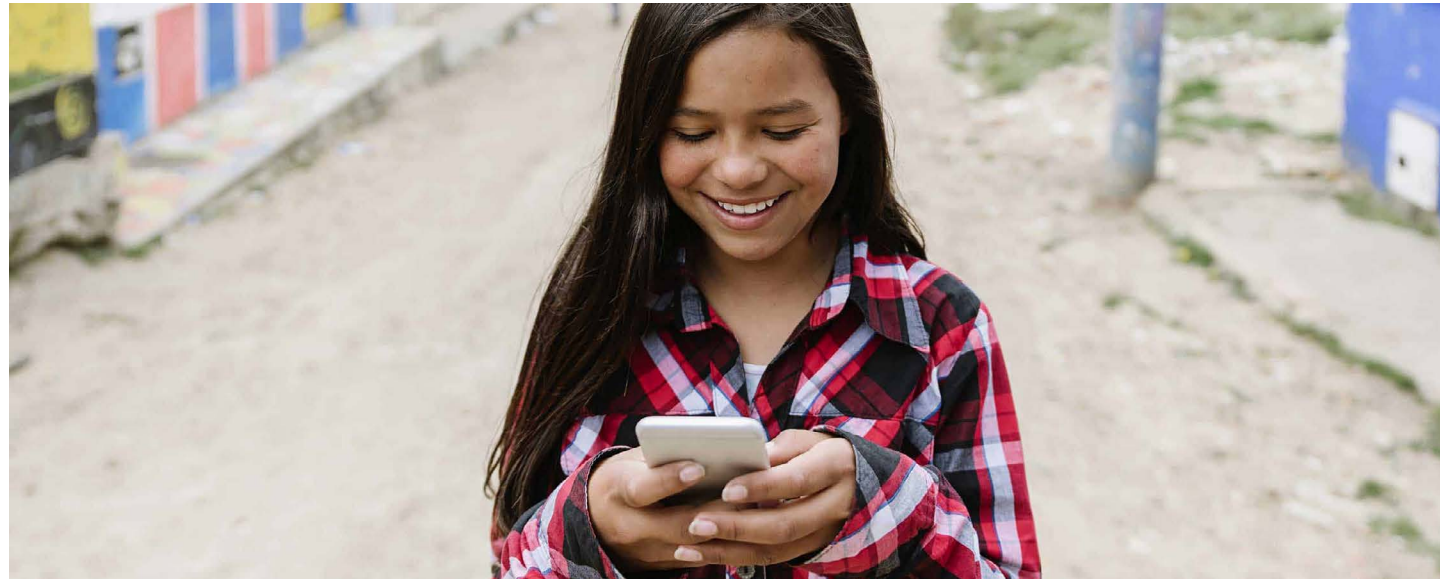


- [“Solar Power Naija”](#) was launched by Nigeria “as part of the Economic Sustainability Plan” in order “[t]o support economic recovery in response to the COVID-19 pandemic” and seeks to create “250,000 new jobs in the energy sector.”
- Portugal launched [“Recover Portugal, Building the Future: Recovery and Resilience Plan,”](#) aimed at “reducing greenhouse gas emissions by greatly reducing significant energy consumption.” An additional component of the Plan centers on “stimulat[ing] economic and social development, with the involvement of local and national companies” in order to boost “the recovery of the economy” and generate wealth and create jobs.
- Sri Lanka’s [“Updated Nationally Determined Contributions”](#) includes commitments to a “green development framework around the key environmental issues that impact Sri Lanka” as well as a recognition of links between economic recovery, particularly in the tourism sector, and environmental justice, noting the “need to give due recognition to climate risks.”

Employment and Children

As an element of [“employment retention measures”](#) during the pandemic, States were urged to consider policies addressing “the needs of families with regard to child care.” Also in the area of [employment](#), States were encouraged to put into place “gender-responsive, inclusive, accessible and targeted measures” including by implementing “[m]easures to alleviate care work” including through “expansion of the statutory length of paid sick leave, parental leave . . . care for sick family members, or care for children in lockdown.” Relatedly, with respect to [children](#), many governments expanded “social assistance programmes to compensate households for lost income,” including through measures that “provide[d] explicit support for children and their families.” Measures reflecting commitment on the part of States





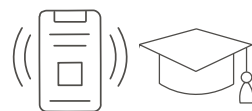
to simultaneously address both the right to employment and the rights of the child include:

- In Guyana, the “[Human Services Ministry Launched Childcare Subsidy for Essential Workers](#)” which allowed for “[f]rontline workers who are providing an essential service or key public services during the COVID-19 pandemic” to “apply for the Ministry of Human Services and Social Security Childcare Subsidy Programme.” The program was made available to “members of the Guyana Police Force and Guyana Fire Service; frontline health workers; Human Services workers; domestic workers; security firm workers and supermarket employees, among others.”
- In the United States, Governor Hogan of Maryland “[Announce\[d\] \\$60 Million Pandemic Relief Grant Program for Child Care Providers](#)” which allowed “licensed child care centers and registered family child care providers” to be “eligible to apply for Child Care Pandemic Relief Fund grants to help meet increased operation costs during the COVID-19 pandemic.” In doing so, the Governor recognized that “child care providers have made it possible for front line workers to continue their critical work throughout this public health emergency.”

TECHNOLOGY AND DIGITAL RIGHTS

Technology and Digital Rights and Education

In the field of [education](#), States have been urged to “expand the definition of the right to education to include connectivity entitlement” and to “remove barriers to connectivity” by eliminating “technological barriers by investing in digital infrastructure.” Both with respect to the right to education as well as access to technology and



digital rights, emphasis has been placed on ensuring equality including by centering “[equity and inclusion . . . to ensure all children may benefit from \[digital solutions\]](#),” investing “[in digital literacy for marginalized populations](#),” and highlighting “[the profound need for expanding infrastructure to allow for \[digital\] access](#)” including by devoting “significant resources . . . to expand[] broadband Internet access to those who do not now enjoy it” including in particular “historically disadvantaged groups.” Examples of measures that are responsive to such calls include:

- Sierra Leone’s “[National Policy on Radical Inclusion in Schools](#)” which aimed to remove “infrastructural and systemic” barriers to learning was targeted at “the inclusion of historically marginalized groups” and included “drastically closing the current digital divide that puts the most disadvantaged children at risk of learning losses and dropping out of school.”
- In the [United Kingdom](#), laptops and tablets were distributed to support “disadvantaged children and young people who need the most help with access to technology through the pandemic” as an element of the “Get Help with Technology Programme.”
- In the state of Arizona in the United States, the “[Department of Education Announce\[d\] \\$1.5 Million Dollars to Fund Final Mile Project](#)” through which funds were provided for the provision of “high-speed internet infrastructure to homes located in six geographically diverse rural areas of Arizona” with the goal of “creat[ing] sustainable long-term solutions to the digital divide by capitalizing on existing infrastructure to connect families to affordable high-speed internet” including by “bring[ing] internet equity to rural students and families who have either no home internet, slow internet, or unaffordable internet.”

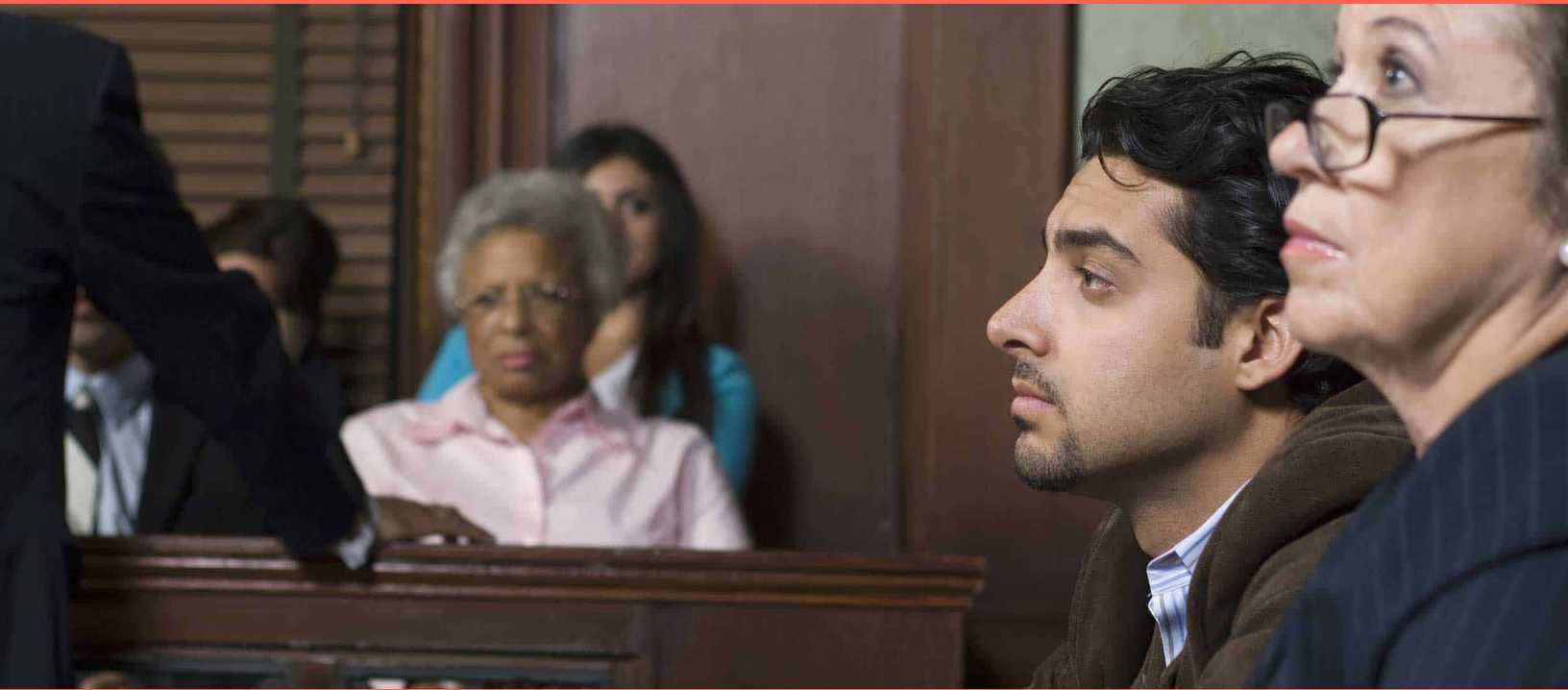
Technology and Digital Rights and the Rule of Law

With respect to technology and digital rights, in order to ensure “[real and effective access to justice](#),” States have been asked to “[guarantee\[\] connectivity and the availability of the necessary software and equipment, as well as adequate training](#).” Additionally, attention must be paid to vulnerable groups including by “[developing accessible and differentiated information materials](#).” The facilitation of access to justice should also be informed by “[a gender perspective](#)” and “[respect for human rights](#).” Measures that governments put into place during the COVID-19 pandemic that sought to protect and even advance the rule of law through technology and digital rights include:



- Australia’s “[Project Agreement for COVID-19 Legal Assistance Funding](#)” aimed to deliver “efficient and effective legal assistance services to support the legal assistance sector respond to increased demand as a result of COVID-19 and transition to virtual service delivery,” thus integrating technology and digital rights into its plan for ensuring the continuation of legal assistance services.

- Bhutan’s “[e-Litigation Platform to Ensure Uninterrupted Access to Justice](#)” “enable[d] virtual hearing of cases” such that “uninterrupted access to justice” would be ensured, especially “for remote, far-flung communities during and beyond the COVID-19 pandemic.”
- To “ensure that safe access to justice” would “continue[] to be provided during the pandemic” in [Ireland](#), measures were put in place making use of technology and digital rights including “virtual remote court hearings” and “[t]he use of video conferencing (in between prisons and courts) . . . to facilitate defendants in custody appearing in court via video conference for bail and remand hearings” so that prisoners would not have to “travel to and from prisons to courts,” “mitigat[ing] the risks associated with the spread of COVID-19 in the prison population.”
- In [Mexico](#), the Ministry of Public Function was to maintain its practice of receiving citizen complaints during the pandemic, including through electronic mediums.



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