

II.3. INEQUALITY, DISCRIMINATION AND MARGINALIZATION

Whereas the rights described above in general are enjoyed by all individuals in a given jurisdiction equally, it is important to emphasize that the pandemic and the resulting emergency measures have affected groups and individuals differently, depending on their gender, status, age, or belonging to a particular community. Although all humans are more or less equally susceptible to getting infected, the likelihood of falling ill or dying from Covid-19 starkly differ between certain segments of society. Moreover, access to health care and quality of healthcare is uneven. Emergency restrictions such as lockdowns or stay-at-home orders affect different people differently, and the impact on the socio-economic dimension further exacerbates inequalities.

The pandemic has aggravated societal problems such as hate crime, domestic violence and discriminatory measures against certain communities. People already in difficult situations, such as Roma in informal settlements, migrants and victims of trafficking, found themselves in particularly dire circumstances as a result of the pandemic. Often, states failed to live up to their legal and political obligations concerning non-discrimination and in doing so often exacerbated existing inequalities.

While the following analysis is not exhaustive, it aims at highlighting the particular impact the pandemic has had on vulnerable groups and those otherwise marginalized and references are made to particular participating States to illustrate this. They are only meant to serve as examples, and should not be read as indicating that similar incidents have not occurred in other states. Further, the mere fact that a country has multiple mentions is not necessarily indicative of a problem but may be a consequence of more and better reporting, access to independent media, stronger civil society, and/or the presence of OSCE field operations.

II.3.A HATE CRIMES AND DISCRIMINATION

Addressing all forms of discrimination and intolerance, including hate crime, is an integral aspect of the

OSCE's concept of comprehensive security, and is central to its human dimension. OSCE participating States have committed to strongly condemn racial and ethnic hatred, xenophobia, discrimination, anti-Semitism and intolerance against Muslims, Christians and other religions, and have committed to address these phenomena in all their forms.⁵⁸⁴ States have also committed to the equality of all before the law and to prohibiting discrimination as essential elements of justice.⁵⁸⁵

Numerous Ministerial Council declarations and commitments acknowledge the need to address manifestations of intolerance, including hate crime, especially as they may give rise to conflict and violence on a wider scale.⁵⁸⁶ This includes a comprehensive set of commitments to prevent and counter hate crimes, by strengthening legislation, collecting reliable data, building the capacity of actors in criminal justice systems, and considering drawing on resources developed by ODIHR in relevant areas.⁵⁸⁷ In addition to participating States, civil society also has an indispensable role in the process of addressing intolerance and discrimination.⁵⁸⁸

584 Copenhagen Document (1990).

585 Copenhagen Document (1990).

586 Since 2003, participating States have established a normative framework of Ministerial Council decisions to reflect their commitments to address these phenomena: MC Decision 4/03, further reinforced with subsequent MC Decisions 12/04, 10/05, 13/06, 10/07 and 9/09.

587 MC Decision No. 9/09.

588 In numerous Ministerial Council Decisions, participating States have committed to establishing and intensifying co-operation with civil society to promote tolerance and non-discrimination, including at Maastricht (2003); Ljubljana (2005); Brussels (2006); and Athens (2009). At the 2006 Brussels Ministerial Council, States identified the need for "effective partnerships and strengthened dialogue and co-operation between civil society and State authorities in the sphere of promoting mutual respect and understanding, equal opportunities and inclusion of all within society and combating intolerance." Furthermore, civil society organizations have the potential to play an essential role in combating intolerance and discrimination and promoting mutual respect and understanding, including through hate crime data collection and the provision of victim support (Brussels 13/06; Maastricht 4/03).

Finally, a number of OSCE human dimension commitments recognize the vital importance of participating States' realization of their binding human rights obligations under international treaties,⁵⁸⁹ in order to ensure lasting peace and security in the OSCE region.⁵⁹⁰ In the context of public emergencies, the ICCPR specifies that emergency measures taken by states, *inter alia*, cannot involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.⁵⁹¹ Additionally, states must guarantee non-discrimination in the exercise of economic, social and cultural rights guaranteed by the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁵⁹²

Across the OSCE area, the pandemic has added new layers of complexity to an already difficult task of addressing discrimination and hate crime, exacerbating it by intolerant discourse and racist scapegoating of minorities. In general, victims of hate crime often belong to groups facing discrimination and marginalization on a daily basis. In times of crisis, such as the current pandemic, the threat posed by hate crimes only intensifies, heightening the sense of fear and uncertainty. Reports have proliferated of hate-motivated attacks across the OSCE region, especially against people perceived to be of Asian backgrounds, as well as other minority communities. The pandemic and its physical distancing restrictions also fuelled the proliferation of various forms of online intolerance and discrimination, which can lead to acts of violence and hate crimes.⁵⁹³ Jewish, Muslim and minority Christian communities were also

targeted in incidents. Refugees and migrants have also found themselves singled out for abuse and hatred. Meanwhile, discrimination and hate crimes affect men and women in different ways in the context of the pandemic. While some political leaders condemned hate crime during the pandemic, others fuelled intolerance with their statements.

The pandemic has deepened existing inequalities and exposed vulnerabilities in all spheres of society, which as a result amplifies the impact of the pandemic on women simply by virtue of their sex.⁵⁹⁴ This is especially concerning in the case of migrant and minority women, who are affected by multiple forms of discrimination and incidents of hate, including discrimination based on intersectionality of gender with race/ethnicity and religion.⁵⁹⁵

In the light of related OSCE commitments, at the start of the pandemic, the OSCE leadership called on participating States to ensure that "national minorities and vulnerable groups are adequately protected, and that it is made clear that discrimination and hatred will not be tolerated."⁵⁹⁶ ODIHR sent out a reminder that in the current situation, intolerance and discrimination are particularly damaging,⁵⁹⁷ and publicly condemned racist slogans and attacks.⁵⁹⁸ A number of other intergovernmental organizations and their experts, including the UN and Council of Europe, condemned various aspects of intolerance and discrimination in the course of the pandemic. With regards to human rights during the

589 By the means of ratifying international human rights treaties, states commit to render their policies and legislation in line with their treaty obligations and duties. In this manner, human rights guaranteed under international law are protected under domestic legal systems.

590 Budapest Summit Declaration (1994), para. 14; Madrid Document (1983).

591 ICCPR, Art. 4(1).

592 CESCR, **General Comment No. 20 on Non-Discrimination in economic, social and cultural rights**, article 2(2), 2009; General Comment No. 16.

593 Participating States have long recognized the inherent challenges and dangers connected to hate speech that manifests itself as hate on the internet – "Cyberhate." (MC Decision 9/09). At the same time, States need to both ensure the freedom of expression and fulfil their obligation to renounce hate speech by public officials and ensure robust interventions whenever comments expressed on the Internet pose a threat to targeted individuals and communities.

594 See for example, Titan Alon, Matthias Doepke, Jane Olmstead-Rumsey, Michèle Tertilt, "**The impact of COVID-19 on gender equality**," 19 April 2020.

595 For example, in the **United States**, Asian-American women reported incidents of harassment 2.4 times more than men while in **Canada**, a number of verbal attacks and physical assaults against women of Asian descent were reported in Toronto and Vancouver. In **Germany**, reports showed physical attacks on women of Asian descent. In **Greece**, a **cartoon** published in a daily newspaper showed Muslim women as virus carriers.

596 See, **A message to the OSCE Community: We need solidarity and co-operation, OSCE core values, to work together to stop the pandemic**, OSCE Chairmanship, OSCE HCNM, OSCE ODIHR, OSCE RFoM, OSCE Secretariat, 26 March 2020.

597 See, **Societies that stand together are more resilient in times of crisis**, ODIHR, 20 March 2020.

598 See, **Inclusion and not hatred needed to overcome the common crisis we face**, ODIHR, 17 April 2020.

pandemic, UN human rights experts emphasized the importance of non-discrimination in all pandemic-related policies.⁵⁹⁹ They also called on states to provide support to special groups, including (but not limited to) minorities, migrants and women.

AREAS OF CONCERN

While people around the world are affected by the pandemic, it is important to note that some groups were already in a position of vulnerability before the pandemic started. Evidence gathered during the compilation of ODIHR's annual hate crime data indicates that violent acts against particular groups and communities continue to be a concern across the OSCE region.⁶⁰⁰ Already existing types of racism, xenophobia and other types of intolerance now also emerge as acts of intolerance and discrimination related to the pandemic. Some minority communities were negatively portrayed by the general public, ranging from ordinary citizens to high-level politicians and policymakers and in the media. Numerous virus-related hate incidents have been reported since the beginning of the pandemic in many participating States.⁶⁰¹

599 **No exceptions with COVID-19: "Everyone has the right to life-saving interventions – UN experts say,** OHCHR, 2020.

600 Hate crimes are criminal acts motivated by bias or prejudice towards particular groups of people. To be considered a hate crime, the offence must meet two criteria. The first is that the act constitutes an offence under criminal law. Secondly, the act must have been motivated by bias. ODIHR maintains a [website](#) that presents information from participating States, civil society and inter-governmental organizations about hate crime. Information is categorized by the bias motivations ODIHR has been mandated to report on by participating States.

601 Such cases were reported from **Austria, Belgium, Canada, Croatia, France, Germany, Italy, the Netherlands, Russian Federation, Spain, Sweden, the United Kingdom** and the **United States**. With regards to all references to particular participating States in this chapter, it is important to emphasize that they are presented to illustrate the manifestations of the phenomena described, and that these lists are by no means to be considered exhaustive. They are only meant to serve as examples, and not definite conclusions on where certain phenomena manifested themselves. In a similar vein, more information available publicly about a State may also be a consequence of more and better reporting, stronger civil society, and/or the presence of OSCE field operations. This entails the possibility that some of the described phenomena could also apply to other countries, which

As the coronavirus is widely considered to have spread from China to other countries, intolerance and discrimination was significantly directed towards people perceived to be of Asian descent in the early phase of the pandemic.⁶⁰² Individuals perceived to be of Asian descent also appear to have been particularly and highly disproportionately targeted in hate incidents.⁶⁰³ The scale of the reported incidents of this type was considerably wider in several States, compared to others.⁶⁰⁴ This may be a reflection of the numerical presence of the particular community in a country, their representation

are not mentioned here. ODIHR's capacities and ensuing methodology in collecting information on hate crime and discrimination in the light of the Covid-19 pandemic did not allow for a comprehensive and uniform data collection across participating States.

602 For example, in **Austria, Canada, Croatia, Czech Republic, Denmark, France, Estonia, Finland, Germany, Ireland, Italy, Latvia, the Netherlands, Poland, the Russian Federation, Serbia** and the **United States**.

603 Incidents have been reported in **Austria, Belgium, Canada, Croatia, France, Germany, Italy, the Netherlands, Poland, Russian Federation, Spain, Sweden, the United Kingdom** and the **United States**. In terms of types of incidents, hate incidents targeting people included threats (**Austria, Canada, Sweden, Kyrgyzstan**) and physical assault (**Belgium, Canada, Italy, Poland, Spain, Sweden**), including cases of serious bodily harm. Attacks against property consisted of arson (**Italy** and **United Kingdom**) and vandalism (**France, the Netherlands, United Kingdom** and **United States**) or racist graffiti (**Canada**). In **Canada** and the **United States**, various types of property connected to or associated with East Asia were attacked, targeting cultural institutions, businesses and restaurants. Through association, members of Japanese, Korean, Singaporean and Vietnamese communities were also physically assaulted, and their businesses and property vandalised (**Canada, France, United Kingdom, United States**). In some cases, members of the Hindu community were victims of anti-East Asian hate crime, due to their facial features (**United Kingdom**). Nationals of Central Asian States living abroad were also sometime treated in a discriminatory anti-East Asian manner. In the **Russian Federation**, there were reports of its own citizens from the far east of the country, who have East Asian facial features, were mistaken for Chinese and harassed.

604 In particular, **Canada, the United Kingdom** and the **United States** stand out, most likely in relation to the availability of data and the considerable size of Asian communities in these countries. More serious attacks against Asians also happened in **Belgium, Croatia, Denmark, France, Germany, Italy, Poland, Spain** and **Sweden**. Activists also emphasized that racism directed at Chinese people is not a new phenomenon, yet the pandemic caused it to come to the surface and propagate.

and social position, the states' policy and practice on recording hate crime, as well as the level of reporting by media and civil society.⁶⁰⁵ It was also reported that the usage of face masks by persons of East Asian appearance was sometimes interpreted as a sign of danger and provoked hate incidents.⁶⁰⁶

Organized hate groups whose activities consistently display hostility towards protected groups, in particular, appeared to exploit the public emergency by spreading intolerant discourse and conspiracy theories, assigning blame to different minority communities, often at the same time.⁶⁰⁷ For instance, Jewish communities were targeted by anti-Semitic conspiracy theories, scapegoating related to Covid-19, and various other expressions of anti-Semitism, including hate crime.⁶⁰⁸ In a similar vein, predominantly Muslim minority communities, such as ethnic Turkish minorities in Western Europe, as well as Muslim migrants and foreign Muslim students, were blamed for the spread of the virus in some participating States with majority non-Muslim populations.⁶⁰⁹ At

the same time, the spread of hate online affects communities across state borders. In some states where tensions between Christian Orthodox denominations exist simultaneously on religious and ethnic grounds, the minority communities in questions reported concerns about more intensive surveillance regarding the respect for regulations limiting religious services during the pandemic, including arrests of clergy for lockdown violations.⁶¹⁰ Sikh communities reported difficulties of living in mainly multigenerational households under lockdown, while trying to keep older members safe. At the same time, the closure of gurdwaras which provide meals for the needy left vulnerable community members without access to food.⁶¹¹ Roma communities were also frequently accused of violating public order and pandemic-related measures, as well as spreading Covid-19.⁶¹² (See also the section on Roma and Sinti below.) Refugees and migrants were also blamed for the spread of Covid-19 in many participating States.⁶¹³ Inflammatory rhetoric by local political figures was also reported, and it may have provided legitimacy and

605 In addition to widely spread intolerant and discriminatory discourse, sometimes by politicians and mainstream media (**Italy, United States, Russian Federation**), examples include discrimination of persons of East Asian descent in access to shops, restaurants, hotels and public transportation, or obstacles in access to healthcare, education and housing (**Estonia, Germany, Poland, Romania, Russian Federation and Sweden**).

606 Such incidents have been reported from, for instance, **Poland** and the **United States**. Virus-related anti-Asian conspiracy theories further negatively contributed to the intolerant atmosphere, as well as numerous smaller acts contributing to a hostile atmosphere (**Canada, Poland, United States**).

607 This has been the case in, for example, **Austria, Canada**, the **Netherlands**, the **Russian Federation** and the **United Kingdom**.

608 Such reports have been received from **Austria, Canada, France, Poland**, the **Russian Federation** and the **United States**, where politicians singled out Jewish communities as alleged violators of physical distancing restrictions. In **Canada**, as Jewish communities turned to online Holocaust memorial commemorations, online religious services when synagogues closed down, or online classes and other events, these were aggressively disrupted in various ways, including through displays of Nazi symbolism and anti-Semitic slurs. "Zoom bombing" emerged as a new phenomenon of deliberate intrusions characterized by the use of hateful and pornographic messages and images, and originated and flourished during the first months of the pandemic.

609 This has been reported from **Austria, Belgium, Georgia, Greece, Hungary, Poland**, the **United Kingdom** and

the **United States**. In **Serbia** and the **United Kingdom**, untruthful claims and old video clips were circulated claiming that Muslim communities violated physical distancing measures to attend prayer and communally break the fast during the holy month of Ramadan.

610 **Montenegro**.

611 **United Kingdom**.

612 Incidents have been reported from numerous states, including **Bulgaria, North Macedonia, Romania, Slovakia** and **Spain**.

613 For example, in **Austria, Croatia, Denmark, France, Germany, Ireland, Malta, Portugal, Serbia** and **Slovenia**. In **Poland**, this belief built on already existing prejudice against migrants as "spreading disease." In **Bosnia and Herzegovina**, the local population opposed the construction of makeshift camps intended to accommodate transiting migrants (because of the applicable restrictions of movement for all, as well as to stop the spread of the pandemic) and a high-level political representative demonized migrants in the context of the pandemic and threatened them with deportation. **Hungary** expelled a group of foreign university students for alleged violations of hospital quarantine, severely affecting their personal and professional lives. In **Poland**, activists expressed concern about the lack of local information about the pandemic in the languages asylum seekers speak. In **Ireland**, concerns were expressed that asylum seekers have to share bedrooms and attend joint canteens in state-supported centres, which placed them at higher risk of contracting the virus than the majority population.

encouraged hate crimes and discriminatory acts.⁶¹⁴ (See also the section on migrants and refugees, below.)

Old age represented grounds for marginalization and discrimination in the pandemic, particularly among women and under-represented groups. One such example was the consideration of age as the criterion in making decisions on the allocation of medical treatment for Covid-19, without differentiating between various health conditions of older people. Older citizens also faced restrictions on freedom of movement, as some participating States requested older people not to leave their homes, for days or even weeks, including those living alone and without assistance.⁶¹⁵ Ageist discourse also appeared, which referred to older people as less deserving of societal solidarity and state protection.⁶¹⁶

Women were also victims of pandemic-related gender-based hate crimes, with single and multiple bias motivations in which gender intersects with race/ethnicity and religion; women are also affected by hate crime in different ways than men.⁶¹⁷ Members of some minority groups, such as LGBTI, were in a particular situation of vulnerability in the context of the pandemic.⁶¹⁸

For example, self-isolation and quarantine can render them vulnerable from discrimination and hate crime at the hands of their own family members. In some participating States, the state of emergency was seen as an opportunity to amend legislation that adversely impacted the LGBTI community in those states.⁶¹⁹

The pandemic had a disproportionate impact on persons with disabilities, who in addition to concerns about contracting the virus also may have had concerns about how they would be treated if they get ill. Some disabilities make individuals more susceptible to falling seriously ill from the disease and can therefore be considered particularly vulnerable. Persons with disabilities have faced a long history of discrimination in accessing healthcare and have often been excluded, largely because of out-dated attitudes about the value

614 For instance, in **Bosnia and Herzegovina**, a high-level political representative demonized migrants in the context of the pandemic and threatened them with **deportation**. In **Sweden**, a high-level public health official **blamed nursing-home staff** of mainly migrant background for the high number of COVID-19 cases in their country's nursing homes. The staff allegedly did not adequately apply instructions due to lack of skills in the country's language.

615 **Bosnia and Herzegovina, Serbia**.

616 In **Ukraine**, a minister of health referred to the people over 65 years of age as "corpses" who should not be in the focus of Covid-19 efforts; in the **United States**, a high-level official suggested that older people should sacrifice themselves for the sake of the economy of the country.

617 For instance, in the **United States**, women of East Asian descent were physically assaulted and insulted with racist and sexist slurs. Moreover, in **Canada** and the **United States**, a notable majority of hate incidents targeting persons of East Asian descent targeted women. According to UN Women, female health workers were also frequently targeted in hate incidents. With regards to women from Muslim communities, in **Austria, France** and **Canada**, that ban the face coverings typically used by Muslim women, the mandatory use of face masks created a paradoxical situation where the type of behaviour that was banned for them now became obligatory for all.

618 See Victor Madrigal-Borloz, UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity, webinar "**COVID-19**

and the Human Rights of LGBTI People" organized by Columbia Law School, 19 May 2020. For example, in **Bosnia and Herzegovina** and **Hungary**, LGBTI community members reported that self-isolation and quarantine rendered them vulnerable to discrimination and hate crime at the hands of their own family members (Emina Bošnjak, Executive Director, Sarajevo Open Centre, webinar "**Digital Presentation of LGBTI Human Rights: Pink Report 2020**" organized by Sarajevo Open Centre, 18 May 2020. Tamás Dombos, Board Member, Háttér Society, webinar "**Minorities and Disadvantaged Groups during the Pandemic**" organized by Hungarian Helsinki Committee, 12 June 2020). In several participating States, such as **Bosnia and Herzegovina** and **Germany**, there were reports of LGBTI migrants quarantined in collective centres suffering abuse from other migrants and they could not access either safe shelter or legal aid (Amnesty International, "**Refugees and Migrants Forgotten in Covid-19 Crisis Response**," 12 May 2020; Darko Pandurević, Programme Co-ordinator, Sarajevo Open Centre, webinar "**Digital presentation of LGBTI Human Rights: Pink Report 2020**" organized by Sarajevo Open Centre, 18 May 2020; Mengia Tschalaer and Nina Held, "**Coronavirus exacerbates LGBTIQI refugees' isolation and trauma**," Al Jazeera, 22 April 2020). In , Kosovo see, Dafina Halili, "**LGBTQ Life Under Quarantine**," *Kosovo 2.0*, 12 May 2020. *Please see OSCE disclaimer on page 26.*

619 For example, in North Macedonia anti-discrimination legislation was repealed leaving particularly vulnerable and marginalized communities of society unprotected against any form of discrimination; and in **Hungary**, a provision in an omnibus legislation passed on 18 May 2020, made it impossible for transgender persons to legally change their gender. The law will make it impossible for transgender and gender diverse persons to legally change their sex and/or gender marker since Art. 33 provides that all references to "sex" will now instead refer to "sex assigned at birth" in the national registry and on identity documents.

and quality of their lives that are present in many participating States. As life-saving health care resources were stretched to capacity in some countries, persons with disabilities were concerned whether they would be discriminated against or their needs brushed aside. Additionally, persons with disabilities who require assistance from others have been particularly affected by the restrictions in freedom of movement.⁶²⁰ Persons with disabilities were also targeted by pandemic-related hate crime in some participating States.⁶²¹

The process of “othering” in order to condemn extended to national and even regional identity. Individuals assumed to be nationals of states with a high number of Covid-19 cases at the time faced discrimination.⁶²² In some places, this was also the case with the countries’ own citizens returning from abroad during the pandemic.⁶²³ Medical status, as well as profession, also became grounds for intolerance and discrimination. People infected or suspected to be infected with the virus, in general, were targeted by intolerance and discrimination in some participating States and threatened and/or physically assaulted. This included social workers and medical professionals, due to their presumed contact with infected people.⁶²⁴ In some participating

States, minorities and persons of migrant background are overrepresented among essential workers, many of them women.⁶²⁵ Especially in the health care sector, concerns were expressed about their public invisibility, and dangerously inadequate personal protective equipment that appeared to be designed for the size of an average white man.⁶²⁶ Furthermore, discrimination, often structural in nature, in economic and social rights can create poor public health conditions in affected minority communities, which places them at special risk of contracting the virus and falling sick.

In some minority communities, such as Roma, people of African descent and/or of migrant background, discrimination in access to adequate housing, characterized by high density of housing units or entire neighbourhoods and settlements sometimes without access to clean water, exposed them to the virus and made them more likely to fall seriously ill.⁶²⁷ Access to clean water has also been reported as an issue for indigenous communities living on reservations.⁶²⁸ Discrimination in access to adequate health, especially if in combination

620 See, **Protect Rights of People with Disabilities During COVID-19**, Human Rights Watch, 26 March 2020.

621 For instance, in the **United Kingdom**. In **Finland**, intolerant discourse targeting persons with disabilities blamed them for allegedly using healthcare resources that could alternatively be used to fight Covid-19. Mandatory face covering also created communication difficulties both for persons who rely on lip reading, as well as medical staff working with them, as reported for instance from the **United States**.

622 For instance, in **Bulgaria**. In **Austria** and **France**, Italian nationals were exposed to intolerance and discrimination, in the light of the early expansion of the Covid-19 in Italy. Similarly, some French individuals were treated in a discriminatory manner in neighbouring countries’ areas bordering France. Anti-German pandemic-related conspiracy theories spread in some neighbouring countries. In **Portugal**, people coming from particular areas of the same country, including capital cities, known for a high number of Covid-19 infections, also faced discrimination and intolerance outside of their region.

623 For example, in **Bosnia and Herzegovina**, **Montenegro**, **Romania** and **Ukraine**.

624 Such incidents were reported in **Bosnia and Herzegovina**, **Montenegro**, **Russian Federation**, **Ukraine** and the **United Kingdom**. This was particularly an issue for medical professionals from minority communities: in the **United Kingdom**, a survey among minority

health care workers in state medical institutions showed that one in five of them experienced discriminatory behaviour. In **Poland** and **Spain**, medical staff received messages of hate because of their assumed exposure to infection. In **Canada** and the **United Kingdom**, for example, individuals and minority communities were threatened with being intentionally infected with the virus, including Jewish communities, people of East Asian descent and indigenous peoples.

625 For example, in the **United Kingdom**, **statistics** show that BAME (Black, Asian and Minority Ethnic) professionals make up about 20 per cent of the National Health Service (NHS); in the **United States**, Black and Latino people are overrepresented among essential workers, according to JoAnn Yoo of the Asian American Federation (Reimagining Racial Justice webinar, 9 June 2020). In **Canada**, many migrant workers and other non-permanent residents have been working on the front lines of the COVID-19 pandemic.

626 For example, **reports** show in the **United Kingdom**, of the 53 NHS staff known to have died in the pandemic thus far 68 per cent were BAME. In **Canada**, many female Filipino nurses working in the health sector without personal protective equipment due to the lack of work safety, were blamed for allegedly carrying the Covid-19 virus (Jeffrey Andrión, PhD, University of Toronto (Resisting Anti-Asian Racism in Canada webinar, 27 May 2020). Already in 2017, a **report** established that “most PPE is based on the sizes and characteristics of male populations from certain countries in Europe and the United States”.

627 For example, in **Bulgaria** and **Sweden**.

628 See, the **United States, Covid-19 Disparities Reflect Structural Racism, Abuses**, Human Rights Watch

with undocumented status and limited health insurance, put many migrant workers at risk. Many were forced to leave their jobs and return to their home countries, out of concern that they may not receive equal treatment in healthcare institutions. In some states, migrant workers were also made vulnerable through their high representation in specific high-risk workplaces, such as the meat industry.⁶²⁹

Furthermore, against the backdrop of the pandemic, the killings of African Americans in the United States⁶³⁰ sparked massive anti-racist protests inspired by the Black Lives Matter movement in the United States as well as a number of other participating States. A number of hate crimes targeting people of African descent, or those supporting the anti-racist movement, were recorded in some participating States since the beginning of protests and directly relating to the protests, without explicit connection to the pandemic.⁶³¹ At the same time, in some States concerns were expressed about the possibility of virus propagation during public protests.⁶³²

Furthermore, the emergency measures introduced by authorities across the OSCE region to contain the spread of the pandemic appeared to frequently affect minority communities in a disproportionate manner. In terms of monitoring and ensuring the application of measures, media and civil society made allegations of disproportionate securitization of minority communities.

Testimony to US House of Representatives Ways and Means Committee.

629 For example, the **United States**; and in **Germany** a significant number of clusters of Covid-19 infections have been linked to meat processing plants employing predominantly Eastern European workers.

630 Including Breonna Taylor and George Floyd, both killed at the hands of police, as well as the racist murder of Ahmaud Arbery.

631 These included physical assaults, threats, vehicle rammed into them, activists' signs and vehicles damaged, and churches vandalized (**United States**).

632 For example, **Belgium, Denmark** and the **United States**. Fears over the spread of the virus during the protests arose, with some participating States (e.g., **Norway**) discouraging their citizens from the participation in protests. In some States (e.g., **Germany**), the protesters made efforts to respect physical distancing recommendations as much as possible. Some scientists also suggested that use of tear gas by the police against the protesters (**United States**) may contribute to propagation of the disease.

This reportedly included minority groups, including predominantly migrant or Roma communities, being threatened with, or actually selectively placed under enforced lockdown, monitored by police, without a medical or other legitimate justification or in a discriminatory or disproportionate manner.⁶³³ According to some reports, only a small number of states provided pandemic-related information in minority languages.⁶³⁴

There is a general continued trend of gaps in reported official data, indicating that under-reporting and under-recording of hate crimes is prevalent throughout the OSCE region.⁶³⁵ The state of public health emergency, including the involvement of police and military in enforcing related measures, as well as the closure of many judicial institutions, can only be assumed to have further hindered access of victims of hate crimes to justice and/or deterred them from reporting hate crimes to state authorities. Lack of appropriate support to victims of hate crime, characteristic for many states before the pandemic, may likely deteriorate due to a potential shift of resources, or adoption of austerity measures, including cuts in funding of civil society organizations.⁶³⁶ Civil society organizations often bear the brunt of supporting the victims of hate crime and have, therefore, often

633 For example, in **Azerbaijan, Bulgaria, Georgia, the Russian Federation, Slovakia** and **Spain**. In **Belgium, France, the Russian Federation** and **Slovakia**, heavy-handed law enforcement raids, meant to monitor the implementation of restrictive pandemic-related policies, disproportionately affected minority communities, including instances of police violence. In **Romania, Slovakia, Spain, Greece, France** and **Turkey**, this was particularly the case with Roma communities, persons of African descent or those of migrant background. In **Canada**, "random checks" and profiling that police conducted in the streets, in the context of ensuring lockdown, sometimes appeared to disproportionately affect racialized minority groups. In the **United States**, an overrepresentation of people of African or Latin American descent were fined for apparent violations of physical distancing restrictions, indicating the possibility that these groups may have been disproportionately profiled and fined. In **Canada**, concerns were raised around "carding", racial and social profiling in the context of police checks on potential violations of lockdown regulations, leading to mass collection of data about marginalized people.

634 See also statements and reports by the HCNM.

635 For details, see ODIHR's annual **Hate Crime Reporting**.

636 In **Poland**, for instance, the funding of development civil society organizations was abruptly cancelled because of the pandemic.

developed expertise, good practice and standards in dealing with these victims.

The work of civil society organizations addressing hate crime and discrimination has been further hampered by physical distancing and other state-imposed restrictions due to the pandemic. Concerns were expressed that hate crimes not related to the pandemic continue to take place, for example against Roma or African-Americans,⁶³⁷ yet civil society's limited resources do not allow for adequate research and advocacy work. Unveiling phenomena such as intolerance and discrimination in a developing crisis situation is heavily reliant on the strength and capacity of civil society and on how much media focuses on and reports such issues, which also underlines the need for heightened state attention on these issues during times of crisis. Provided that they had such capacity in terms of human and technical resources, some organizations moved their related advocacy work online. Yet, virtual space can also be unsafe for human rights defenders.⁶³⁸

GOOD PRACTICES

Despite the enormous challenges with regard to confronting discriminatory practices, attitudes and structural obstacles, and facing an upsurge in expressions of intolerance and even hate crimes, many participating States, civil society actors and international organizations acted with determination to halt and reverse these trends. The long-term effects on social cohesion across the OSCE region are yet to be assessed, but some of the positive examples observed in many states may help to inspire others to follow suit.

Several participating States addressed hate crime in different forms and applied various approaches.⁶³⁹

637 This was reported from **Ukraine** and the **United States**.

638 Online events focusing on addressing intolerance and discrimination were frequently interrupted by "Zoom bombing." At the same time, an intensified online presence may also make civil society organizations vulnerable to state surveillance. In addition, their work cannot reach those who cannot afford adequate technical equipment and access to the Internet.

639 For example, with regards to addressing hate crime, police services including the Vancouver police in **Canada** or other public authorities in the **United Kingdom** and the **United States** publicized data on recorded pandemic-related hate

These actions not only raised public awareness of hate crime, and emphasized the dangers of hate crime for the security of entire societies, but also sent a strong message that hate crime is recorded and adequately dealt with. High-ranking, regional and local politicians of several participating States, including presidents and prime ministers, condemned hate crime against their nationals of Asian descent.⁶⁴⁰

In the area of addressing intolerance and discrimination in the context of the pandemic, some participating States recognized the need for special support to minority communities by announcing new health-care support for, *inter alia*, indigenous communities amid the pandemic⁶⁴¹ or carried out other symbolically important acts to signal inclusiveness and tolerance.⁶⁴² Special commissions were created to monitor the impact of the pandemic on vulnerable groups.⁶⁴³ Some States provided information on Covid-19 in the languages of national minorities, and/or languages of the main migrant groups in their countries.⁶⁴⁴ Information on Covid-19 specifically for persons with disabilities was also provided in some participating States.⁶⁴⁵

crime and highlighted a sharp increase compared to 2019. Special task forces on hate crime were created, as well as special funds allocated to address them. In **Canada** and the **United Kingdom**, police services also created Sign Language videos on hate crime, representing a positive example of reaching out to persons with disabilities.

640 For example, in **Canada**, the **United States** and the **European Union**.

641 For example, in **Canada**.

642 For instance, national or local authorities in **Canada**, **France**, **Germany**, the **Netherlands** and the **United States** temporarily allowed public playing on loudspeakers of the Muslim call for prayer from local mosques or prayer facilities as a sign of support for Muslim communities during the pandemic.

643 For example, in **Belgium** and in **Canada**. In terms of addressing the disproportionate impact of the pandemic on minority communities, some participating States provided a good practice of publishing detailed reports, including the Centres for Disease Control and Prevention, **COVID-19 in Racial and Ethnic Minority Groups** in the **United States**, where a number of lawmakers **declared racism a public health emergency**, and the governor of a state provided its population of African descent with free medical insurance.

644 For example, in **Sweden**, **Austria**, **Czech Republic** and **Georgia**.

645 For example in **France**, where a dedicated and Universal Design-compatible **website on Covid-19** was created for people with disabilities. Similar examples were reported in **Czech Republic** and **Finland**.

The engagement of national human rights institutions also brought some inspiring examples calling on national governments and local authorities to safeguard the rights of minorities and marginalized groups or intervened in the interest of particularly vulnerable communities.⁶⁴⁶

There have been numerous examples of civil society organizations quickly adapting to changed circumstances, and providing material or psychological assistance, whether online or in a manner adapted to local circumstances, and filling gaps left by government bodies.⁶⁴⁷ This assistance was sometimes provided by minority organizations to marginalized communities, however in practice the assistance was frequently provided to any individual in need, regardless of their background. In this manner, civil society compensated for overburdened state services in a number of participating States.⁶⁴⁸ In some cases, such work on behalf of marginalized communities, otherwise frequently vilified

in public discourse, also served to counter negative prejudice and stereotypes.⁶⁴⁹

In a number of participating States, civil society organizations engaged in monitoring how the pandemic directly and indirectly affected minority communities.⁶⁵⁰ They also invested considerable effort into raising public awareness of instances of intolerance and discrimination, as well as hate crime, through webinars, reports, campaigns and public statements.⁶⁵¹ All this advocacy work is extremely important in the current crisis situation, with the state authorities mainly focusing their efforts on public health aspects of the pandemic. Civil society organizations, including faith-based ones, also created virtual bridge-building and dialogue between communities, countering the flourishing of prejudice, stereotypes, assigning blame and conspiracy theories.⁶⁵²

646 For example, in **Ireland**, the NHRI called political parties involved in government formation to safeguard human rights and equality measures amid the emergency responses to the pandemic. In **Serbia**, the NHRI called the authorities to provide particular support to Roma communities, including access to clean water.

647 For example, in **Romania**, the **United Kingdom** and **Poland**.

648 See, for instance **Inclusion Europe Coronavirus (COVID-19) pandemic**, which provided easy-to-read information on COVID-19 in four major European languages, for persons with intellectual disabilities. In some participating States, Roma civil society organizations mobilized networks of volunteers who shared information and distributed face masks and humanitarian assistance in Roma settlements. Migrant associations organized hostel accommodation for stranded migrant workers in the **Russian Federation**.

649 For example, in **Poland**, Chechen women refugees were sewing face masks, and in the **United States**, Chinese-American and Vietnamese-American communities purchased personal protective equipment.

650 For example, in **Canada**, the **United States**, the **United Kingdom**, **Germany**, **Ireland**, and through the European Network Against Racism (ENAR), a network of member organizations across Europe.

651 Some minority organizations, such as ENAR in Europe, as well as examples in the **United States**, the **United Kingdom**, **Canada** and **Spain**, actively debunked dangerous narratives presenting their communities as not respecting pandemic-related regulations. In **Hungary**, they also provided legal defence to individuals affected by discriminatory state policies in the light of the pandemic.

652 For instance, some organized webinars where representatives of different communities spoke of the rise of discrimination and hate crime during the pandemic and about the importance of inclusion and working together to address these negative phenomena. See, for instance in the **United Kingdom Dialogue & Debate: Faith Responses to COVID-19**, Cumberland Lodge webinar.

RECOMMENDATIONS

- States should uphold existing commitments and international obligations on tolerance and non-discrimination.
- Condemn any form of discrimination and hate crime and abstain from any statement or action that exacerbates vulnerabilities.
- Respond swiftly to hate crimes, including those motivated by gender or sex, to record and investigate them so that the perpetrators can be brought to justice and adequate penalties imposed. Support victims

as they report their experiences, and ensure the availability of all necessary psychological, social and legal support for victims, including through close co-operation with civil society. Relevant authorities should also publicly condemn any such acts and ensure that perpetrators are brought to justice.

- Consider, where states have not done so, providing the possibility to report hate crimes online and allowing third-party reporting to police by civil society groups and equality bodies.
- Ensure that any measures and restrictions imposed due to the emergency situation are created and applied in a non-discriminatory manner, as prescribed by relevant international standards. Working together with civil society organizations and minority communities in this process is crucial.
- Ensure meaningful public participation of minority communities' representatives, in both the assessment of the situation as well as in designing and implementing the adequate remedial policies and actions, while taking into account the different needs of women and men. In the process, women and men should be equally included.
- Promote policies focusing on equality of opportunity by making the collection of equality data in the context of the pandemic a norm across the public sectors in participating States, assess how health and emergency measures have disproportionately affected minority and/or marginalized communities, adopt mitigating measures, as well as ensuring that further disadvantages are not created. Participating States should support and co-operate with civil society in the collection and analysis of equality data.
- Make sure adequate guidance is widely provided on measures taken by the state in the languages of minority communities and distributed in a manner socially and culturally appropriate for these groups.
- Stop and further prevent discrimination through disproportionate securitization and profiling of minority communities and their members in the context of the pandemic.
- Base criteria for prioritization in providing medical assistance in the context of Covid-19 on clinical appropriateness and proportionality of the treatments, and not on criteria related to protected characteristics, such as age or disability.
- States should implement the WHO guidelines for persons with disabilities.⁶⁵³
- Assess and improve relevant mechanisms for hate crime recording and data collection, including gender disaggregated data and assess the existing current victim support systems.
- Ensure that the consequences of the current pandemic, including the economic crisis, do not affect states' capacities to provide support to victims of hate including through appropriate funding to non-state actors and civil society organizations.
- Build law enforcement and justice sector capacities to recognize and effectively investigate hate crimes and to ensure that specialized training, focused on hate crime victims and their needs, is provided for officials and civil society organizations within the victim support structures. Enact policies, through inter-agency co-operation, to address hate crimes in a comprehensive manner.
- Prevent new outbursts of hate crime against racialized minorities by undertaking pre-emptive and proactive steps when easing physical distancing restrictions.
- For countries banning face covering typically used by Muslim women, banning or restricting the Muslim call to prayer, or requiring mandatory handshakes in some formal contexts, to consider repealing such policies and legislation, in the light of the changes brought about by the pandemic that proved these bans and obligations unfounded.

653 These include: "Captioning and, where possible, sign language for all live and recorded events and communications. This includes national addresses, press briefings, and live social media; Convert public materials into 'Easy Read' format so that they are accessible for people with intellectual disability or cognitive impairment; Develop accessible written information products by using appropriate document formats, (such as "Word"), with structured headings, large print, braille versions and formats for people who are deafblind; Include captions for images used within documents or on social media. Use images that are inclusive and do not stigmatise disability; Work with disability organizations, including advocacy bodies and disability service providers to disseminate public health information." **World Health Organization "Disability considerations during the COVID-19 outbreak".**

- Promote policies focusing on equality of opportunity by making equality data collection and disaggregated statistics a norm across the public sector and co-operating with civil society in the collection and analysis of equality data.
- Design and implement recovery assistance in a non-discriminatory manner, with the participation of underrepresented groups affected by discrimination.
- Celebrate and harness the strength of diversity within participating States, as a means of overcoming current and forthcoming social and economic challenges of the pandemic.

II.3.B GENDER INEQUALITY AND DOMESTIC VIOLENCE

There is an extensive acquis of OSCE commitments covering gender equality and domestic violence. Participating States have called for more equal participation of women and women's organizations in legislative, programmatic and policy development, and enhanced measures to address violence against women, including through effective investigation, prosecution and service provision.⁶⁵⁴ The importance of these commitments as essential elements of comprehensive security and the human dimension has been underlined on numerous occasions. In the Moscow Document (1991), participating States recognized gender equality as a cornerstone of security and democracy in the OSCE region. In 2003, states committed to *"pay special attention to the health of women and girls, inter alia, by: Improving access to gynaecological health care,*

including prenatal, delivery and postnatal health care services".⁶⁵⁵ The Covid-19 pandemic and related emergency measures have presented an unprecedented challenge to live up to these standards and ensure these commitments are reality across the OSCE region.

The public health emergency responses to the pandemic have had a significantly negative impact on women's human rights, exacerbating existing gender inequalities and discrimination, and raising concerns regarding the implementation of gender equality commitments across the OSCE region. The economic impact on women is likely to be greater, as they face a higher risk than men of losing their job in the private sector. At the same time, they make up the majority of staff in the medical or care services, as well as caring for children, older people and the sick at home.⁶⁵⁶ However, ODIHR monitoring has revealed low numbers of women in Covid-19 decision-making bodies such as commissions or taskforces in most participating States; limited gender analysis within crisis response and recovery planning; and an inability of many states to tackle the increased levels of economic vulnerabilities and employment discrimination against women. Quarantines, curfews, and closures of schools and other public services have intensified women's time constraints as their unpaid care work has increased. Confined living conditions due to lockdowns and self-isolation regimes, coupled with increased financial stress, unemployment and strained community resources, have compounded existing forms of gender-based discrimination. This includes violence against women, as their exposure to abuse at the hands of an intimate partner or family member has

654 2009 MC Decision 7/09 on Women's Participation in Political and Public Life; and the 2005, 2014 and 2018 MC Decisions on Violence Against Women (15/05; 7/14 and 4/18). Reaffirming the earlier two Ministerial Council Decisions (15/05 and 7/14) on Preventing and Combatting Violence Against Women, Decision 4/18 called on participating States to "ensure access to justice, effective investigation, prosecution of perpetrators, as well as provide, while respecting their rights and privacy, adequate protection, rehabilitation and reintegration support for victims of all forms of violence against women and girls" (Cf. OSCE MC.DEC/4/18 para 1;) The earlier MC Decision 7/14 called also on States to "Give consideration to the signature and ratification of relevant regional and international instruments, such as the Council of Europe Convention on preventing and combating violence against women and domestic violence, where applicable". OSCE pS have also committed to "adhere to and fully implement the international standards and commitments they have undertaken concerning equality, non-discrimination and women's and girls' rights", in particular the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). (MC.DEC/14/04 - 2004 OSCE Action Plan for the Promotion of Gender Equality)

655 MC.DEC/3/03 - OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area

656 **OECD Policy Responses to Coronavirus (COVID-19): Women at the core of the fight against COVID-19 crisis**

increased, while opportunities to seek and receive vital support have diminished.⁶⁵⁷

Public services normally available to women victims of violence, including gynaecological health services, police interventions, judicial remedies and sheltering services have all been disrupted, while the risk of violence has increased. In some cases, pressure on referral mechanisms available to victims of violence, in addition to restrictions of movement, has been lethal for women, with a documented rise in femicides.⁶⁵⁸

Diversity in public and political life, policy making, advisory and decision-making bodies, as well as a gender-sensitive legislative process, translate into more representative and effective laws and policies, which benefits everyone.⁶⁵⁹ An analysis of the composition of Covid-19 taskforces reveals significant gaps in terms of gender balance in many participating States. While women's representation is higher in public health councils and vaccination advisory groups, it has been low in roles with stronger links to political decision-making.⁶⁶⁰ The limited integration of gender perspectives into pandemic-related crisis planning and response is likely to exacerbate existing gender inequalities. In this context, it is of concern that few participating States

are reported to be conducting gender impact assessments to guide more gender-sensitive Covid-19 recovery policies.⁶⁶¹

Although gender statistics such as sex- and age-disaggregated data on the socio-economic impact of Covid-19 are not systematically collected across the OSCE region, such data is important to address the differential impact that emergency responses and measures have had on women and men, including those in different situations of vulnerability and risk, such as older women, adolescent girls, migrant and refugee women, women with disabilities, women deprived of liberty, and women from minority backgrounds, including Roma and Sinti, as well as indigenous women.⁶⁶²

The impact of the pandemic response measures on women's economic rights has been significant. Women are globally over-represented in less protected and low-paid jobs and in most hard-hit sectors, such as tourism, retail and manufacturing, and are therefore at a disadvantage as the economic situation deteriorates.⁶⁶³ In many participating States women, particularly those who are pregnant, have been disproportionately affected by pandemic-related lay-offs.⁶⁶⁴

657 **Covid-19 and Ending Violence Against Women and Girls, UN Women**

658 **Statement by the UN Working Group on discrimination against women and girls - Responses to the COVID-19 pandemic must not discount women and girls.** The UN called domestic violence "the shadow pandemic" alarming over its spread and extent. Many international and national governmental and non-governmental organizations have joined their voices to calls for action. Joint calls on participating States to step up measures to protect women and children were made by heads of **OSCE Executive Structures, ODIHR and the Parliamentary Assembly** as well as by **forty-three OSCE participating States**. WHO warned of a surge of domestic violence as COVID-19 cases decrease in Europe, **UN Regional Information Centre for Western Europe, COVID-19 Pandemic: Tackling the Dramatic Increase in Cases of Violence Against Women, Council of Europe**

659 ODIHR, **Making Laws Work for Women and Men: A Practical Guide to Gender-Sensitive Legislation**, Warsaw, 2017.

660 **For instance, the Covid-19 taskforce of the United States and Italy did not initially include any women. Hungary's taskforce included one woman out of 15 task force members.** For an overview of different countries' task forces see [here](#).

661 Based on the information published by the **Council of Europe** only **Serbia** and **Sweden** initially reported to be conducting gender impact assessments.

662 See also: MC.DEC/04/13, para. 2.12 on Enhancing OSCE Efforts to Implement the Action Plan On Improving The Situation Of Roma And Sinti Within the OSCE Area, With A Particular Focus On Roma And Sinti Women, Youth And Children. For the intersecting forms of discrimination and impact of pandemic-related responses and measures with relation to access to rights, see the Section on Roma and Sinti Issues. Disaggregating data on a variety of characteristics, including disability, migrant and refugee status is recommended to facilitate more inclusive decision making.

663 The economic and labour crisis created by the pandemic could increase global unemployment by almost 25 million, according to a new **assessment** by the International Labour Organization (ILO).

664 For example, an **analysis** by the state bodies in **Finland** has revealed that while the proportion of those laid off has increased overall, this has disproportionately impacted women, particularly in the age cohort of 35–45 years. In the **United States**, 60 percent of those who lost jobs during the first two months of the epidemic were women, according to some **reports**. The **United Kingdom's** Equality and Human Rights Commission has **noted** increased employment discrimination against pregnant women. According to a **study** by the Institute for women's policy research, women lost more jobs than men in almost

Throughout the health crisis, women appeared slightly more likely than men to be diagnosed with Covid-19, possibly partly due to the fact that women account for the majority of healthcare workers. Globally, women constitute a majority of employees in healthcare and frontline services sectors⁶⁶⁵, which makes them more susceptible to infection.⁶⁶⁶ A large majority of healthcare workers infected with Covid-19 have been women.⁶⁶⁷

Available evidence has shown that across the OSCE region, states experienced a dramatic surge of domestic violence cases reported to national helplines and support services,⁶⁶⁸ with women and girls forming the overwhelming majority of victims in search of emergency shelter. According to women's rights experts and media sources, different forms of online violence have also been on the rise including stalking, bullying, sexual harassment, and sex trolling during the pandemic, in particular during strict lockdown periods.⁶⁶⁹

The sudden introduction of lockdown measures in many countries and the lack of or inadequate level of preparedness by national governments and local authorities for this extraordinary situation has affected protection

all sectors of the economy. Amnesty International has **noted** increased discrimination and job insecurity in Hungary, particularly impacting pregnant women.

665 For example, in **Czech Republic** and **Ukraine**, the proportion of women in health services is 78 percent and 82 percent, respectively, which is higher than the global average of 70 percent, according to a Council of Europe **study**.

666 Furthermore, according to media **reports**, the standard-sized personal protective equipment is often designed for male bodies and facial features, which exposes women in frontline health care work to further evitable and unnecessary risks, which indicates gender bias in the decision-making process and insufficient consideration of the needs of women.

667 Early figures from Spain, **Italy** and the **United States** indicates that 75.5 percent, 69 percent and 73 percent respectively of the total health-care workers infected with Covid-19 were women, which is significantly higher than the percentage of women infected amongst the general population. Source: UN Women **calculations**

668 For instance, in the **United Kingdom**, this was reported to range from 15 percent to 120 percent, **UK domestic abuse helplines report surge in calls during lockdown**, The Guardian

669 Examples include unsolicited pornographic videos appearing in virtual chat rooms. See, for instance, **Risk of online sex trolling rises as coronavirus prompts home working**. Reuters

and response measures to tackle the increase in domestic violence. In some cases, first responders from the police and judicial and health services have found themselves overwhelmed; in other cases, resources have been diverted away from the criminal justice system towards more immediate public health measures to deal with the pandemic. This has resulted in the scaling back of helplines, crisis centres, legal aid and social services in some states, in particular in the initial phase of the crisis.⁶⁷⁰ Examples of gaps in protection also included the replacement of walk-in free legal aid services with remote counselling because of social distancing requirements, which *de facto* often hindered access to justice for victims of domestic violence as they were unable to speak in the presence of their abuser.⁶⁷¹ The crisis has also disrupted the work of courts in many states,⁶⁷² leading to delays in issuing injunctions for protection or restraining orders as well as in adjudicating divorce and child custody proceedings. In many cases, the severity of quarantine regimes and the enactment of curfews have affected the opportunity of women to escape from the household, fearing fines, reprisals by their abuser and a lack of protection by the state.⁶⁷³

In shelters, lengthy admittance procedures linked to virus-testing or confirmation of medical certification have often exposed victims to further harm in the home.⁶⁷⁴ In some countries, equitable access to sexual and reproductive health care has been severely reduced, with relevant health services classified as non-essential during the course of the pandemic.⁶⁷⁵

670 **Justice for Women Amidst COVID-19**, UN Women, IDLO, UNDP, UNODC, World Bank and The Pathfinders.

671 **Eastern Europe and Central Asia Confronted with COVID-19: Responses and Responsibilities**, Amnesty International

672 See the section on the judiciary and access to justice above for more detail.

673 **COVID-19 and Domestic Abuse: When Home is not the Safest Place**, Balkan Insight

674 **Eastern Europe and Central Asia Confronted with COVID-19: Responses and Responsibilities**, Amnesty International

675 Reports include examples from **Poland**, the **Russian Federation** or in some states in the **United States**. See **Abortion Access Worsens Amid Pandemic**, Foreign Policy, **How COVID-19 affects Women's Sexual and Reproductive Health**, Medical News Today; **Denying Women Abortion Access in Moscow**, Human Rights Watch.

Emergency measures have had extremely negative consequences on women with less access to security, justice and health services such as women with disabilities, women from ethnic and other minority or indigenous backgrounds, and women from at-risk groups such as migrants, asylum seekers or refugee women in camps, all of whom have found themselves in situations of increased vulnerability to violence.⁶⁷⁶ During lockdowns, these groups of women have had to cope with numerous accumulated challenges. For example, women with disabilities have also faced poor access to health and social services.⁶⁷⁷ Women from minority, marginalized or migrant backgrounds have faced a lack of access to life-saving information through a lack of internet access or due to the unavailability of information in minority languages or in remote or rural areas.⁶⁷⁸

Alongside increased reports of domestic violence, risks for women also increased in institutional settings. Disruption to the work of many external oversight bodies and mechanisms has meant that women detained in criminal justice facilities, or in need of mental and other healthcare services including in nursing homes and other institutions, may have been exposed to heightened risk of violence.⁶⁷⁹

GOOD PRACTICES

This brief overview of the negative impact of pandemic and related emergency measures on women and how they have exacerbated gender inequalities can only be considered as indicative. A thorough analysis is still needed at all levels and in all sectors, based on disaggregated data and gender-sensitive research. As the pandemic continues and some emergency measures are still in place, and as in particular the social and economic consequences will be felt for years to come,

it is too early to present a comprehensive analysis at this point. It has, however, already become clear that a number of states have acknowledged the importance of the gender dimension of the pandemic and response measures, and some positive examples of policy adjustments, dedicated services and communication initiatives have emerged. Several such examples are presented below, with the aim of feeding into recommendations to participating States and encouraging a positive learning exchange between countries.

Some participating States have made concerted efforts to integrate gender considerations into their Covid-19 policy responses⁶⁸⁰, or have established mechanisms to capture and analyse the available documentation and provide lessons learned.⁶⁸¹ Some countries have developed targeted guidance on maternal health.⁶⁸² Emergency sexual and reproductive health services and treatment have remained available in many states.⁶⁸³ The rise in domestic violence has prompted some participating States to make emergency support programmes part of their emergency response.⁶⁸⁴

676 Covid-19 and violence against women and girls: Addressing the shadow pandemic. UN Women, <https://www.unwomen.org/en/digital-library/publications/2020/06/policy-brief-covid-19-and-violence-against-women-and-girls-addressing-the-shadow-pandemic>

677 **Rapid gender assessment of the situation and needs of women in the context of COVID-19 in Ukraine**, Reliefweb.

678 **COVID-19 compounds isolation of rural women facing violence**, Canada's National Observer

679 **Justice for Women Amidst COVID-19**, UN Women, IDLO, UNDP, UNODC, World Bank and The Pathfinders.

680 For example, in **Belgium**, the Institute for the Equality of Women and Men is represented in the taskforce conducting analysis, monitoring and proposing policy measures. In **Serbia**, the co-ordination body for gender equality is conducting a gender analysis of the situation to set measures to remedy the adverse effects of Covid-19 on women and men, and on gender equality in the country. In **Sweden**, a government decision has made gender impact assessments mandatory regarding all policies related to Covid-19. Similar mechanisms and practices are in place in **Ireland** and **Bosnia and Herzegovina**. Promoting and protecting women's rights at national level, **Council of Europe. Belgium, Serbia, Sweden, Ireland, Bosnia and Herzegovina**

681 In **Finland**, the National Institute of Health and Welfare has created an online repository of resources that capture the effects of coronavirus and its impact on men and women as well as on gender equality in Finland.

682 For instance, **Spain, Slovenia** and the **United States (New York State)**. In **Ireland**, the Department of Justice and Equality produced a videoclip on "Pregnancy and COVID-19" targeting travellers and Roma and Sinti. See **Promoting and protecting women's rights at national level, Council of Europe. Spain, Slovenia, Ireland**.

683 Including in **Slovenia** and **Finland**, as well as in **Belgium** where access to regular and emergency contraception has been facilitated via e-prescription. **Promoting and protecting women's rights at national level, Council of Europe. Slovenia, Finland, Belgium**

684 In **Spain**, the Ministry of Equality has promoted a contingency plan against gender-based violence during the Covid-19 crisis, which includes declaring as essential all

Some states have set up detection and protection measures focused on expanding access to counselling and sheltering services to victims of domestic violence through early warning mechanisms, including through the use of radio and TV, social media, mobile applications, dedicated 24-hour helplines and web-pages⁶⁸⁵ or established email-based services⁶⁸⁶ for domestic violence cases. Some states have introduced new helplines to provide free legal and psychological advice in collaboration with international organizations and civil society.⁶⁸⁷ To tackle the digital divide, efforts have also been made to expand internet access⁶⁸⁸ or make mobile services affordable or free.⁶⁸⁹ Some participating States have enabled pharmacies to initiate referral pathways through code words.⁶⁹⁰ Others have trained personnel from postal services to identify and

respond to cases of domestic and gender-based violence.⁶⁹¹ Additional sheltering accommodation has been put in place in some states, including the use of hotels or holiday apartments as shelters for victims of domestic violence.⁶⁹² Special crisis teams have been created on the basis of law-enforcement and civil society co-operation.⁶⁹³

In some states, national human rights bodies and institutions have taken a leading role in developing appropriate responses in this area.⁶⁹⁴ Several countries have begun prioritizing court cases for violence hearings.⁶⁹⁵ Additional funding sources have been allocated to deal with the increased needs in several participating States.⁶⁹⁶

comprehensive assistance services for victims of such violence. **Promoting and protecting women's rights at national level, Council of Europe. Spain**

- 685 In **Italy**, police have expanded the usage of an app called "YouPol", originally designed to report bullying and drug dealing, to give victims of violence an opportunity to alert the police without the partner's knowledge. **European Countries Develop New Ways to Tackle Domestic Violence During Coronavirus Lockdowns, NBC News.**
- 686 In **Portugal**, the Commission for Citizenship and Gender Equality has activated an email service to request support in domestic violence cases.
- 687 The Gender Equality Commission of the Republic of **Uzbekistan**, with the support of the UNFPA and Civic Initiative Support Centres, launched a helpline for the prevention of domestic violence during the quarantine. Senate of the Oliy Majlis of the Republic of Uzbekistan: **"Establishment of telephone helpline of the Gender Commission"**.
- 688 Modems have been delivered to families without internet in **Malta**, **Promoting and protecting women's rights at national level, Council of Europe. Malta**
- 689 The government of **Belarus** has partnered with a mobile operator to make the national help-line toll free to subscribers. **Eastern Europe and Central Asia Region. COVID-19 Situation Report. UNFPA.**
- 690 This innovative practice has been reported from **Belgium, Uzbekistan, Spain**, the **United Kingdom** and **France**.

691 For example **Czech Republic**.

692 Examples include **Belgium, Germany, Italy, Bosnia and Herzegovina** and **France**, **Charities look for creative ways to protect women trapped in their homes with violent partners during COVID-19 shutdown**, Thomson Reuters Foundation News

693 For instance, in **Bulgaria** and in **Kyrgyzstan**.

694 In **Armenia**, the Human Rights Defender's Office has established a working group on domestic violence prevention during the pandemic. In the **Russian Federation**, the Human Rights Commissioner has called on the authorities to allow domestic violence victims to leave their homes without obtaining special digital permits that several cities have introduced to monitor the lockdown measures, while members of the parliament have asked the government to exempt victims from punishments for violating quarantine rules. **Domestic Abuse in Russia Doubles Amid Virus Lockdown: Official**. The Moscow Times

695 E.g. in **Malta** and in the **Netherlands**. **Promoting and protecting women's rights at national level**, Council of Europe

696 In **Canada**, for instance, the federal government has earmarked funding for the immediate needs of shelters and sexual assault centres including an existing network of emergency shelters to support Indigenous women and children fleeing violence. **Violence Against Indigenous Women During COVID-19 Sparks Calls for MMIWG plan**, CTV News

RECOMMENDATIONS

- Involve state bodies responsible for gender equality, as well as women's civil society, in emergency response and post-emergency planning and explicitly incorporate gender considerations into any recovery strategies and plans;

- Take into account the gendered impact of the crisis in state budgeting to ensure adequate resource allocation for social protection and safety nets for those who have been laid off due to the emergency and to ensure sectors with so-called essential workers are adequately resourced and individuals in these sectors are adequately compensated;
- Prioritize proceedings to investigate and prosecute cases of domestic violence and other forms of gender-based violence and provide judicial remedies in all cases;
- Pay particular attention to ensure information dissemination campaigns reach marginalized women, women from minority backgrounds and women with disabilities to step up the accessibility of violence reporting mechanisms and ensure alternative accommodation for victims, even after quarantine measures are lifted;
- Classify shelters and crisis centres as essential during all stages of emergencies and increase support to civil society organizations assisting victims of domestic violence;
- Ensure the delivery and accessibility of health services of immediate need, including health services covering gynaecological health, making these available to all women experiencing violence by an intimate partner, and consider targeted delivery of health services to women subject to intersecting forms of discrimination, such as Roma and Sinti women and women with disabilities;
- Collect sex-disaggregated data to understand the social, economic and legal impacts of the public health crisis on women and girls, and the implications of restrictions to fundamental freedoms brought about by government responses;
- Integrate gender considerations into laws, policies, budgets and other measures related to emergency planning, preparedness and response, so they efficiently address inequalities and deliver adequate services, protection and equitable recovery to all, women and men, in all their diversity;
- Ensure greater representation of women in any future emergency taskforces, efficiently address women's needs, and reflect a diversity of women's perspectives in decision-making;
- Promote inclusive approaches to addressing public crises, with the participation of civil society organizations catering to different population segments, including the most marginalized;
- Increase women's participation in the delivery of security and justice services and continue enabling special crisis teams to function beyond the termination of quarantine measures;
- Set up effective legal protection and guarantees to prevent and combat domestic violence and other forms of gender-based violence through national legislation; and thoroughly revise enforcement mechanisms where gaps have been reported during the pandemic.

II.3.C ROMA AND SINTI

As early as 1990, participating States recognized the specific human-dimension challenges faced by Roma and Sinti communities throughout the region.⁶⁹⁷ Since then, Roma and Sinti issues have continued to figure prominently on the OSCE agenda, exemplified by the establishment of the Contact Point for Roma and Sinti Issues (CPRS) within ODIHR in 1994 by the Budapest Summit, which tasked ODIHR, among other things, to act as a clearing house for the exchange of information on Roma and Sinti issues, including information on the

implementation of commitments pertaining to Roma and Sinti.⁶⁹⁸

Recognizing the particular difficulties faced by Roma and Sinti people and the need to undertake effective measures in order to eradicate racism and discrimination against them, in 2003 in Maastricht participating States adopted the Action Plan on Improving the

⁶⁹⁷ Copenhagen Document (1990) para. 40

⁶⁹⁸ The Roma are Europe's largest ethnic minority. Out of an estimated 10–12 million in total in Europe, some 6 million live in the EU, and most of them hold the citizenship of an EU country. The term Roma encompasses diverse groups, including Roma, Gypsies, Travellers, Manouches, Ashkali, Sinti and Boyash. See, **Roma and the EU**, European Commission

Situation of Roma and Sinti within the OSCE area.⁶⁹⁹ Subsequently, three more Roma-focused Ministerial Council Decisions⁷⁰⁰ were adopted, expanding the OSCE commitments on Roma while placing further emphasis on aspects such as access to early education, addressing the rise of violent manifestations of intolerance against Roma and Sinti, and challenges faced by Roma women, youth and children.

Since the outbreak of the pandemic, the CPRSI has engaged with civil society organizations from which it has received reports of a number of measures adopted by States that can be considered as targeting Roma communities in a discriminatory manner.

Due to the nature of the pandemic, the poorer and more vulnerable groups and categories of populations are hit harder than the rest of the population. Against a backdrop of widespread fear caused by the health crisis, there has been a surge in manifestations of prejudice and racism coupled with some (local) authorities undertaking hasty and biased measures against such groups, including Roma and Sinti. At times, they were abusively labelled as ‘a hazard to public safety’, ‘undisciplined’ and ‘spreading the virus’.⁷⁰¹ At the same time, the authorities often failed to raise awareness among these communities of the emergency measures and their necessity, and to help them understand how to prevent contamination and its spreading.

Many Roma live in informal settlements, in overcrowded and substandard conditions, lacking proper infrastructure for running water, sanitation and sewage. Widespread poverty and linguistic challenges make this population ‘hard-to-reach’ in public health terms. As a consequence, such areas and their inhabitants are more prone to the risks of contamination. The pandemic poses particular challenges to the Roma population as it is compounded by a long history of neglect and marginalization of these communities, with many

people already suffering from poor health.⁷⁰² Due to these hardships, as documented through various analyses in the past decade, the life expectancy of Roma people from such communities is 10–15 years below that of the majority population. Any health crisis therefore has the potential to deepen an already adverse situation.

Due to the differences in the health status of the Roma communities compared to the majority population, states need to pay more careful attention to the former, in line with the principle of leaving no one behind.⁷⁰³ Therefore, states have an obligation to assess the specifics of the situation of Roma communities to ensure that the standard measures taken to contain the epidemic consider all the risk factors. This will ensure that interventions are tailored to address those specific challenges and at the same time avoid infringing on people’s rights and their further stigmatization and marginalization. It is in the best interest of states to be mindful of the principle of the weakest link in the chain, and therefore act proactively to ensure that Roma communities have adequate access to health services and care and can fully enjoy their social and economic rights.

A number of restrictive and quarantine measures were imposed in the absence of solid evidence that those communities had been affected by the pandemic, while full lockdowns were enforced in large communities where only a handful of individuals were infected. Arguing concern for public safety, some authorities undertook strict measures that amounted to limiting the

699 Maastricht Ministerial Council 2003 (MC.DEC/3/03) - OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area

700 Helsinki Ministerial Council, 6/2008, Athens Ministerial Council 8/2009, and Kyiv Ministerial Council 4/2013

701 The CPRSI has collected reports of such incidents and documented abusive statements by officials and political leaders.

702 Also, indicators such as child mortality, malnutrition and mental health are generally worse among Roma communities in poverty and living in informal settlements.

703 Numerous OSCE commitments refer to equal access to human rights and social justice for all. In 2015, UN Member States resolved, in the UN summit outcome document ‘Transforming our world: the 2030 Agenda for Sustainable Development’, “between now and 2030, to end poverty and hunger everywhere; to combat inequalities within and among countries; to build peaceful, just and inclusive societies; to protect human rights and promote gender equality and the empowerment of women and girls; and to ensure the lasting protection of the planet and its natural resources.” Recognizing “that the dignity of the human person is fundamental” and wishing to see the Sustainable Development Goals and targets “met for all nations and peoples and for all segments of society”, they also “pledged that no one will be left behind” and endeavoured “to reach the furthest behind first.”

movement of people, restricting access to and outside of their communities, curfew, checkpoints with barriers manned by police and the military, and full lockdowns of communities. Such measures were clearly discriminatory in nature as they were only imposed on the Roma, while other districts and areas inhabited by non-Roma were not targeted in the same way. These discriminatory lockdown measures have had a severely negative impact on the economic opportunities of Roma, which often depended on informal and temporary work, pushing many further into poverty.

Unfortunately, some of these early patterns of negative attitudes and biased measures targeting Roma that occurred soon after the outbreak have intensified and been replicated in numerous places. Only a few authorities have introduced positive measures to try and identify ways to help vulnerable communities, for example small-scale campaigns to provide them with social and humanitarian support, or raising awareness about the prevention of contamination. The overall situation of Roma communities across the OSCE region remains critical.

AREAS OF CONCERN

OSCE participating States have placed combating racism and discrimination against Roma and Sinti at the core of efforts to improve their situation.⁷⁰⁴ Nevertheless, racism and discrimination against Roma and Sinti continue to manifest themselves across the OSCE area.

Adding to already existent social and economic vulnerability, manifestations of racism and discrimination, often violent, have been reported in a number of participating States since the outbreak of the pandemic. Many such incidents stemmed from restriction measures imposed by the authorities, as well as by increased anti-Roma rhetoric in the public arena, including online, and not infrequently by public officials, media and opinion leaders.⁷⁰⁵ Some measures to subject Roma communities to quarantine or other limitations and restrictions are

thought to be connected to allegations made against Roma and spread through the mass media.⁷⁰⁶

There have been reports of Roma communities subjected to Covid-19 testing by the authorities that was administered with the involvement of the military.⁷⁰⁷ While testing is in principle a necessary and welcome public health measure, civil society groups expressed concern over such practices without the provision of necessary protection and support, thus contributing to further stigmatization of the communities concerned.⁷⁰⁸ The anti-Roma rhetoric in the public arena further contributed to fuelling hate and intolerance. Unabated hate speech⁷⁰⁹ inciting people against Roma have the potential to lead to hate crime and racially motivated violence.⁷¹⁰ There have been cases of harassment,⁷¹¹ damage to property,⁷¹² physical assault⁷¹³ and violent

706 See, for instance, Amnesty International, **Stigmatizing quarantines of Roma settlements in Slovakia and Bulgaria**

707 Cases have been reported in **Bulgaria, Slovakia** (see previous footnote), **Romania** (Deutsche Welle, **Coronavirus: Europe's forgotten Roma at risk**), **North Macedonia** (European Roma Rights Centre (ERRC), **Roma quarantined at the border to North Macedonia**), or **Spain** (El Diario, **Coronavirus: el racismo que la pandemia deja al descubierto**)

708 Amnesty International, **Roma must not be further stigmatized during COVID-19**

709 See, **National Equality Bodies report Impacts on Equality of Coronavirus Pandemic**.

710 This can be illustrated by reports from **Bulgaria** (ERRC, **Anti-Roma hate speech by MEP Angel Dzhambazki**), **Romania** (Ziare.com, **The National Agency for Roma asks Prime Minister Orban to take measures after the statement of the prefect of Timis county**, Liliana Onet; Libertatea.ro, Traian Băsescu, Racist statements against the Roma: **"Gypsy groups must understand that they cannot be tolerated with their way of life"**), **Ukraine** (NGO "Human Rights Roma Center" **alleged** that the head of the Odesa regional health department, used "hate speech" against Roma in describing the epidemiological situation in the region; ERGO Network **statement** on the eviction of Roma by the mayor of Ivano-Frankivsk), **Slovakia** (EU Observer **reported** on a racist statement of the mayor of Kosice on social media), or **Spain** (El Diario **reporting** on a widespread message spreading false and racist accusation against Roma.

711 **Young Roma Student harassed and discriminated in a bus** in **North Macedonia**, 24vakti portal

712 **Demolished office and stolen inventory of Roma CSO** in **North Macedonia**, Setaliste news portal

713 **Driver runs into Romani boy in crosswalk, shouts racist abuse at him and drives off**, in **Czech Republic**, Romea news portal

704 See, for instance Copenhagen Document (1990) para. 40

705 See also the section on Hate Crimes and Discrimination, above.

attacks⁷¹⁴ against Roma that were reported and documented by media or civil society.⁷¹⁵

Amidst restrictions to movement, quarantines and lockdowns imposed by the authorities as part of their declared status of emergency, there have been a number of cases of police or law enforcement intervention in relation to Roma communities, involving the unjustified and disproportionate use or abuse of force.⁷¹⁶ In a number of participating States, police and security forces, while carrying out checks on the compliance by Roma with quarantine or other safety measures, have displayed conduct that is disproportionate and unjustified, including hitting children with truncheons, extensive hitting of handcuffed Roma lying face down on the ground, the use of tear gas, including against women and children, and entering private houses and physically abusing Roma residents.⁷¹⁷ Such interventions have been posted and praised on the Facebook page of a police union with thousands of subscribers, and accompanied by openly racist remarks by their administrators, demonstrating a widespread⁷¹⁸ racial bias behind police action in some places.⁷¹⁹

Long before the outbreak of the pandemic, Roma and Sinti pupils and students already suffered from inequality in education, including through their routine

714 **Roma camp attacked and tents burned down by unknown assailants in Ukraine**, ERRC

715 See additional information in the preceding section on Hate crime and Discrimination.

716 **Bulgaria military allowed to use force amid coronavirus curbs**.

717 Such cases were reported in **Germany** (Central Council of German Sinti and Roma, Central Council of German Sinti and Roma **demands** complete clarification of police violence against a Roma family in Freiburg); **Slovakia** (Romea news portal, Slovak police officer **said** to have beaten five Romani children in Krompachy settlement and threatened to shoot them); **Romania** (Center for Legal Resources, **Roma minority – scapegoated during the pandemic**, Letter to the President, Prime-Minister and other relevant institutions)

718 In the past month in Romania alone, **The European Roma Rights Center** recorded at least eight incidents where police officers used disproportionate force against the Roma.

Amnesty International's **Evidence Lab** verified 34 videos from across Europe showing police used force unlawfully, and in many instances when it was not required at all.

719 Facebook **page** of **Romanian** police union "Sindicatul Europol."

placement in segregated schools and "special schools" designated for children with intellectual disabilities and learning difficulties, meaning they are educated according to a substandard school curriculum by poorly qualified teachers. Throughout their quest to access education, they have been often subjected to a hostile school environment, discrimination and bullying both from teachers as well as from their peers, leading to high dropout rates and poor learning outcomes. Segregation deprive Roma and Sinti students of a quality education and opportunities to obtain the qualifications necessary to secure jobs in the future.⁷²⁰

Due to the pandemic and emergency school closures to be found in most participating States at some point during the outbreak, education moved online, with students expected to study and participate in classes from home. While pupils and students quickly adapted to this home-learning environment in many countries, these measures excluded tens of thousands of Roma students from educational processes as they generally lack the minimum requirements (e.g. quiet rooms, computer access, or internet connections) for such learning.

Furthermore, the crisis and movement restriction measures have exerted a higher toll on such poor communities as their capacity to secure their daily subsistence has diminished drastically. The lack of proper equipment to attend online classes is therefore compounded by the burden of poverty, including a lack of regular and decent nutrition. Extended school closures, which are expected to persist in several states, and potentially new waves of the pandemic, is likely to widen and deepen the educational gap for Roma students, resulting in even higher dropout rates and loss in employment opportunities over the long term.

The outbreak of the pandemic was accompanied by a surge in inflammatory articles in the European media that portrayed Roma in a biased and negative manner.⁷²¹

720 See **Education: the situation of Roma in 11 EU Member States**, EU FRA, 30 October 2014, p 43.

721 News outlets in 9 countries: **Spain**: Diari16, **Coronavirus and gypsies**, 19 March; **Slovakia-Czech Republic**: Novinky, **Headlines "It exploded in Roma settlements, the prime minister said. Coronavirus is spreading uncontrollably"**, 16 April; **Romania**: MEDIAFAX, **Traian Basescu was also reported to CNCD for his**

In these, Roma are often scapegoated and blamed for the spread of the disease, for irresponsible and negligent behaviour, and for disregarding social distancing measures. Even though non-compliance with the imposed measures was common and widespread, the cases of Roma were highly publicised and presented as a risk to the majority population.

A number of media outlets resorted to the use of anti-Roma and Sinti discourse. Racist and discriminatory articles and TV broadcasts⁷²² were prominent and amplified further through their extensive dissemination on social media platforms. Civil society organizations and human rights defenders in a number of countries have sent open letters to governments with a request for such incidents and crimes to be promptly and properly investigated.⁷²³

Throughout the OSCE region, many Roma and Sinti communities live in poverty, characterized by informal settlements and improvised housing, often without access to running water and sanitation infrastructure.⁷²⁴ During the pandemic, these communities have faced increased risks and further exclusion, affecting their ability to follow basic hygiene measures such as hand washing that were recommended to stem the spread of Covid-19.⁷²⁵ Along with the higher exposure to potential

contamination, Roma and Sinti faced significant barriers in accessing healthcare services.⁷²⁶ Taken together, all these circumstances have placed Roma and Sinti communities in a very vulnerable situation, which, if not addressed properly, will leave these communities unable to keep the pandemic at bay.⁷²⁷

As the economic situation has declined in many countries, many Roma and Sinti have lost their sole sources of daily income due to the movement restrictions and lockdown measures.⁷²⁸ People living from collecting scrap metal and recyclable materials, as well as those who are self-employed, or work in markets or as daily labourers without a contract, were unable to benefit from the unemployment measures provided during the pandemic, and were thus left alone to survive as best they could.⁷²⁹ In some instances, due to pre-existing barriers such as a lack of personal documentation or statelessness, Roma were unable to benefit from measures designed to help the population during the pandemic.⁷³⁰ Without an economic safety net to compensate for their loss of daily income, the socio-economic situation of Roma and Sinti may become significantly worse than before the pandemic, making it still more difficult to escape from the cycle of poverty.⁷³¹

declarations. Was it incitement to hatred? What the former president said about ethnic Roma, 3 May; **Hungary**: HirKliikk, **The coronavirus can be devastating among Roma**, 9 April; **United Kingdom**: Glasgow Times, **Claims 50% of Roma group have fled Govanhill after false Covid-19 rumours**, 11 April; **North Macedonia**: KANAL5TV, **The number of infected is growing and in Topansko Pole a wedding was held today despite the ban**, 22 March; **Bulgaria**: Your News, **Bulgaria's Roma say some coronavirus measures are discriminatory**, 24 March; **Greece**: Keep talking Greece, **Tsiodras visits Roma settlement in quarantine, gives anti-racism lesson**, 10 April; **Ukraine**: Zaxid net, **The mayor of Ivano-Frankivsk apologized to the Roma for the discrimination**, 23 April.

722 In **Bulgaria**, see: **Btnovinite, Residents of Sliven's Nadezhda in an attempt to fight with a BTV team**, 25 April.

723 See Centre for Legal Resources (Bucharest), **Roma minority: scapegoat during the pandemic**, 12 May 2020.

724 European Roma Rights Centre, **Thirsting for Justice: A Report** by the European Roma Rights Centre, March 2017.

725 Council of Europe, **Governments must ensure equal protection and care for Roma and Travellers**, 7 April 2020.

726 In **France**, **No money, no water, no food: Covid-19 lockdown in a Paris Roma slum**, France 24, 16 April 2020.

727 With a focus on the situation of **Ireland's Roma** **A Marginalized People Facing A New Crisis With Coronavirus Pandemic**, International Business Times, 27 April 2020; EU Observer, **Inequality, anti-Roma racism, and the coronavirus**, 21 May 2020

728 EurActive, **The Roma are among most threatened by coronavirus in Europe**, 8 April 2020

729 Exit News, **Roma Community Suffering Due to Coronavirus Crackdown**, reporting on the situation in **Albania**, 20 March 2020; Reporting Democracy, **Roma: Europe's Neglected Coronavirus Victims**, 1 April 2020; Reuters, reporting a story on **Hungary's Roma facing economic disaster as COVID restrictions lifted**, 4 May 2020

730 The Institute for Research and Policy Analysis (Romalítico) documented this situation in **North Macedonia in People without Personal Documents in Macedonia are Still Invisible for the Institutions**, 14 May 2020.

731 Open Society Foundations, **Roma in the COVID-19 Crisis: An Early Warning** from Six EU Member States (**Spain, Italy, Slovakia, Hungary, Romania and Bulgaria**).

GOOD PRACTICES

In the course of the pandemic, a few notable initiatives have been implemented by some participating States to support Roma communities. In Greece, the Ministry of Interior announced allocations of 2.25 million EUR to help Roma during the pandemic.⁷³² At the same time, 34 municipalities from seven participating States have co-operated with the Council of Europe to mobilize small-scale funding and human resources in order to respond to the pandemic and help Roma communities.⁷³³

732 This example from **Greece** is reported in RomeaCZ, **Greece approves crisis fund for Romani settlements**, 21 April 2020

733 Council of Europe, **ROMACTED Contribution to COVID-19 Action**, 30 April 2020

However, the majority of good practices related to the Roma have come from civil society organizations, primarily through the provision of humanitarian aid in the form of food packages, disinfectants and masks.⁷³⁴ Self-mobilization by Roma and Sinti communities has also been important throughout the pandemic.

734 Activists, civil society organizations, and Roma from **Albania, Czech Republic, Montenegro, North Macedonia, Romania, Serbia, Ukraine** and other participating States have mobilized through various causes to help alleviate the pandemic effects for the most marginalized Roma and Sinti. See for example: **Roma Women Rights Center - Albania**, 5 May 2020; Agentia “Impreuna” **video report**, 18 April 2020; or Blog Hate Free, **A pair of Roma Women from Tanvald Sewed over 1,000 Veils for Seniors and People in Financial Distress per week**. Also see **Kosovo**, *Please see OSCE disclaimer on page 26*.

RECOMMENDATIONS

- Utilize existing national social and poverty maps and databases from social protection services to identify people in need, on the threshold of poverty or below, who need to be supported through the establishment of food banks and delivery of food support based on assessment of their basic needs per month;
- Ensure that Roma and Sinti communities have equal access to basic medical services, such as doctors or pharmacies during lockdown; ensure that healthcare is guaranteed for everyone, including for those without health insurance or personal documents;
- Guarantee access to clean drinking water for Roma and Sinti communities living in marginalized settlements that are lacking water infrastructure and basic sanitation;
- Together with local authorities, bridge the digital divide affecting Roma settlements by providing them with internet hotspots free of charge, as these are essential for accessing public information as well as online education and learning;
- Assist Roma and Sinti children in accessing remote learning and materials, by providing the necessary electronic equipment and support by social and education workers;
- Ensure that the upcoming recovery plans being developed for the post-pandemic period are inclusive and take the challenges and vulnerabilities of Roma and Sinti communities and their needs fully into account; ensure the full participation of Roma in the consultations, design and development of such recovery plans and strategies;
- Strongly and unequivocally condemn racial and ethnic hatred, anti-Roma sentiment, xenophobia and discrimination against Roma and Sinti, and ensure that violations of human rights do not enjoy impunity;
- Share information and experience about the provision of large-scale humanitarian aid and emergency support, and match efforts with state funding to establish and implement such plans, ensuring that Roma and Sinti communities are among the prioritized and targeted beneficiaries;
- Develop measures to promote and protect human rights while actively countering racism and discrimination against Roma and Sinti.

II.3.D MIGRATION

Since the Helsinki Final Act, OSCE participating States have expressed concern for the protection of the rights of migrant workers and refugee populations. Subsequently, in Madrid in 1983, they reiterated the application of existing human rights standards in the field of civil and political rights, as well as the economic, social and cultural rights to migrants and refugees. Participating States have made specific commitments related to migration, such as border security and management,⁷³⁵ as well as detention and other situations of deprivation of liberty.⁷³⁶

Although the legal framework and practical needs of a specific category of migrant may differ and require specific analysis, for the purposes of this overview, all people affected by migration share similar vulnerabilities and it is in this context that the human rights impact on this population are described here. The focus is therefore on the common effect that the pandemic and related emergency measures have had on migrants overall, such as border restrictions, detention practices or difficulties in accessing legal procedures.

ODIHR's mandate on the protection of the human rights of migrants stems from the commitments made by participating States as long ago as 1990 in the Copenhagen Document and at the Helsinki Summit (1992). Later, these commitments were further developed to incorporate concerns such as enabling migrants to participate in public life,⁷³⁷ creating the conditions that foster harmonious relations between migrants and the rest of the society,⁷³⁸ combatting discrimination and violence,⁷³⁹ and developing or reinforcing national plans for migrant integration.⁷⁴⁰

735 Ljubljana Ministerial Council (2005).

736 Copenhagen Document (1990).

737 Moscow Document (1991), Maastricht Ministerial Council (2003).

738 Ljubljana Ministerial Council (2005), Athens Ministerial Council (2009), Hamburg Ministerial Council (2016).

739 Maastricht Ministerial Council (2003).

740 Helsinki Summit (1992), Budapest Summit (1994), Maastricht Ministerial Council (2003), Ljubljana Ministerial Council (2005), Athens Ministerial Council (2009), Hamburg Ministerial Council (2016). The rights of migrants and refugees are enshrined in international law, in particular in UN conventions such as the **1951 Refugee Convention**,

AREAS OF CONCERN

The **closure of international borders** was one of the first measures taken by participating States at the onset of the crisis. In many countries of the Schengen area, which comprises 26 OSCE participating States that have agreed to freedom of movement, internal border controls were reinstated.⁷⁴¹ Border restrictions brought international travel to a standstill, by suspending international air and rail links, closing airports, imposing strict conditions on who could cross borders and in exceptional cases, even limiting the ability of nationals to leave their own country.⁷⁴²

Across the OSCE region, border restrictions impacted international mobility and, as such, migrants' ability to return home or to take up employment, including of a recurrent seasonal nature. As a result, many migrants were left stranded and availed of repatriation efforts put in place by their countries of origins.⁷⁴³ Uncertainty regarding international travel and reopening of borders poses great threats for migrants whose physical safety and economic well-being may be dependent on crossing borders.⁷⁴⁴

the **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**, adopted by General Assembly resolution 45/158 of 18 December 1990, as well as within the framework of the Council of Europe or through consensus-led processes such as the **Global Compact on Migration** or the **Global Compact on Refugees**. In adopting the **New York Declaration for Refugees and Migrants**, the 193 UN Member States recognized the need for a comprehensive approach to human mobility and enhanced co-operation at the global level.

741 The Schengen Borders Code provides Member States with the capability of temporarily reintroducing border control at the internal borders in the event that a serious threat to public policy or internal security has been established. See, European Commission, **Temporary Reintroduction of Border Control**.

742 This has been reported from **Czech Republic, Belgium and Ukraine**, among others. See, for instance, **Only Czechs and Belgians Banned From Travel Abroad in Europe Over Coronavirus**, by Prague Morning, 22 April 2020

743 See, for example, **Coronavirus Exposes Central Asian Migrants' Vulnerability**, The Diplomat, 10 April 2020.

744 See, **The coronavirus pandemic could be devastating for the world's migrants**, World Economic Forum, 6 April.

Border crossing points are already risk areas for migrants in normal times but emerged as particularly vulnerable flashpoints for many migrants during the pandemic. Despite pandemic-related restrictions increasing the obstacles to carrying out border monitoring work,⁷⁴⁵ several incidents at international borders were reported by civil society. For instance, reports from civil society working at the external borders of the European Union highlighted the continued use of illegal pushbacks, incidents of violence and health risks posed by border officials continuing to carry-out controls despite testing positive for Covid-19.⁷⁴⁶ Pushbacks, or arbitrary and collective expulsions, are illegal under international law. These principles are applicable to all migrants and not just refugees. Refugee law emphasizes the principle of *non-refoulement*, which cannot be guaranteed when undergoing a collective expulsion as no individual assessment can be carried out.

Following the onset of the pandemic and the ensuing border closures, access to the asylum procedures was *de-facto* or *de-jure* impacted in many countries across the OSCE region. Some States were able to maintain the pre-registration or registration of asylum-seekers.⁷⁴⁷ However, in many other countries, restrictions on access to the territory were applied to those seeking asylum and in others due to the physical closure of asylum

offices, new asylum claims could not be filed, and existing claims could not be further processed.⁷⁴⁸

The pandemic has brought to light the challenges in terms of physical distancing and hygienic measures present at collective centres, such as reception centres and transit centres, which are often subject to overcrowding. Not only is this an issue of concern for migrants living in such centres, but it also impacts authorities' efforts to protect the wider population from transmission. Unfortunately, in a few countries, entire reception centres were locked down and the movements of residents curtailed, without any evidence of cases being diagnosed.⁷⁴⁹ In some cases, the lockdowns were enforced by armed forces and violent incidents were reported.⁷⁵⁰ These indiscriminate lockdowns may have contributed to an increased perception of migrants as vectors of disease, resulting in reported incidents of vigilantism and anti-migrant sentiment.⁷⁵¹

Expert guidance emphasized that people in immigration detention are at particular risk of contracting coronavirus.⁷⁵² Detention facilities are not walled off from society and even with increased restrictions and screening, there is a constant flow of people. Thus, not only is it very difficult to preclude the virus from entering a detention facility and spreading rapidly, its spread may pose risks of amplifying and spreading the virus to communities in its vicinity and at large. Due to travel and health restrictions in response to the pandemic, the implementation of many return orders has been suspended; as it becomes impossible to determine the duration of pre-return detention, such detention is rendered arbitrary and thus, unlawful. There is a general growing consensus on the importance of increasing the use of alternative means to custodial detention for

745 Border monitoring is a common activity carried out by CSOs but also national institutions such as NHRIs. Border monitoring, including the role of CSOs and human rights defenders in border monitoring, are enshrined in the [OHCHR Recommended Principles and Guidelines on Human Rights at International Borders](#).

746 Before the start of the pandemic in Europe, an increase in the number of migrants trying to enter the EU through Turkey was reported (see media [report](#) from 1 March) which contributed to pressures at the border before and during the pandemic (see media [report](#) from 2 May). In late March, Turkey reportedly relocated some 6,000 migrants from the border (see media [report](#) from 30 March). During the pandemic, the illegal use of pushbacks was reported in **Croatia, Bosnia and Herzegovina, and Greece**. See the [report](#) of the Border Violence Monitoring Network of 5 May 2020. See the [report](#) by the same group on incidents of violence along the "Balkan Route" in **Slovenia, Croatia, Serbia and Greece**.

747 This included **Austria, Georgia, Germany, Iceland, Ireland, Italy, Liechtenstein, Moldova, Slovakia, Slovenia and Switzerland**.

748 See, for instance, [statement from UNHCR, 19 March 2020](#).

749 This included **Bosnia and Herzegovina, Cyprus and Serbia**.

750 See, for example a [report](#) of the situation in **Serbia and Bosnia and Herzegovina**.

751 See, for example, a report from **Bosnia and Herzegovina, Bosnian minister proposes deportation and incarceration of migrants** by Sertan Sanderson, 24 April 2020.

752 [Guidance](#) provided by the WHO, the International Committee of the Red Cross (ICRC), the Council of Europe and the Inter-Agency Standing Committee (IASC).

the purposes of immigration,⁷⁵³ to ensure that detention remains legal, not arbitrary and that human rights violations can be prevented. Similarly, the issues of alternative and child detention are interconnected. For states to be able to eliminate the practice of child and family detention, non-custodial alternatives must be in place (both for families and unaccompanied children). (For more on issues related to the deprivation of liberty and detention in the context of the pandemic in general, see the previous section.)

In the first months of this year, the number of people reaching Europe from North Africa and Asia was expected to be slightly higher than in the previous year, but following the escalating Covid-19 crisis, departures of boats carrying asylum seekers were reduced drastically.⁷⁵⁴ However, this pause was only temporary. As weather conditions improved in April, departures began again but only one search and rescue vessel continued to operate in the Mediterranean Sea.⁷⁵⁵ In an unprecedented move, several states declared their ports unsafe for asylum seekers and closed them,⁷⁵⁶ citing sanitary safety as the reason.⁷⁵⁷

The UN High Commissioner for Human Rights has expressed concern over reports of failure to assist,

co-ordinated pushbacks of migrant boats in the central Mediterranean, and potential violations of the principle of *non-refoulement*.⁷⁵⁸ These reports included allegations of requests from authorities for commercial ships to push back boats carrying migrants back into the sea, and to escort boats back to Libyan territorial waters a violation of the principle of *non-refoulement*.⁷⁵⁹

GOOD PRACTICES

It is important to emphasize that following an initial period of suspension and halting of asylum procedures, many countries found ways to resume them despite existing restrictions. These include states that introduced innovative approaches,⁷⁶⁰ including the use of online procedures to continue processing some or all asylum cases.⁷⁶¹

On May 14, the Court of Justice of the European Union declared that Hungary's use of transit zones along the Hungarian-Serbian border amounts to unlawful detention. Following the judgment, Hungarian authorities released approximately 280 people who had been detained on average for eight months.⁷⁶²

Health concerns helped advance existing plans for relocation of asylum seekers. In early May, Greece made a commendable effort to move almost 400 asylum seekers from the island of Lesbos to mainland Greece

753 Administrative detention (such as immigration detention) needs to be distinguished from criminal detention (imprisonment) and preventive detention (e.g., health-related). The framework for immigration detention is substantially different from other forms of detention (irregular stay/entry is not generally a criminal offence but rather administrative in nature) and the purpose of immigration detention also varies from that of criminal detention (rather than a punishment, it is there for the purpose of ensuring return to country of origin). As such, detention is considered a pre-return tool. These elements are specific to migration frameworks and policies. In this regard, ODIHR focuses on the promotion of alternatives to detention and the end of the practice of child and family detention.

754 See, UNHCR's [Sea Arrivals Dashboard](#) for Italy.

755 The *Alan Kurdi*, operated by the German NGO Sea Eye.

756 For example, see a [report](#) on Italy's port closures, or a similar [report](#) from Malta. In the past rescue ships had been refused docking on multiple grounds, including security-related issues, while in this case states decided to close the ports, as they were deemed 'unsafe' because of risk of SARS-CoV-2 transmission.

757 Unable to disembark in Malta, several boats carrying migrants in distress were left adrift for long periods of time while awaiting disembarkation. Up to 85 migrants were feared dead as a result. See [85 migrants feared dead in Mediterranean](#), InfoMigrants, 13 April 2020.

758 See [UN rights office concerned over migrant boat pushbacks in the Mediterranean, 8 May 2020](#).

759 See, for instance, [12 die as Malta uses private ships to push migrants back to Libya](#), The Guardian, 12 May 2020.

760 For example, in [Malta](#), registration of new asylum applications was done by phone and/or email and all follow-up communications were carried out by phone and/or email; and in [Germany](#), the Federal Government updated its procedures to allow for asylum applications in writing, written follow-ups are also permissible.

761 See [Practical Recommendations and Good Practice to Address Protection Concerns in the Context of the COVID-19 Pandemic](#), UNHCR.

762 See for instance, [Hungary: Abolishment of Transit Zone Following CJEU Ruling](#), ECRE, 22 May 2020. Since then, however, new problematic restrictions have been introduced and the European Commission is likely to launch an infringement action over this non-compliance with the Court's judgement. UNHCR has [found](#) these measures to be against international law.

in order to address overcrowding in the hotspots.⁷⁶³ The first relocations of unaccompanied children from Greece to Luxembourg took place in mid-April. This is a part of a commitment by ten EU member states to relocate 1,600 children.⁷⁶⁴

Many countries issued guidance and put in place measures to address the risk of transmission in collective centre settings, such as reception centres and transit centres.⁷⁶⁵ Such measures included reducing the occupancy of centres to allow for physical distancing, introducing shifts and additional hygiene procedures in refectories, bathrooms and common areas, allocating designated areas for those self-isolating and transferring vulnerable residents to more appropriate accommodation settings. In order to prevent further spread of the virus and maintain the legality of immigration detention, many countries opted for the release of detainees.⁷⁶⁶

The pandemic has shed light on the contribution that migrants provide to essential sectors of the economy, and the key role they play in society.⁷⁶⁷ This has become evident in the role that migrants played in the

provision of care in medical facilities and nursing homes. Their work in agriculture and meat processing has also been essential to society during the lockdown. While this period has highlighted the contribution of migrants, it has also exposed the poor conditions under which many of them are employed.

Several countries automatically extended the residence permits of migrants in their territory for the duration of the health emergency.⁷⁶⁸ This included regularisation for migrants working in the agriculture and domestic work sectors,⁷⁶⁹ or relaxations of employment restrictions in the health care sector.⁷⁷⁰ Some states also changed labour laws for some categories of workers.⁷⁷¹ Several countries put in place measures to ensure access to healthcare, accommodation and other services for migrants.⁷⁷² Some of the most successful and progressive practices during the pandemic relate to extending access to rights, services and care for all or some

763 The definition of hotspots as per the European Border and Coast Guard regulation is “an area in which the host Member State, the Commission, relevant union agencies and participating Member State co-operate with the aim of managing an existing or potential disproportionate migratory challenge characterised by a significant increase in the number of migrants arriving at the external border”. See also, **Almost 400 migrants moved from Lesbos to Greek mainland**, Emma Wallis, 4 May 2020.

764 Relocations to **Finland** and **Germany** followed in the month of April, to be followed by **Belgium, Bulgaria, Croatia France, Ireland, Lithuania** and **Portugal**.

765 This included **Austria, Belgium, Croatia, Denmark, Germany, Greece, Ireland, Italy, Latvia, Serbia, Spain, Sweden** and **Turkey**

766 **Spain** halted all immigration detention and released all detainees during the pandemic. In **Slovenia**, those in immigration detention were released and granted temporary permission to stay. Other countries which have released at least some immigration detainees include **Belgium, the Netherlands, Norway, Romania**, and the **United Kingdom**. In order to facilitate the release of detainees, authorities have teamed up with civil society organizations and municipalities to ensure safe accommodation for those who cannot reside in the community or with family members.

767 See, for example, a note from the European Commission **Immigrant Key Workers: Their Contribution to Europe’s COVID-19 Response**, 24 April 2020

768 Including **Ireland, Italy, Portugal, Poland**, the **Russian Federation** and **Uzbekistan**. In **Portugal**, all pending immigration-related applications, including those of irregular migrants, were approved for the duration of the emergency to ensure equal access to services as Portuguese citizens.

769 In May, the government of **Italy** approved a targeted regularisation for migrant workers. The regularisation concerns migrants working in the agriculture and domestic work sectors and offers six-month renewable residence permits to those meeting a certain criterion. See, **Italian government adopts targeted regularisation for migrant workers**, European Commission, 18 May 2020.

770 Calls for regularisation have also been made in **Ireland**, and the measure has been included in the Programme for Government of the newly-formed coalition. A number of migrants and asylum seekers benefited from some relaxation of employment restrictions in the health care sector as an exceptional measure.

771 **Germany changed** some of its labour laws to allow for the employment of certain categories of migrants, including asylum seekers and some irregular migrants in the agriculture sector until October.

772 This includes the **example of Portugal** as previously mentioned, where migrants were granted equal access to services as Portuguese citizens until July, and also **Ireland** where all migrants who lost their employment as a result of the pandemic, irrespective of their legal status, can access the newly introduced Covid-19 Pandemic Unemployment Payment. The Irish government also **announced** that no data will be shared with immigration authorities regarding an applicant’s status and that accessing this payment will not have an implication on future residence or citizenship applications.

migrants to ensure equal access to services irrespective of legal status.⁷⁷³

In some countries specific measures were put in place to address homelessness among migrants in order to avoid the spread of infections⁷⁷⁴ or set up special programmes to assist migrants.⁷⁷⁵ Many countries⁷⁷⁶ made exceptions to allow seasonal workers to travel despite restrictions raising questions regarding the prioritisation of economic activity over the health and safety of workers in sectors such as agriculture.⁷⁷⁷ Inadequate

employment and accommodation conditions for these essential workers was part of the rationale to implement the regularisation of workers.⁷⁷⁸ The inability to keep social distancing in workplaces, for example in meat processing plants, resulted in infectious outbreaks and led to a broad realization of inadequate working conditions in such facilities.⁷⁷⁹

773 For example, the decision of **Ireland** to extend welfare payments to all migrants, or the decision by **Portugal** to extend residence rights to all migrants with pending applications, or the **United Kingdom** decision to extend healthcare rights to all migrants irrespective of status.

774 For example, in **Belgium, Bulgaria** and **Italy**.

775 In the **United States**, California set up a \$75 million Disaster Relief Fund that will support undocumented Californians impacted by the pandemic who are ineligible for unemployment insurance benefits and disaster relief due to their migration status. In Chicago, the mayor signed an executive order to ensure that refugee and migrant communities have equal access to benefits and services provided by the city, including the pandemic disaster relief.

776 This includes **Germany, Ireland** and the **United Kingdom**.

777 Agricultural and farm workers have been included in the list of essential workers of most countries that applied such exceptions. A number of reports and studies have shown the essential nature of this work in order to ensure a continued supply of food during lockdown. One example is **Italy**,

where virtually all food and vegetable harvesting is carried out by migrants. The proportion of migrants in health care or other service sectors is also significant.

778 This was the case, for example, in **Italy**, as described above.

779 The large majority of workers in meat processing plants across Western Europe are migrant workers. Furthermore, due to lockdown measures, the essential contribution of workers in both meat processing and agriculture became apparent and the requirement of migrant labour was further exacerbated. See, for instance, **reports** from such outbreaks in **Germany** and **Ireland**.

780 Firewalls are designed to ensure, in particular, that immigration enforcement authorities are not able to access information concerning the immigration status of individuals who seek assistance or services at, for example, medical facilities, schools, and other social service institutions. Relatedly, firewalls ensure that such institutions do not have an obligation to inquire or share information about their clients' immigration status. Access to service and care are part of guaranteed rights and state obligations as per a number of international conventions (e.g., access to healthcare for children, access to maternity care, access to minimum standards of social protection that ensure the right to life).

RECOMMENDATIONS

- States should consider introducing explicit exemptions to guarantee access to the territory for asylum-seekers when imposing border restrictions, as well as simplifying the registration process at borders. States may also consider allowing, where possible, the submission and continuation of asylum procedures via written or electronic means. States should also introduce automatic extensions of residence permissions of all those present in the state for the duration of exceptional measures.
- In an emergency situation such as the Covid-19 pandemic, states should consider the regularisation of pending applicants, both in the asylum and migration frameworks to ensure equal access to services and care.
- Introduce 'firewalls'⁷⁸⁰ between immigration control and access to services and care in order to reach the broadest number of migrants at risk of Covid-19 or similar diseases.
- Whenever possible, shift reception facilities to independent, individual accommodations or smaller collective centres, particularly for older people and those deemed vulnerable. Implement decongestion measures in communal areas to lower the risk of transmission.

- Implement systematic health checks for new arrivals and isolation rooms for suspected or confirmed cases of Covid-19.
- Address the specific vulnerabilities of migrant homeless groups, including through the provision of temporary housing.
- Implement a moratorium on the use of immigration detention and consider the release of detainees into alternative community-based facilities.
- Reinstate search and rescue operations⁷⁸¹ and ensure they are maintained during emergency situations based on principles of solidarity and responsibility-sharing.
- Ensure that human rights defenders can continue to safely carry out border monitoring activities.
- Address legislation and other regulations that may prevent the population from assisting migrants in need.
- Consider facilitating the employment of temporary migrants and asylum seekers in sectors deemed essential during the crisis.
- Ensure appropriate health measures are implemented in vulnerable sectors of employment with high concentrations of migrant workers.

II.3.E VICTIMS AND SURVIVORS OF TRAFFICKING IN HUMAN BEINGS

OSCE commitments call on participating States to implement anti-trafficking measures in the areas of prevention, prosecution and protection, including the development of National Referral Mechanisms (NRMs), National Anti-Trafficking Plans of Action, legislative and other measures aimed at effective prevention and combating trafficking in human beings and protection of victims of trafficking.⁷⁸² In addition, participating States have recognized the importance of international instruments, in particular the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) (2000), which includes the first internationally agreed definition of the crime of trafficking in persons and provides a framework to effectively prevent and combat trafficking in human

beings. Other international and regional instruments⁷⁸³ have inspired and impacted work in this area in many participating States. Furthermore, with regard to emergency situations, the UN General Assembly called upon Governments and the international community "...to address the heightened vulnerability of women and girls to trafficking and exploitation, and associated gender-based violence."⁷⁸⁴

The outbreak of the pandemic across the OSCE region increased the vulnerability of at-risk groups to trafficking in human beings⁷⁸⁵ and impacted the ability of states to

781 The obligation of states to implement search and rescue operations derives from obligations to protect the right to life. Additionally, the Ljubljana Ministerial Council (2005) goes into more detail in relation to border management, including the respect for migrants' human rights, including the right to life.

782 OSCE participating States have made a series of commitments in various areas of combating trafficking in human beings. See, in particular, the OSCE Action Plan on Combating Trafficking in Human Beings, adopted at the Maastricht Ministerial Council (2003) as well as Ministerial Council Decisions and Declarations in Vienna (2000), Porto (2002), Sofia (2004), Ljubljana (2005), Brussels (2006); Madrid (2007); Helsinki (2008); Vilnius (2011); Kyiv (2013); Vienna (2017) and Milan (2018).

783 The Council of Europe Convention on Action against Trafficking in Human Beings (2005), the UN Convention on the Rights of the Child (1989) and its optional protocols, the Worst Forms of Child Labour Convention No. 182 (1999), the Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims (2011), the Global Compact for Safe, Orderly and Regular Migration (2018), and the CEDAW Draft General Recommendation on Trafficking of Women and Girls in the Context of Global Migration (2020). See also the Agenda 2030 for Sustainable Development in particular the Sustainable Development Goals 5, 8 and 16.

784 UN General Assembly Resolution, **Trafficking in women and girls**, 30 January 2009, A/RES/63/156, paragraph 4.

785 The UN Special Rapporteur on Trafficking in Persons, emphasized that while the full impact of the pandemic on trafficking in human beings is not yet fully possible to assess, "it is sure that its socio-economic consequences are already making precarious and marginalized people more vulnerable to trafficking and exploitation." See OHCHR (2020) **COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons**.

address the crime of trafficking in human beings. The pandemic poses significant concerns for the effective response to trafficking, including the identification of victims, their access to services, protection, redress, and prevention. Although many governments have prioritized resources for pandemic-related measures, it is essential that NRMs and equivalent systems continue to function effectively based on a human-rights, victim-centred, trauma-informed and gender-sensitive approach.

In order to assess the impact of pandemic-related measures on victims and survivors of trafficking and on combating trafficking in human beings and develop appropriate responses, ODIHR and UN Women conducted a survey [hereinafter survey] of non-governmental anti-trafficking stakeholders and survivors of trafficking.⁷⁸⁶ The survey results have informed the findings and conclusions below.

AREAS OF CONCERN

The outbreak of the pandemic has exacerbated vulnerabilities to trafficking in human beings.⁷⁸⁷ According to the World Bank, the pandemic will push approximately 40 to 60 million people into extreme poverty. People working in the informal economy are even more at risk of falling victim to different forms of exploitation.⁷⁸⁸ The pandemic has decreased the transfer of remittances by at least 20 percent, further increasing the vulnerability of at-risk groups dependent on these funds for survival.⁷⁸⁹ Moreover, it has had a detrimental impact on the access to employment or rights of migrant workers,

especially young women.⁷⁹⁰ As many countries partially or fully closed their borders for a lengthy period, these travel restrictions led many migrants or asylum-seekers to look for alternative, more dangerous migration routes, exposing them to trafficking in both transit and destination countries.⁷⁹¹

Prior to the pandemic, women and girls already made up the majority of detected victims of trafficking in human beings and it is likely that they will also be the most affected during and in the aftermath of the pandemic,⁷⁹² especially those from marginalized communities. Emerging trends are affected by pre-existing gender inequality, as the surge of domestic violence during the pandemic is a well-documented push factor for trafficking in human beings.⁷⁹³ The pandemic has also increased the vulnerability of children to trafficking,⁷⁹⁴ especially online. Law enforcement agencies in the OSCE region have reported increased grooming and exploitation of children through the internet, as well as an exponential growth of child sexual exploitation material shared online.⁷⁹⁵ Concerns have also been raised about convicted traffickers who use the pandemic to claim that they are no longer generating income and therefore cannot afford to pay the court-ordered compensation.

786 Responses of non-governmental anti-trafficking stakeholders were collected from over 100 countries (45 countries from the OSCE region) and of survivors of trafficking from over 40 countries (13 countries from the OSCE region). Selected quotes from key respondents are included in the box below.

787 **COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons**, OHCHR (2020)

788 World Bank, **“The impact of COVID-19 (Coronavirus) on global poverty: Why Sub-Saharan Africa might be the region hardest hit”**, 20 April 2020

789 See **Coronavirus a challenge, and opportunity, to fix remittances system than funnels billions home from abroad**, UN News, 2 June 2020

790 Fraser, E. (2020) Impact of COVID-19 Pandemic on Violence against Women and Girls, VAWG Helpdesk Research Report No. 284. London, UK: VAWG Helpdesk.

791 **COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons**, OHCHR (2020)

792 **Aggravating circumstances: How coronavirus impacts human trafficking**, Wagner L., Hoang T. (2020)

793 **The Intersections of Domestic Violence and Human Trafficking**, NNEDV (2017)

794 **Policy Brief: The Impact of COVID-19 on children**, United Nations (2020)

795 See **Exploiting Isolation: Offenders and victims of online child sexual abuse during the COVID-19 pandemic**, EUROPOL, 19 June 2020.

ODIHR/UN Women Survey of Victims and Survivors of Trafficking in Human Beings (2020)

“Survivors are suffering – mental health is suffering – we are having flashbacks of being trapped, of nearly dying, suffocating, of not having food, etc. We need to know that we won’t lose our homes, will have food and will not have to choose between life and income. Do I really have to die? Do I have to feel like I’m being suffocated every time I go out or have to stay in a tiny apartment. No one speaks to me...”

Woman survivor from the United States

“[Victims are] being forced to interact with others who may be infected, as traffickers find new ways to exploit victims.”

Woman survivor from the United Kingdom

“Better knowledge of escape plans for women, they feel they have nowhere to go, shelters are full of Covid-19. Apartments won’t rent, girls can’t access social workers or social services to escape.”

Woman survivor from Canada

“[Provide] financial support from the state to cope with the difficulties even after the Covid-19 pandemic.”

Woman survivor from Albania

“Yes, frontline services should get in touch with those affected and make exit offers. Hotels affected by the closure due to Corona could be rented cheaply by responsible authorities in the cities and made available to victims of human trafficking during the Corona pandemic.”

Women survivor from Germany

The emergency measures during the pandemic have led to a number of increased risks for victims of trafficking, including intensification of control, violence and isolation at the hands of exploiters and reduced access to assistance. There are concerns that victims of trafficking will not seek medical assistance for Covid-19 due to fears of administrative detention because of their irregular migration status. Victims of trafficking in immigration detention or other detention settings may not be identified due to lack of access for NGOs conducting monitoring. Other identified victims of trafficking were sometimes left in limbo and unable to return to their countries of origin due to border closures, lack of documentation and resources for return or absence of coordination between countries’ authorities. Some survivors of trafficking reported an increase in domestic violence, economic insecurity, and a fear of traffickers released from prison during the pandemic.⁷⁹⁶ Furthermore, there

are indicators that victims of trafficking who have debts to repay to traffickers may be forced to engage in high risk activities, such as informal labour, prostitution or the production of pornography online⁷⁹⁷.

According to the survey results, the pandemic has impacted the effective functioning of NRMs and national child protection systems, and particularly access to identification procedures, sheltered accommodation, and social services. Other obstacles included accessing referral to NRMs or equivalent mechanisms, regularization of migration status, non-sheltered accommodation, psychological, medical, interpretation and legal services. In addition, civil society frontline responders indicated a lack of funding to continue addressing the needs resulting from the pandemic.

⁷⁹⁶ See **Safety Planning During COVID-19: Tips From Survivors For Survivors**, Sanctuary for Families, 17 March 2020.

⁷⁹⁷ See OHCHR (2020), COVID-19 Position paper: The impact and consequences of the COVID-19 pandemic on trafficked and exploited persons. <https://www.ohchr.org/Documents/Issues/Trafficking/COVID-19-Impact-trafficking.pdf>

Due to the impact of the pandemic on law enforcement operations and capacity, detecting trafficking cases has become more challenging. Victims in the process of receiving the statutory 'victim of trafficking' status have experienced delays, resulting in a lack of access to services and thus a greater vulnerability to further exploitation. Victims have also experienced difficulties in accessing sheltered accommodation and other assistance, as many shelters and service providers were only partially functional, closed or did not accept new clients. For child victims of trafficking, significant changes in procedure, delays and postponements in the appointment of legal guardians have had a negative impact on access to appropriate protection and legal procedures⁷⁹⁸.

Besides limited access to accommodation, victims and survivors of trafficking had difficulty in accessing health-care, including access to primary doctors, psychological services, hospitals, pharmacies, Covid-19 testing, and personal protective equipment (PPE). Particularly significant is the increase of PTSD symptoms and other psychological issues among victims and survivors of trafficking.

There have been changes in procedure, delays and postponements in administrative, criminal and civil cases due to the implementation of emergency measures, which negatively impacts victims' and survivors' access to protection, justice and redress. Administrative procedures are central to the processing of asylum applications, temporary and permanent residence permits, work permits and the regularization of residence during the pandemic.⁷⁹⁹

The pandemic has led to a loss of employment, resulting in a lack of financial means to cover basic necessities, such as food, housing and childcare. In this context, effective remedial action in the form of financial assistance has been identified by survivors as one of the most urgent needs, as it is necessary for their reintegration and social inclusion and for reducing

vulnerability to exploitation and re-trafficking during and post-pandemic⁸⁰⁰. In some states, survivors still living in sheltered accommodation have been prevented from moving out as emergency measures make it difficult to visit housing and sign rental contracts. Furthermore, victims of trafficking are often unable to return to their country of origin or experience delays due to closed borders, interrupted long-distance transport and unavailability of assistance from governmental agencies and service providers in the country of return⁸⁰¹.

Since the pandemic began, the dynamics of trafficking for sexual exploitation, particularly of women and children, are currently shifting from the more traditional formats of exploitation to **various** forms of trafficking online. Some evidence of production and proliferation of pornography of victims of trafficking, especially child pornography, has been reported in the media.⁸⁰² For instance, the largest pornography website in the world, which is under investigation for hosting videos of victims of trafficking, children and rape,⁸⁰³ has been providing free access to all its content during the Covid-19 outbreak worldwide, which is expected to generate further demand for trafficking in women and children for the purpose of pornography production and other forms of trafficking for sexual exploitation online. Although the evidence is anecdotal, webcam sex trafficking also appears to be increasing.⁸⁰⁴ Additionally, remote working amid the pandemic gives abusers new ways to target people online, both to generate demand and to groom vulnerable women and children for trafficking for sexual exploitation.⁸⁰⁵

798 OSCE/ODIHR and UN Women (2020), Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic: Survey of Non-Governmental Frontline Service Providers. Summary Report

799 Ibid.

800 OSCE/ODIHR (2020), Addressing Emerging Human Trafficking Trends and Consequences of the COVID-19 Pandemic: Survey of Survivors of Trafficking. Summary Report.

801 Ibid.

802 See **How traffickers exploit the covid-19 pandemic**, Siddharth Kara

803 **Pornhub Under Fire After Videos of Rapes, Sex Trafficking Victims Posted to Site**, The Dailywire, 12 February 2020.

804 **'Traffickers Are Not Shut Down': Congressman Warns of Risk to Children & Other Victims**, CBN NEWS, 28 April 2020.

805 **Risk of online sex trolling rises as coronavirus prompts home working**, Thomson Reuters Foundation, 18 March 2020.

School closures, increase in domestic violence and economic insecurity, as well as increased time spent online are all exacerbating the potential vulnerabilities of children to trafficking in human beings. Children who are victims of abuse, homeless, stateless, internally displaced or undocumented or unaccompanied are particularly exposed to trafficking. Isolation with potential perpetrators can lead to additional risk factors for children to become victims of trafficking, especially for the purpose of sexual exploitation. During the period of emergency measures, there has been an increased number of reports of child abuse, including new ways to sexually exploit and abuse children, such as live-streaming child sexual abuse or the establishment of “delivery” or “drive-thru services”.⁸⁰⁶

Moreover, there are reports of increased grooming and exploitation of children online through gaming sites and social media platforms by sexual predators during the emergency measures, as children have to stay at home and are spending more time online, and at the same time the demand for pornography has risen.⁸⁰⁷ International and national law enforcement agencies, including EUROPOL and the FBI, are warning about the increasing risk of sexual exploitation on the internet and signs of child abuse or child trafficking.⁸⁰⁸ Available information indicates a growth of demand for child sexual abuse materials and growth of such materials and online exploitation, especially through the use of live-streams during the pandemic.⁸⁰⁹ Distributors of child sexual abuse materials are constantly developing sophisticated, cross-platform strategies to evade detection by the technology companies’ automated tools to detect child abuse.⁸¹⁰

806 UN News, **COVID-19 crisis putting human trafficking victims at risk of further exploitation, experts warn**, 6 May 2020.

807 See, **Video Games and Online Chats Are ‘Hunting Grounds’ for Sexual Predators**, New York Times, 7 December 2019.

808 See **Exploiting Isolation: Offenders and victims of online child sexual abuse during the COVID-19 pandemic**, EUROPOL, 19 June 2020, and **Pandemic Profiteering: How Criminals Exploit the COVID-19 Crisis**, EUROPOL, 27 March 2020; See also **School Closings Due to COVID-19 Present Potential for Increased Risk of Child Exploitation**, FBI, 23 March 2020

809 Ibid.

810 See, for instance, **Child sexual abuse images and online exploitation surge during pandemic**, NBC NEWS, 23 April 2020.

GOOD PRACTICES

Many states recognize the emerging trends and dynamics in trafficking in human beings. In some countries, measures to ease the situation of migrants has been positive for victims and survivors of trafficking. However, very few states have taken dedicated action focused on trafficking in human beings specifically, such as developing special protocols to ensure that NRMs can continue to function.⁸¹¹ Granting temporary residence and access to services has reduced vulnerability to trafficking in some countries.⁸¹² Others have extended the ‘move-on’ policy,⁸¹³ which is granted to individuals not recognized as victims of trafficking or who do not require accommodation. Some states have also begun to look into ways to address the growing exploitation online.⁸¹⁴

811 **Kyrgyzstan** is in the process of developing a State of Emergency Protocol on Combating trafficking in human beings to ensure the functionality of NRMs in any state of emergency.

812 In March 2020, the government of **Portugal** announced that migrants and asylum seekers with pending residence permit applications would be granted permission for temporary residence, reducing their vulnerability to trafficking, as this at-risk group then has access to the same rights as citizens. See **Portuguese government gives temporary residence to immigrants with pending applications**, European Commission, 28 March 2020.

813 The **United Kingdom** extended it for three months, see **Modern Slavery Act 2015: statutory guidance for England and Wales**.

814 The **Eliminating Abusive and Rampant Neglect of Interactive Technologies Act of 2020** in the **United States** proposes revising the framework governing the prevention of online sexual exploitation of children. See **EARN IT Act of 2020**

RECOMMENDATIONS

- Ensure that participating States are better equipped to create, strengthen and implement effective anti-trafficking legislation, National Referral Mechanisms (NRMs), National Action Plans (NAP) and Standard Operating Procedures by developing a protocol for combating trafficking in human beings for emergency situations;
- Strengthen existing NRMs to ensure effective implementation after the pandemic. Develop NRMs in states that are currently lacking them. Ensure that specific emergency-related vulnerabilities and needs of women and girls are addressed in NRMs and NAPs;
- Provide funding for frontline responders to ensure availability of all necessary services to victims and survivors of trafficking during and after the pandemic. Alert and provide protection for victims and survivors at risk from the early release of convicted traffickers from prison;
- Ensure availability of exit services from the sex industry to increase identification of victims of trafficking and reduce vulnerability to trafficking in human beings for sexual exploitation during and after the pandemic;
- Introduce identification protocols in healthcare institutions, as healthcare workers may be the only people in contact with victims of trafficking during states of emergency;
- Develop, strengthen and implement policy on supply chain management practices as businesses resume operations to ensure that trafficking in human beings or forced labour do not take place. This should include campaigns to promote ethical recruitment practices in the private sector and raise awareness among at-risk groups of the dangers of trafficking in human beings during and post-pandemic;
- Commit to developing and implementing public procurement regulations that ensure public funds are not used for labour exploitation of trafficking victims;
- Work with internet service providers, credit-card companies, banks, etc. to prevent the use of the internet for sexual exploitation of children and to disrupt traditional payment methods to reduce profitability.⁸¹⁵

815 Pursuant to OSCE MC.DEC 7.17.

CONCLUDING OBSERVATIONS AND ODIHR'S OFFER OF ASSISTANCE

At the time of writing, the Covid-19 pandemic may have receded in a number of participating States, allowing some to relax stringent emergency measures, but with others still struggling to contain the spread of infection. Most are only beginning to come to terms with the socio-economic consequences of the disruption and this unprecedented challenges will remain for years to come. At the same time, the UN is warning that the pandemic may only be in the early phases in many countries around the globe, and in an interconnected world, we know that while the coronavirus persists, it may affect the security and safety of societies everywhere.

Covid-19 has been a test to our democracies. Nationally, health systems and social services, local governments and security agencies have been stretched, some to their limits. Many have innovated and often improvised to protect their societies. The infringements on fundamental rights and freedoms have been unprecedented both in extent and scale. In some states, governments met this challenge well, while others used the pandemic and ensuing states of emergency, unjustifiably, as a pretext to roll back democratic standards, erode fundamental freedoms and curtail the rule of law. Internationally, the pandemic has shown the fragility of organizations and multilateral co-operation in times of crisis, demonstrating that no country can face this challenge alone, and that only by living up to commitments on joint responsibility and collective security will this global enemy be defeated. The crisis has also reconfirmed the centrality of responsible and engaged citizenship and empowered communities to cope with such an enormous destabilizer, and it has made us realize how important trust and communication are for effective governance and crisis management.

In the OSCE context, participating States have agreed on the centrality of the human dimension for co-operative security and the lasting stability of our societies. The respect for human rights and fundamental freedoms, democracy and the rule of law remain at the core of the OSCE's comprehensive concept of security,

especially in times of crisis. States are accountable to their citizens and responsible to each other for their implementation of the OSCE commitments.⁸¹⁶ States have also agreed that all OSCE commitments, without exception, apply equally to each participating State, and that they cannot use emergencies to dismantle them. Their implementation, in good faith, is essential for relations between states, between governments and their citizens, as well as for the continued effectiveness of the organizations of which they are members.⁸¹⁷

When the coronavirus first spread in the OSCE region, many states were caught off guard and societies were unprepared. Now, many lessons have been learned, about how to contain the spread of the disease effectively – essentially by testing, identifying, tracing, and isolating infected individuals, and maintaining a high degree of hygienic discipline. But equally important is the lesson only to use lockdowns and other more drastic measures only when the necessity arises, not infringing upon the basic norms and principles democratic societies are built upon – democratic accountability, the rule of law and access to justice for all and the full enjoyment of universal human rights. This report contains many such lessons and offers good practice in the hope that states will be inspired and learn from each other.

Among the major lessons from the Covid-19 pandemic, so far, are the reinforced need for international collaboration and collective responses to a collective health and human security crisis. It has underscored the need for a transparent and informed partnership between responsible citizens and accountable state institutions and political leaders. Likewise, it has highlighted the importance of social justice and inclusion as cornerstones of the human dimension – to ensure that no one is left behind. Inclusion and equality are not only basic values emanating from the ideas of fundamental and

⁸¹⁶ Istanbul, 1999

⁸¹⁷ *Ibid.*

universal human rights, they are also essential for the social cohesion of our societies. This report has provided details about how various groups and segments of society have fared differently during the pandemic, and the unjust accumulation of negative consequences faced by some. Discrimination has exacerbated the impacts of both the virus and the adverse implications of emergency measures.

States could have foreseen that vulnerable groups and communities would suffer multi-layered consequences. Many human rights groups and international organizations warned of such adverse effects. A number of states have avoided some of these consequences and offered targeted help promptly. Others struggled or failed to do so, which further worsened the situation of certain communities, some even suffering scapegoating and stigmatization.

These important lessons must be studied implemented and built upon. Measures should be put in place to ensure that states are prepared to adequately handle future crises, while respecting human rights and making sure that the principle of 'leaving no one behind' is reality. Unfortunately, all predictions are that similar crises, including pandemics and the increasing threat of the consequences of climate change, will put our established institutions, structures and systems to the test.

The principle of 'do no harm' must be at the forefront when ordering emergency measures. Authorities can learn lessons from short-sighted, drastic emergency lockdowns, especially those that isolated entire communities without support, including access to means for basic hygiene or subsistence. At the same time, lessons must be learned from public health measures that inadequately reflected the equal value of human life and the inviolability of the dignity of every human.

ODIHR has made every effort to serve participating States from the beginning of the pandemic by offering advice and recommendations on integrating human rights into their public health and emergency responses. The Office has worked in the rapidly changing environment to document and collect information to be able to provide concrete support to states. Operating under unprecedented restrictions and reduced mobility of its own staff, ODIHR has exercised its mandate to

collect and share information on states of emergencies and related derogations limiting human rights, and has maintained close contact with all those who can provide information on how human dimension commitments are implemented in practice and how vulnerable people have been affected. Due to travel restrictions, ODIHR was forced to postpone a number of training events and monitoring activities, but in many cases innovative solutions have been found, albeit without fully substituting the ability be present in person. In the coming months, together with other OSCE structures and institutions, ODIHR stands ready to help to collect more lessons learned; to assist states in the restoration and protection of all fundamental rights and freedoms as soon as the situation allows; to provide assistance to those who have been hit the hardest; to design and implement recovery measures in an inclusive manner; and to prepare for future emergencies. ODIHR's experts look forward to further discussions and exchanges with participating States in this regard.

ODIHR therefore invites participating States to make use of its numerous applicable tools and resources. ODIHR will work with states to help parliaments and judicial institutions to begin fully functioning again and, as states consider the legislative changes needed to be better prepared for future emergency situations, ODIHR offers its **legislative assistance** in reviewing draft or existing legislation and advising on the development of legislation impacting the state's human dimension commitments. ODIHR looks forward to co-operating with states to protect human rights defenders, based on the **Guidelines on the Protection of Human Rights Defenders**. The Office is prepared to offer capacity building training to state actors and NHRIs, as well as legislative support or other types of expert advice. States should consider inviting ODIHR to monitor assemblies once health concerns subside and they can be held, and draw on the work of the Office in the area of the freedom of peaceful assembly.⁸¹⁸ ODIHR also wishes to refer to all other available tools and past recommendations, such as the recent **ODIHR Guidance: Monitoring Places of Detention through the COVID-19 Pandemic**.

818 Including ODIHR **Guidelines on Freedom of Peaceful Assembly**, and ODIHR **Human Rights Handbook on Policing Assemblies**

ODIHR has been working for many years to address discrimination and hate crime to build more tolerant societies and remains at the disposal of participating States to support them in implementing their commitments in the area of tolerance and non-discrimination, including building related capacity of law enforcement.⁸¹⁹ ODIHR's work collecting data to address hate crime, as well as intolerance and discrimination in general, has been slowed by the Covid-19 pandemic, but remains a core priority of the Office.⁸²⁰

819 See, the **resources and tools on tolerance and non-discrimination**.

820 For instance, ODIHR's annual 2019 Hate Crime Reporting process, which coincided with lockdowns across the OSCE region in early 2020, has been affected, as civil society organizations faced an unexpected change and were forced by circumstance to modify their priorities.

Finally, it is expected that all participating States will fully account for how they have responded to the Covid-19 crisis while living up to their human dimension commitments in the course of the regular human dimension mechanisms designed for mutual accountability within the OSCE. It is also anticipated that they will duly report on how human rights and fundamental freedoms were upheld in the various treaty-based frameworks and mechanisms, such as within the Council of Europe and the United Nations. For instance, states should include an analysis of the impact of pandemic response into state reports to ICCPR, IESCR, CEDAW, the CRC and others of which participating States may be signatories, and they should consult with relevant civil society and affected groups and communities in preparation of these reports. ODIHR remains at the disposal of participating States to assist them in this endeavour.

ANNEXES

1. ADDITIONAL INFORMATION ON STATES OF EMERGENCY OR EQUIVALENT STATUS, WITHOUT SEEKING DEROGATIONS*

PARTICIPATING STATE	DESCRIPTION	DURATION
Bulgaria	State of Emergency declared by the National Assembly as per Art. 84(12) of the Constitution on 13 March until 13 May, and a one-month “nationwide epidemic situation” started on 14 May, which was extended.	2 months
Czech Republic	State of Emergency declared by resolution of the Czech Government, based on Art. 5 of the Constitution and the Crisis Act No. 240/2000 Coll. and Constitutional Act No. 110/1998 Coll. on the Security of Czech Republic, starting on 13 March for an initial period of 30 days, and ended on 17 May.	Slightly more than 2 months
Finland	State of Emergency declared on 16 March by the government in co-operation with the President as per the Emergency Powers Act and in accordance with Section 23 of the Constitution, initially until 13 April, then extended until 13 May and was lifted on 16 June.	3 months
Hungary	“State of Danger” declared by decree on 11 March for 15 days, on the basis of Art. 53 of the Fundamental Law of Hungary, with extension possible only upon authorization by the Parliament, which was provided with the adoption of the Act on the Protection Against the Coronavirus on 30 March, for as long as the “state of danger” persists, which is to be determined by the government. A Bill to end the “state of danger” was adopted on 16 June, and the “state of danger” ended on 18 June, when Hungary transitioned to an open-ended state of healthcare emergency .	3 months and one week
Italy	State of Emergency declared by government on 31 January for a period of six months in accordance with Law 225 of 24 February 1992 on the Italian Civic Protection.	Planned 6 months
Kazakhstan	State of Emergency declared by presidential decree, based on Art. 44 (1) (16) of the Constitution, from 16 March to 15 April initially, and then extended twice until 11 May.	Nearly 2 months
Luxembourg	“State of Crisis” declared on 18 March by regulation of the Grand-Duc pursuant to Art. 32 (4) of the Constitution, for a duration of 3 months until 24 June, and confirmed unanimously by the Parliament.	3 months
Portugal	15-day State of Emergency declared on 18 March by Presidential Decree after mandatory consultation of the Council of State and government and the authorization of the Parliament, as per Art.s 134 and 138 of the Constitution, and renewed twice until 2 May after hearing the government and authorization of the Parliament, as per the Constitution. On 4 May, Portugal transitioned to a “state of calamity”.	1.5 months
Slovakia	“Emergency Situation” declared as of 16 March by the government, on the basis of Art. 5 of the Constitutional and Law No. 227/2002 on the State Security in Times of War and State of Emergency, which is distinct from a “state of emergency” provided in Art. 4 of the same Law, for a maximum of 90 days, and was lifted on 13 June.	90 days
Spain	15-day “State of Alarm” – lowest level of state of emergency – declared by governmental decree, from 14 March to 29 March, in accordance with Art. 116.2 of the Constitution, and extended six times following authorization by the Congress of Deputies, until 21 June when it ended.	90 days

* This overview does not include the subnational level in federal states.

2. ADDITIONAL INFORMATION ON STATES OF EMERGENCY OR EQUIVALENT STATUS, WITH DEROGATIONS NOTIFIED TO THE UNITED NATIONS OR/AND THE COUNCIL OF EUROPE

PARTICIPATING STATE	DESCRIPTION	DURATION
Albania	State of Natural Disaster, different from a “state of emergency”, declared by the Council of Minister on 24 March, later extended upon the consent of the Assembly of the Republic of Albania, as per Art.s 170-175 of the Constitution, and ended on 23 June.	3 months
Armenia	30-day State of Emergency declared by decision of the government on 16 March, on the basis of Art. 120 of the Constitution, and extended three times by governmental decrees until 13 July, and expected to be further extended.	TBC
Estonia	“Emergency Situation” declared on 12 March, on the basis of Art. 87 of the Constitution and the 2017 Emergency Act, and terminated as of 18 May.	Slightly more than 2 months
Georgia	30-day State of Emergency declared by the President on 21 March, further approved by the Resolution N5864 of the Parliament of Georgia on the same day, in accordance with Art. 71 par 2 of the Constitution and Art. 2 par 1 of the Law of Georgia on State of Emergency, later extended twice and ended on 22 May. On 22 May, the Parliament of Georgia adopted and the President promulgated special emergency legislation amending the “Law on Public Health” and the Criminal Procedure Code of Georgia, which introduced special restrictive measures until 15 July, and Georgia notified the Council of Europe about the extension of derogations until that date.	2 months
Kyrgyzstan	“Emergency Situation” declared on 22 March on the whole territory, for one month, which has been renewed, while a State of Emergency was declared on 25 March, based on Art. 64 (9) (2) of the Constitution, in certain specific cities and districts, as approved by the Jogorku Kenesh, and later extended to 10 May for certain of these cities and districts, while a nationwide “emergency situation” remains).	1.5 months
Latvia	“Emergency Situation” declared by the government, as per Art. 10 of the Law on Emergency Situation and State of Exception, from 13 March, as approved by the Parliament on 13 March, initially until 14 April and extended twice until 9 June when it ended, with a partial lifting of derogations in the meantime.	Nearly 3 months
Moldova	State of Emergency declared by Parliament’s Decision no. 55 on 17 March for a period of 60 days, on the basis of Art. 66 sub-para. (m) of the Constitution of the Republic of Moldova, and terminated on 15 May.	60 days
North Macedonia	30-day State of Emergency established by President’s Decision on 18 March on the basis of Art.s 125-126 of the Constitution, further extended four times until 22 June, when it ended.	3 months
Romania	30-day State of Emergency decreed by the President on 16 March and endorsed by the Parliament of Romania, in accordance with Art. 93 of the Constitution, extended for 30 days according to the same procedure and ended on 14 May.	60 days
San Marino	Since the Constitution has no provisions on “state of emergency”, urgent measures were adopted by the government through a series of decree-laws i.e., regulatory instruments adopted in case of necessity and urgency by the government and which, within 3 months and under penalty of forfeiture, have to be submitted to the Parliament for ratification as per Art. 3 of the Law no. 59 of 8 July 1974 on Declaration of Citizens’ Rights and of the Fundamental Principles of the San Marinese Legal Order, initially extended until 31 May but new Decree Law no. 96 of 31 May provides restrictive measures that will last “until the end of the health emergency”.	Undetermined
Serbia	State of Emergency declared on 15 March by the President of the Republic together with the President of the National Assembly and the Prime Minister, pursuant to Art. 200 of the Constitution, and lifted on 6 May 2020 by the National Assembly.	7 weeks

3. STATES OF EMERGENCY AND OTHER EMERGENCY MEASURES IN FEDERAL STATES

PARTICIPATING STATE	DESCRIPTION
Austria	Several Federal Acts on Covid-19 were adopted, authorizing federal ministers to adopt regulations to deal with the pandemic, with most of the measures being based on the 1950 Federal Epidemics Act.
Belgium	A federal phase of crisis management was declared on 13 March by the Federal Minister of Interior, to allow for greater co-ordination between the federal state and federated entities. The legal basis for the special powers at the federal Level was promulgated by two laws that entered into force on 30 March, with a retroactive effect from 1 March, and conferred special powers on the King until 30 June. In parallel, several legislators from the Regions, Communities and Community Commissions also granted special powers to respond to the Covid-19 pandemic to the governments or colleges of the entities concerned.
Bosnia and Herzegovina	The Republika Srpska declared a state of emergency on the basis of Art. 70 of the Constitution as of 3 April, which ended on 21 May, while the Federation of Bosnia and Herzegovina declared a state of natural or other disaster on 17 March, on the basis of the <i>Framework Law on Protection and Rescue of People and Material Property from Natural and Other Disasters in BiH</i> , which ended on 31 May.
Canada	All Canada's provinces and territories have declared, in one form or another, states of emergency (eight) or other public health emergency status (five).
Germany	Several Laender declared a state of emergency, while the German Bundestag has determined "an epidemic situation of national importance" in the country in accordance with the 2001 Protection against Infectious Diseases Act, which was amended in March 2020 to confer additional competencies to the Federal Ministry of Health.
Russian Federation	Restrictive measures were imposed by regional and local decrees on high alert regimes based on the Federal Law No. 68-FZ "On Protection of the Population and Territories against Emergency Situations of Natural and Technogenic Nature"; by 19 March, all the federated entities had announced high alert regimes; the Federal law No. 98-FZ dated 1 April 2020 "On amendments to certain legislative acts of the Russian Federation for the prevention and elimination of emergency situations" introduced amendments to several federal laws to clarify the powers of the Regions when dealing with natural disasters, introduce tightened penalties for breaking quarantine or self-isolation requirements and toughened liability for spreading fake news about the Covid-19 outbreak.
Switzerland	In cases of "extraordinary situations" as per Art. 7 of the Law on Epidemics, the Cantons must abide by the Confederation's legal prescriptions, meaning that the Cantons' ability to act is limited to those areas falling within their jurisdiction and not covered by the Federal Order.
United States of America	A "National Emergency" was declared by the President on 13 March on the basis of the Constitution and national legislation of the United States of America, including the National Emergencies Act and the Social Security Act. In parallel, about two-thirds of the states declared a state of emergency, while less than a third declared a public health, disaster or other emergency status and only a few states adopted other restrictive measures without declaring such special legal regime.