



Independent observer  
of the Global Fund

## THE GLOBAL FUND AND OTHER GLOBAL ACTORS NEED TO ENSURE COUNTRIES UPHOLD HUMAN RIGHTS WHEN RESPONDING TO COVID-19

Since the World Health Organization declared COVID-19 a pandemic on 11 March 2020, countries all over the world have instituted containment measures. These included restricting movement of people, completely or partially locking down cities, regions, or states, banning travel, imposing curfews, quarantining people exposed to the disease, and isolating those confirmed to have contracted it. Such measures aim to ensure that citizens avoid infection and enjoy their right to health. However, many countries' COVID-19 prevention measures showed excessive use of force and even abuse of these citizens' human rights. Responses to the pandemic have revealed the need to remind countries to uphold human rights when responding to a health crisis.

International financiers of health, among them the [Global Fund to Fight AIDS, Tuberculosis and Malaria](#), have come out strongly to help countries fight the COVID-19 pandemic. For instance, up until 23 June, [the Global Fund had approved \\$357 million](#) to help 95 countries and eight regions combat COVID-19. These funds are part of the \$1 billion the Global Fund has made available through [flexibilities on grant savings and reprogramming](#) its [COVID-19 response mechanism](#) (C19RM). Countries and regions can use these funds to assess epidemic preparedness, test and transport samples, prevent and control infection in health facilities, support disease surveillance infrastructure, and create awareness.

## Global Fund's minimum human rights standards

The Global Fund published a [guidance note on Human Rights in the Times of COVID-19](#), requiring grant implementers to adhere to human rights standards in their response to the pandemic. All persons, including people living with HIV and/or TB as well as key and vulnerable populations, should have equal access to COVID-19 testing, treatment, and care. The Global Fund requires grant implementers to adopt scientifically sound and approved treatment and practices in response to COVID-19. Implementers of Global Fund grants must not engage in health practices that may be deemed cruel, inhuman, degrading, or to constitute torture. Implementers should uphold ethical standards such as confidentiality, the right to privacy, and informed consent during the testing and treatment of COVID-19. Also, they should avoid medical detention and involuntary isolation, applying these measures only as a last resort.

## Human rights concerns in COVID-19 containment measures

The [international human rights law](#) recognizes that countries can restrict some rights when faced with serious public health threats, such as the COVID-19 pandemic. However, all efforts to contain the public health threat should be lawful, necessary, and proportionate. As most countries were ill prepared to respond to the pandemic, they instituted containment measures including invoking a state of emergency to buy time to increase their capacity to respond to the disease while slowing down its spread.

However, in many countries, the enforcement of some containment measures led to human rights violations. In this article, we highlight the abuse of human rights when combating COVID-19 in El Salvador, India, Kenya, Pakistan, Philippines, South Africa, and Uganda. As of 23 June, the Global Fund had approved \$1.2 million to El Salvador, \$21 million to India, \$22.5 million to Kenya, \$3.1 million to Pakistan, \$14.7 million to the Philippines, \$12.3 million to South Africa, and \$30.7 million to Uganda to fight COVID-19. The Global Fund made these funds available through flexibilities on grant savings and reprogramming, and C19RM.

In Kenya, the government imposed a dusk-to-dawn curfew from 27 March and added the obligation to wear masks in public on 15 April. Residents who violated the curfew and those who did not wear face masks in public places were forced into quarantine facilities, according to [the Star](#), the [Standard](#), and [the Daily Nation](#). The use of quarantine thus became a punitive measure rather than a health intervention. During the first ten days after the curfew began in Kenya, at least six people died due to excessive use of force by the police. Moreover, the [Kenya National Commission on Human Rights](#) noted arbitrary arrests and police brutality, such as whipping people who were on their way home from work even before the start of curfew.

In Uganda, the newly established Local Defense Unit (LDU), comprising the police and the army, have been accused of engaging in brutality to enforce COVID-19 related directives, according to the [Daily Monitor](#). On 26 March, LDU personnel were accused of beating fruit and vegetable vendors and motorcyclists in Kampala to punish non-compliance with the directive to close non-food markets. There were also [reports](#) that on 3 April, police forced a group of women at the Elugu border who broke curfew rules to undress.

In the Philippines, there were reports of abusive punishment for people who broke the lockdown rules. According to [Manila Bulletin](#), the police in the Philippines locked up lockdown violators in animal cages and exposed them to the hot midday sun. In South Africa, the fight against COVID-19 was undermined by the [excessive use of force to enforce lockdown](#). For example, according to [Capital News](#) and the [Mail & Guardian](#), South African police used water cannons and rubber bullets on slum dwellers who were not observing social distancing.

Similar concerns have been reported in India and Pakistan. While enforcing the restrictions on movement, [police in India and Pakistan beat men](#) who violated this directive with batons, and forced others to crawl and perform squats alongside roads. [The Times of India](#) reported an incident where Indian officials dressed in hazmat suits sprayed a group of migrant workers with chemical disinfectant. In El Salvador, the [police detained over 1 200 people](#) who violated curfew orders in containment centers. However, the Supreme Court of El Salvador ruled against these arrests and clarified that the arbitrary detentions were not justified.

### The need for observing human rights when responding to pandemics

Most governments have embraced COVID-19 testing as a way to help curtail the spread of the virus. It is paramount for governments to adopt containment measures that uphold human rights to create an environment that encourages people to seek healthcare services and to volunteer for testing. Use of violence and abusive punishments erode citizens' trust in government and their willingness to come forward for testing.

It should be everyone's concern that human rights are promoted, protected, and upheld during the COVID-19 crisis to maintain public support for the containment measures put in place. Therefore, the international community should join hands with the Global Fund to ensure that countries uphold human rights in the fight against COVID-19 and other health conditions. The Global Fund has issued a guidance note to countries implementing its grants, insisting on the need to observe human rights. The Global Fund should leverage its presence in more than 100 countries to achieve [its third strategic objective](#) to promote and protect human rights and gender equality.

There is also a need for countries, with the support of partners, to design programs to reduce excessive use of force and violence when enforcing containment measures. These programs should target law enforcement agents, particularly the police, to equip them on how to implement government directives in the context of containing COVID-19 while upholding human rights. Countries can borrow aspects of such programs from the recent practical guide developed by Frontline AIDS with support from GIZ BACKUP Health and the Global Fund, on [implementing and scaling up programmes to remove human rights-related barriers to HIV services](#). Although the guide is designed for organizations, networks and communities implementing programs to remove human rights-related barriers to HIV, it can be used in other contexts, such as the containment of COVID-19 as well.

## Further resources

- The 2020 Global Fund guidance note, '[COVID-19 Guidance Note: Human Rights in the Times of COVID-19](#)', 14 April 2020
- The 2020 Frontline AIDS practical guide, '[Implementing and scaling up programmes to remove human rights-related barriers to HIV services](#)', 23 April 2020

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