**States of Emergency and Human Rights in the Context of Covid-19**

The Special Rapporteur on the protection and promotion of human rights and fundamental freedoms has long been aware of the challenges posed by the exercise of emergency and exceptional powers on human rights. The Special Rapporteur’s report to the Human Rights Council [A/HRC/37/52](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/37/52) in 2018, closely examines the use (and abuse) of emergency powers in crisis and makes a number of specific recommendations to States and UN entities regarding human rights complaint use of emergency powers.

These recommendations of the Special Rapporteur remain salient and compelling today in the midst of the Covid-19 crisis. She recognizes the severity of the current health crisis and acknowledges that the use of emergency powers is allowed by international law in response to significant threats but reminds States that any emergency responses to the coronavirus must be proportionate, necessary and non-discriminatory.

The Special Rapporteur underscores that declarations of states of emergency, whether for health or security reasons must be publicly declared and should be notified to the relevant treaty bodies when fundamental rights including movement, family life and assembly are being significantly limited. It is critical that emergency declarations based on the Covid-19 outbreak should not be used as a basis to target particular groups, minorities, or individuals. It should not function as a cover for repressive action under the guise of protecting health nor should it be used to silence the work of human rights defenders. It is imperative that restrictions taken to respond to the virus must be motivated by legitimate public health goals and should not be used simply to quash dissent. In countries where the virus is waning, authorities must seek to return life to normal and must avoid excessive use of emergency powers to indefinitely regulate day-to-day life.

In order to track the global expansion of formal and *de facto* emergencies in the context of the Covid-19 pandemic, the Special Rapporteur has worked with ICNL, ECNL and other global partners to create the COVID-19 Freedom Tracker. The tracker monitors government responses to the pandemic that affects civic freedoms and human rights. It specifically monitors emergency powers emerging across the globe. The tracker is found here: <https://www.icnl.org/covid19tracker/>

The Tracker will be updated regularly and seeks to bring transparency to the world-wide resort to exceptional powers. The tracker provides information to governments, UN entities and civil society on the form, content and human rights effects of a plethora of new legislation across the globe.

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