



COVID-19: DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE ISSUES AND POTENTIAL USAID RESPONSES

April 2020

I. SUMMARY

The COVID-19 pandemic starkly illustrates the linkage between public health outcomes and democracy, human rights, and governance (DRG). Immediate international responses are focusing on medical and humanitarian assistance, but these alone will be insufficient to meet needs and respond to this crisis. An effective and holistic response is required to protect democratic principles and rights, build citizen trust, and ultimately build a more effective and accountable response. Supporting the DRG sector is crucial to USAID's COVID-19 response.

In coordination with health interventions, USAID's programs can help increase the capacity of governments to respond to the emergency, as well as build the skills of civil society and media to support increased and transparent communication between governments and citizens, and where appropriate, serve as accountability and watchdog mechanisms. USAID's approach will need to be different in each country based on the political context and the extent of a country's capacity and commitment to democratic governance. USAID, in coordination with the State Department's Bureau of Democracy, Human Rights, and Labor (State/DRL), Global Engagement Center (State/GEC), and Bureau of International Narcotics and Law Enforcement Affairs (State/INL), can adapt ongoing activities and develop new programs to support governments, civil society, and media actors to respond effectively and democratically. This support should be based on the best available evidence, and sound monitoring, evaluation and learning approaches should be employed.

At the same time, USAID and its partners face enormous operational and logistical challenges to executing these programs. This includes missions with few remaining in-country staff, restrictions on in-country travel, reduced presence of implementing partners on the ground, and difficulty monitoring programs, among others. Thus, the potential support and programs outlined in this paper will be much more challenging and will take more time than under normal operating conditions.

This paper, drafted by USAID's Center of Excellence on Democracy, Human Rights, and Governance (DRG Center), outlines key technical issues related to DRG and COVID-19 and details potential USAID programmatic responses. For more information regarding USAID's DRG work related to the COVID-19 pandemic, please contact drg-covid-core@usaid.gov.

A. EFFECTS OF COVID-19 ON DRG

The significant threats and risks to DRG posed by the spread of and response to COVID-19 include:

Unprecedented pressure on democratic systems globally: Governments are challenged to protect their citizens' health and security, keep them informed, implement social distancing and/or quarantine, maintain economies, and ensure the delivery of supplies and services, all while adhering to democratic principles of transparency, inclusion, and accountability. In many countries, weak public health and overall governance challenges have the potential to compound negative impacts of COVID-19 on communities, households and individuals. Likewise, governments that lack trust and legitimacy may find it more difficult to enforce public health guidance or policies.

Disproportionate impact on the most vulnerable and marginalized populations: Vulnerable and marginalized populations -- including refugees, migrant workers, internally displaced persons, the elderly, the poor, persons with disabilities, groups that have traditionally been discriminated against on the basis of ethnicity, race, gender, and the homeless -- are likely to be disproportionately affected by the pandemic and the response. In addition, the rights and/or access to public services of some communities

may be threatened under the guise of attempts to stop the spread of the virus. These challenges will only escalate as the situation worsens.

Restrictions on rights and consolidation of power by autocrats: A number of governments, including authoritarian regimes, are already using this crisis as an opportunity to consolidate their grip on power and to curb democratic rights beyond what is necessary. This power grab includes disproportionately restricting freedoms of expression, assembly, association and movement, limiting digital rights, reducing transparency, restricting participatory processes, cancelling or delaying elections indefinitely, and/or holding elections with diminished transparency and competition. In addition, governments, particularly autocratic regimes, are using the COVID-19 crisis as an opportunity to increase the use of surveillance technology, which, if not necessary and proportionate, could be used to further infringe upon rights.

Challenges to providing reliable and accessible information: Providing reliable and accessible information for ordinary citizens is now as important as ever because it can save lives. It is critical to ensure that citizens have access to reliable data, especially high-risk and otherwise marginalized communities. However, the growing COVID “infodemic” (overabundance of information) also involves the spread of misinformation and disinformation that undermines trust in governments and can foment social unrest.

B. USG DRG STRATEGIES TO RESPOND TO THE COVID-19 CRISIS

Pillar 4 of the USAID/State “Strategy for Supplemental Funding to Prevent, Prepare for, and Respond to Coronavirus Abroad” outlines a number of approaches for addressing the above challenges by promoting **citizen-responsive governance** amid the COVID-19 crisis, including by:

- Developing COVID-19 national action plans and policies, including legislation to create the legal framework for effective response to the pandemic;
- Enhancing government communications, accountability, and transparency in health and public social services;
- Supporting government capacity to communicate accurately and effectively with the media;
- Building the capacity of governments to protect their populations through improved governance and the training of frontline officials and law enforcement;
- Building trust in the actions of partner governments, particularly local ones, through bolstered delivery of basic social services, crisis-management, and information-sharing;
- Mobilizing domestic resources to respond to the pandemic; and
- Strengthening public financial management, crisis-response management, and efficient delivery of basic social services to improve public trust.

In addition, USAID interventions addressing COVID-19 should also support governments, political actors, civil society, and media to **promote and protect democratic principles and rights** as crisis responses are developed and implemented. This includes:

- Supporting efforts to maintain rule of law and protect democratic safeguards;
- Promoting citizen engagement in developing and implementing public health and broader government responses to the crisis;

- Supporting civic advocacy and monitoring efforts that promote transparent decision-making on crisis response activities;
- Protecting human rights;
- Fostering inclusion and protecting vulnerable individuals and groups to ensure they are not subject to discrimination during the response and have access to essential services;
- Promoting transparency of and accountability for the use of public funds;
- Incorporating a Do No Harm, integrity, and development ethics approach to ensure that programmatic responses reflect an understanding of unconscious and implicit bias, power, privilege, and the potential for harm; and
- Applying a political lens to responses to identify opportunities, mitigate threats, and maximize the effectiveness of responses to the crisis.

II. DRG SECTOR-SPECIFIC RESPONSES

Below are potential DRG sector-specific responses to mitigate the effects of COVID-19.

A. GOVERNANCE

A whole-of-government response will be required in most countries to respond to COVID-19, drawing upon a myriad of institutions and systems. Potential USAID activities, in collaboration with State/INL, to address particular governance issues include:

Enhancing capabilities of national and local governments to quickly develop and implement response plans across line ministries and levels of government: This includes the ability to ensure effective intergovernmental planning, coordination and communication, including the ability to assess and respond to the public health issue, budget for and mobilize public resources, and plan for and coordinate corollary issues such as border and transportation closures, school closure/reopening, and quarantine determinations.

Strengthening public health planning, systems, and disaster response architectures: This includes the ability of the public health system -- from the central to local level -- to track the spread of the virus, test and treat patients, and contain the epidemic; ensure unbroken supply chains; and provide sufficient medical personnel. This also includes support for public health planning, financing, and management, as well as monitoring of health data for adjustment of resources.

Improving public health messaging and communications: DRG support should help governments, media, and civil society effectively and proactively communicate about public health measures, including social distancing, is essential to reduce infections as well as reduce public panic. Particular focus is needed in rural communities and among historically marginalized populations. Consultation with specific target groups and influencers is important to ensure that information is delivered via trusted message-bearers. Further, information should be delivered in modes and via platforms that people already use to get trusted, reliable information.

Mitigating the risk of public disorder and insecurity: In countries where the police and/or other security bodies respect the rule of law, support for additional policing may be required to enforce

quarantine rules as well as protect against opportunistic lawlessness. It is also important to closely monitor whether there are shifts in the balance of power between civilian and military authorities, particularly where the military has a history of abusing human rights. In these countries, support could focus on monitoring whether policing and other authorities are transferred back to civilian authorities after the COVID-19 crisis abates.

Supporting capacity to deliver essential services: Ensuring the delivery of essential services, including public utilities (water, electricity), education, and law enforcement, is mission-critical in a pandemic situation. Support should particularly focus on high-risk areas, including areas lacking accessible water, sanitation and hygiene (WASH) infrastructure, as well as densely-housed areas, such as urban slums.

Mitigating against corruption: The vast sums of resources required to respond to the COVID-19 pandemic, combined with chaotic situations, will create an unprecedented opportunity for corrupt actors. Responses should include: (1) strengthening public financial management systems to oversee the planning, budgeting, and use of COVID-19 funds to ensure funds are used to reduce the effects of the virus; (2) supporting health system strengthening programs aimed at mitigating corruption risks; and (3) enhancing the ability to detect, prevent, respond and sanction COVID-19-related corruption.

B. ELECTIONS AND POLITICAL PROCESSES

Across the globe, many elections have already been postponed and, in some cases, there is a risk that elections will not take place at all. When elections do take place, in-person aspects of campaigns and voter education will be significantly reduced or cancelled, and voter turnout is likely to be much lower. This in turn could affect the legitimacy of elected governments. Potential USAID activities to address these challenges include:

Promoting transparent and inclusive decisions on election postponement/or cancellation: USAID and implementing partners may be called upon for guidance on re-scheduling or even cancelling an election. DRG assistance should support efforts to promote transparent and inclusive decision making process on whether to hold or postpone an election (including when it is safe from a public health perspective to reschedule elections), and to ensure that decisions are well-communicated and understood by the public and accepted by the main political actors.

Supporting election management mitigation efforts: USAID should support the provision of technical assistance to election management bodies (EMBs) in conducting emergency planning, coordination, and crisis communication, as well as in consulting in an inclusive manner with all election stakeholders on mitigation efforts where electoral processes are conducted. This includes considering alternate methods of: poll worker training, such as online training; voter registration and voting procedure revisions to minimize health risks; and even alternative methods of voting, such as voting by mail or mobile voting for the elderly and persons with disabilities. Additional support may be needed to ensure procurement plans factor in funds for materials that are not usually considered essential election materials, such as hand sanitizers, masks, and gloves.

Adapting election observation: International observation missions are unlikely to be deployed in the coming months and potentially longer. Diplomatic observation will likely be limited in scope, where feasible at all. Thus, USAID support for citizen observer groups will take on even greater importance where they are able to deploy. This support can also help citizen observers monitor and advocate to

ensure minimum standards for democratic elections are maintained during the crisis, advocate for measures that safeguard public health and democratic participation, and conduct traditional and social media monitoring to promote accurate information and expose disinformation campaigns.

Ensuring access to campaigns and voter education for disadvantaged communities: Because campaigning and voter education will shift primarily to traditional and online media and away from rallies and public events, USAID can support efforts to increase access to voter education and campaign-related information for groups (including women and rural communities) that do not have regular and easy access to electricity, smartphones, and the internet. In addition, support for voter education should include public health information and assurance of safety.

Promoting transparent complaints processes: Limitations on the electoral process during the crisis could result in more complaints by candidates and voters about how their rights were impinged upon due to restrictions that could be considered necessary from a health and safety perspective. Thus, technical advice will be needed for complaints adjudicators on how to build in these considerations when engaging in the dispute resolution process.

C. RULE OF LAW AND HUMAN RIGHTS

Strengthening the rule of law and defending human rights in times of public health crises like the current COVID-19 situation can contribute to mitigating the threat to public health, guard against other negative socio-economic consequences, and monitor and advocate against government actions that derogate from fundamental human rights commitments. Potential USAID support, in collaboration with State/INL and State/DRL, includes:

Preventing/mitigating abuse of public emergency powers: Rule of law assistance should ensure that the introduction of states of emergency and derogations from commitments to guarantee and protect fundamental rights and freedoms should be consistent with international law. Where states of emergencies are imposed, rule of law assistance should also be oriented toward (1) fostering their appropriate (nondiscriminatory, proportional, and temporary) use and adaptation in response to potential recurring waves of outbreaks; and (2) facilitating their conclusion once the public threat from COVID-19 subsides.

Protecting human rights: As the pandemic stresses societies, DRG assistance should take both a broad-based approach to the protection and promotion of human rights, as well as targeted human rights support that is unique to the differentiated needs of at risk communities, including additional mitigation efforts against increased violence, stigma, and discrimination due to the corona virus of particularly vulnerable groups.

Addressing legal problems and justice needs: DRG activities must anticipate and build capacities to address legal problems and justice needs of individuals and communities. This includes the needs of certain populations who are excluded from receiving care or otherwise discriminated against based on their racial/ethnic, religious, or other characteristics. It also includes legal support for those who face the threat of eviction and debt collection as a result of negative effects of the pandemic.

Mitigating disruption of justice and legal services: As COVID-19 spreads, courts are closing, hearings are postponed, and public defenders, legal aid commissions, and legal service providers are limited in their ability to serve those with needs. To address this in the intermediate term, rule of law

assistance should facilitate the introduction of innovative approaches, including use of accessible online platforms and other technologies, to provide “virtual justice and legal services.”

Protecting detainee health: DRG assistance should facilitate the introduction of measures to protect detainee health and safety, as well as ensure their continued access to legal representation. These measures should be implemented in such a manner so to curtail the spread of infection from parolees to the communities to which they return.

Preventing mass atrocities: In countries at risk of, or experiencing, mass atrocities or other serious human rights violations, USAID could support efforts that mitigate the risk of states of emergency and other similar restrictions on human rights being used by perpetrators as opportunities for to carry out atrocities with impunity. This could include monitoring and advocacy activities to put pressure on governments to take actions to prevent and mitigate the risk of mass atrocities.

Monitoring human security, safe migration, and potential for trafficking: USAID support should include monitoring of human security and potential for trafficking in contexts (such as collapsed economies from COVID-19 effects) that are more susceptible to unsafe migration and to children left at home who are vulnerable to exploitation by sex traffickers, nutritional deficits, and inability to stay in school.

D. MEDIA ECOSYSTEM

USAID’s programs, in collaboration with State/GEC and State/DRL, can play a significant role in promoting reliable, trustworthy, and accessible information; countering misinformation and disinformation; and protecting journalists and media serving their communities who are beset by legal and economic setbacks and restrictions by governments violating access to information.

Promoting press freedom: Repressive governments are heightening their monitoring and cracking down on independent media and journalists reporting on COVID-19. Some have criminalized the publication or communication of false news about COVID-19, knowingly or unknowingly. Although governments may limit free expression during national disasters, many of these new laws are worded vaguely, inviting arbitrary arrests and unfair convictions. Assistance should support monitoring of legal protections for journalists who, in the process of reporting on COVID-19, are experiencing limitations on their work and provide legal assistance.

Promoting media integrity and ethical behavior: At a time where quality information is critical to the health and safety of populations, journalists and media communicators play an important role in delivering clear and actionable information on how citizens should conduct and protect themselves and their communities, understand the basic science, access vital services, understand the full range of response interventions across second-order sectors, and collectively make sense of a dynamically changing landscape that is rife with uncertainty and threat. Assistance should include the rapid training of journalists and communicators on basic health information, as well as on broader response interventions (e.g., available social safety net programs, school closing/opening plans, and business restrictions) and fostering collaboration with groups monitoring the emerging disinformation narratives, to proactively respond to harmful information and provide counter-narratives. DRG support should adopt more data-driven approaches to targeting communities at risk of suffering a dearth of accurate information; amplifying responsible information; and expanding the consumers of their content.

Countering misinformation and disinformation: Authoritarian regimes, political actors, and malign non-state actors are incorporating COVID-19-related content into their own propaganda and disinformation campaigns. DRG assistance can increase efforts to counter disinformation and misinformation through traditional and social media monitoring, fact-checking, and myth debunking efforts. USAID DRG efforts should incorporate more sophisticated data analysis to track emerging trends and narratives and employ cutting-edge techniques, such as the “re-direct method” to target consumers of harmful disinformation to provide alternative information. Support also requires a closer partnership with the social media companies in countries where the companies do not have a presence on the ground or in the relevant languages to address harmful content on COVID-19 that is in violation of their community standards.

Ensuring the financial sustainability of media: Markets that have sustained media have shrunk or collapsed. For many media outlets, already operating under strained resources, financial viability and self-reliance are further threatened at a time when the information they provide is vital to the communities they serve. DRG assistance should provide basic operational costs to provide a lifeline to media outfits serving their communities until their economies recover and they are able to operate under traditional market principles.

The DRG Center and the Europe and Eurasia Bureau have compiled a living document of resources, webinars, guides, funding opportunities for media and communicators from its implementing partners and from the broader journalism, fact-checking, technology, and health communications community to help journalists and media serve their communities with life-saving information.

E. CIVIL SOCIETY

Civil society has a critical role to play during the COVID-19 crisis in informing citizens and decision makers and fostering or filling a trust gap between citizens and governments. In addition, civil society is often better positioned to be more innovative and responsive in creating and sharing information to reach citizens. Potential USAID support, in collaboration with State/DRL, includes:

Enhancing transparency and accountability: Given the heightened corruption risks amid the COVID-19 crisis, DRG assistance should provide support for civil society groups and media entities to monitor and promote accountability on government responses and the use of public funds to combat COVID-19, particularly in politically restrictive environments.

Increasing citizen participation: Increased citizen participation in government responses to COVID-19 can help fill trust gaps that may exist. DRG programs can enhance citizen participation as decisions are made and implemented in responding to the crisis and can support advocacy to ensure citizen-centered governance measures are enacted. As political participation increasingly moves online amid the crisis, DRG assistance can support civil society in ensuring that this online engagement takes into account barriers that certain groups face in accessing information or participating online.

Defending civic space: USAID’s implementing partners have quickly mobilized to assess the effects of government restrictions on civil society, rights, and civic space under the cover of response to COVID 19. DRG assistance should bolster existing efforts to monitor infringements on civic space and alert the human rights community to these abuses, initiate dialogue on ways to address closing space issues,

engage with the international community, and continue interventions to support and defend civic actors and civic space globally.

Providing cybersecurity support: Cyberattacks are on the rise amid the COVID-19 crisis, and cybersecurity norms are even weaker than normal. Because civil society and media are often targets of these attacks, they need rapid support on cybersecurity.

Countering the threat of digital authoritarianism: In efforts to control the spread of the virus, governments are using apps, mobile phone data, and other surveillance technologies to collect data, and there are tradeoffs between privacy and epidemiological, location, and mobility data, which may provide a path to understanding and combating the pandemic, presenting global challenges to existing norms and best practices for data collection and use. DRG assistance can support governments and civil society entities to address concerns and risks, including assessing and holding governments accountable related to questions such as: how and in what context location data was collected; whether it is necessary and appropriate to achieving their goals (including whether the data is truly representative of the overall population and takes into account vulnerable populations); whether those goals can be achieved through less invasive means; and how that data will be used, safely stored, retained, or re-purposed following the conclusion of the pandemic?

F. INCLUSION

Emergency situations, such as the COVID-19 pandemic, exacerbate the marginalization and discrimination already experienced by a wide range of groups. USAID and its implementing partners should actively consult with these groups to ensure that responses are inclusive and do not place such groups at increased risk of discrimination or negative health or economic outcomes.

Since marginalized communities are likely to be further marginalized in governments COVID-19 responses, USAID support could include monitoring and reporting on this issue to pressure governments and to ensure donors have information on the needs of these communities. This includes enhancing support for monitoring dangerous speech against marginalized groups; incorporating a gender-responsive lens in all COVID-19 related programming; monitoring gender-based violence; supporting children who are, or are at risk of, living outside of family care; support efforts to protect children from violence, exploitation, abuse, and neglect; and working to better inform youth influencers on COVID prevention and to mobilize them via social norms messaging to influence others in their network.

III. POTENTIAL DRG CONTRIBUTIONS TO ALL USAID PROGRAMS

While we cannot guess the long-term impacts of this disruption in all sectors of USAID work, the DRG Center's Political Economy Analysis (PEA) framework can help identify opportunities, mitigate threats, and maximize the effectiveness of programming now and in the future. Recognizing the urgency of the current context, DRG Center can leverage its experience supporting missions with a range of rapid PEA approaches while also developing a foundation for longer term learning.

Examples of how the DRG Center can help through strategies grounded in cross-sectoral integration and Thinking and Working Politically are outlined below:

Water and sanitation (WASH): WASH is particularly critical service during a pandemic such as COVID-19, and a political economy perspective can identify incentives underlying progress in the sector to date, and how those may be changing under the current crisis. For example, elites in a country may focus exclusively on their immediate needs and ability to isolate from others. Alternatively, the pandemic may make the interconnections between populations more obvious; as elite groups perceive threats to their own well-being from the spread of COVID-19, opportunities for reform that had not previously existed may emerge.

Education: Given widespread school closures, educational systems are grappling with the tremendous stress and, in many cases, seek to access different resources that contribute to community learning. A political economy approach can help to better understand how the sudden increase in out-of-school children and youth affect other development sectors, such as agriculture or natural resource management, as well as increase the risk of child labor, sexual exploitation, early pregnancy, and early and forced marriage. This approach can also help to identify how this disruption to education systems worldwide may create opportunities for positive systemic change, such as greater preparedness and resilience of the education system through broad use of distance learning or increased parental engagement.

For more information regarding USAID's DRG work related to the COVID-19 pandemic, please contact drg-covid-core@usaid.gov.