

Brief on COVID 19-related human rights and protection issues



Update 1 (4-10 April 2020)

Right to health

- Human rights law provides that South Sudan is duty-bound to ensure a minimum core content of economic, social and cultural rights. In practical terms, this means that the Government is obligated to provide people in South Sudan with *inter alia* the right of access to functioning health facilities, goods and services on a non-discriminatory basis, with due consideration for vulnerable and marginalized groups. While awareness on basic response measures to a COVID-19 outbreak is generally reported in functioning health facilities across the country, this is tempered by chronic shortages of personal protective equipment (PPE), ventilators, trained personnel and medications, rendering access to adequate health care virtually unattainable for the vast majority of the population.

Access to resources and means to ensure livelihood

- Recent measures to prevent the spread of COVID-19, including movement restrictions and the closure of non-essential businesses, have exacerbated the vulnerabilities of persons already at risk of becoming food insecure, particularly in the absence of adequate social safety nets to mitigate the economic impact of these measures. For example, the recent lockdown measures imposed by the Government on protection of civilians (POC) sites in Juba and Malakal reportedly prevented some residents from supporting themselves through income-generating activities at local markets outside of these sites.

Decongestion of prisons and detention facilities

- During the period under review, at least 127 detainees and prison inmates in six states were reportedly released, in some cases on bail or with a commuted sentence, as part of the national COVID-19 response, in accordance with the circular issued on 17 March by the National Prison Service of South Sudan (NPSSS). This number is likely to be an underestimate, as data on those released was not always made available to the UNMISS Human Rights Division (HRD). Other inmates and detainees are still undergoing screening for possible release. Among the reported 127 individuals released, at least 12 were women and two were persons with physical disabilities, and the majority (107) were prison inmates. HRD was also notified of instances where prisoners were released contrary to the NPSSS directive (which provides for the release only of those with six months or less remaining in their sentence).

Limitations on freedom of movement imposed on IDPs at POC sites

- The deployment of defence and security forces to prevent internally displaced persons (IDPs) from leaving POC sites in Juba and Malakal has created additional vulnerabilities for these populations, including in terms of access to food, water, and other necessities. In Juba, at least six civilians were assaulted and sustained injuries during the reporting period by security forces while pleading with the latter to leave the POC site to access the local market for food and other basic supplies, and to engage in livelihood activities. In Malakal, authorities have permitted humanitarian actors to move in and out of the site in order to provide some of these necessities. Concerns have also been raised by POC residents concerning the impossibility of social distancing in these sites, given the limited space, overcrowding and reduced access to water.

Human rights violations arising from excessive use of force to enforce preventive measures

- Arbitrary arrest and detention, ill-treatment and extortion of civilians in the implementation of measures to prevent the spread of COVID-19 continue to be documented. During the week under review, at least 48 civilians (including at least 4 women and 23 children) were subjected to such measures in Greater Equatoria. This number includes five individuals working for the UN and other humanitarian organizations, three of whom were physically assaulted by defence and security forces.

Hate speech, incitement to violence and compromise of personal privacy

- Following the announcement of the first four confirmed cases of COVID-19 in South Sudan, a public narrative has emerged on social media placing blame on the UN for spreading the virus in the country. This narrative has in some cases amounted to hate speech, which is also accompanied by incitement to violence against UN personnel. At the same time, hundreds of statements from South Sudanese expressing support for the UN in South Sudan, and condemning the rash of anti-UN sentiment, were posted on the same social media platforms. Furthermore, in a televised statement,

President Kiir publicly called for an end to xenophobia and hate speech/incitement to violence targeting foreign nationals, including UN and humanitarian personnel. However, the disclosure of personal details about the four patients by Government officials violated these individuals' right to privacy, exposing them to unnecessary harm. In the absence of any announcement of confirmed cases amongst South Sudanese individuals not affiliated with the UN and other international organizations, the revelation of the patients' association with the UN also contributed to fueling the anti-UN and xenophobic narrative that swiftly followed.

Asylum, screening procedures and the right to return

- Engagements with relevant ministries and UN agencies on prioritization of support to points of entry have continued to ensure that access to asylum and the right to return are maintained as well as screening measures and dignified quarantine arrangements are established.