

Guidelines of the Committee of Ministers of the Council of Europe on upholding equality and protecting against discrimination and hate during the Covid-19 pandemic and similar crises in the future



STEERING COMMITTEE
ON ANTI-DISCRIMINATION,
DIVERSITY AND INCLUSION (CDADI)

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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Cover and layout:
Documents and Publications
Production Department (SPDP),
Council of Europe

This publication has not been copy-edited by the SPDP Editorial Unit to correct typographical and grammatical errors.

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Foreword

The Guidelines of the Committee of Ministers of the Council of Europe on upholding equality and protecting against discrimination and hate during the Covid-19 pandemic and similar crises in the future were adopted on 5 May 2021 (CM(2021)37-add1final). At the same time, the Committee of Ministers took note of the Explanatory Memorandum that the Council of Europe's [Steering Committee on Anti-Discrimination, Diversity and Inclusion](#) had prepared and adopted, together with the draft Guidelines, on 3 February 2021. The Guidelines and the Explanatory memorandum form the first and second part of this publication.

Part 3 contains the Compilation of promising and good practice examples on the topic of the Guidelines, which the CDADI had collected from the Council of Europe member States. Those promising and good practice examples shall inspire and provide concrete guidance and practical examples to member States and stakeholders for implementing the 27 elements of the Guidelines.

Furthermore it should be mentioned that the Guidelines are based on the study "[COVID-19: An analysis of the anti-discrimination, diversity and inclusion dimensions in Council of Europe member states](#)", which is built upon the responses of the Council of Europe member States and other stakeholders to the questionnaire "The anti-discrimination, diversity and inclusion dimensions of the response to the Covid-19 pandemic". This study is available on the CDADI website as follows: (<https://www.coe.int/en/web/committee-antidiscrimination-diversity-inclusion>).



COVID-19

A. Guidelines

Preamble

The Committee of Ministers,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, *inter alia* by promoting common standards and carrying out activities in the field of human rights and fundamental freedoms;

Emphasising that upholding equality and protecting against discrimination and hate are crucial, also in times of crisis, for the safeguarding of human rights and freedoms and for the functioning of truly democratic societies;

Recalling the Athens Declaration by the Chairmanship of the Council of Europe's Committee of Ministers on 4 November 2020 entitled "Effectively responding to a public health crisis in full respect for human rights, democracy and the rule of law", in which it sadly noted that the ongoing public health crisis had "resulted in added hardship and pain for many groups in our societies";

Recalling the member States' obligation to secure to everyone within their jurisdiction the rights and freedoms enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, ETS No. 5) and the protocols thereto, and bearing in mind the relevant case law of the European Court of Human Rights, in particular in relation to Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination) and the principle of proportionality;

Taking into account the European Social Charter (ETS No. 35, and its revised version ETS No. 163), according to which the enjoyment of social rights should be secured without discrimination;

Taking into account the Framework Convention for the Protection of National Minorities (ETS No. 157) and the European Charter for Regional or Minority Languages (ETS No. 148) and other European or international human rights

instruments, and referring to the recommendations of the European Commission against Racism and Intolerance (ECRI);

Deeply concerned by information received from several member States that crisis situations such as the Covid-19 pandemic, while having an impact on the human rights of all persons, disproportionately affect the human rights of persons belonging to vulnerable groups, who are exposed to discrimination and intolerance on the grounds of race, colour, language, religion, national or social origin, association with a national minority, sexual orientation or gender identity or to multiple and intersectional discrimination on those and any other ground covered by Article 14 of the European Convention on Human Rights, including sex, age and disability;

Considering that there is a particular need to encourage member States to adopt, during times of crisis, specific measures to uphold equality and protect persons belonging to vulnerable groups against discrimination and hate and to fulfil their positive obligations arising from the European Convention on Human Rights and, where relevant, the European Social Charter; noting, however, that this is without prejudice to the need to counter discrimination or other suffering that any other group or individual may experience during times of crisis;

Referring to the important guidance that the United Nations, the Organisation for Security and Co-operation in Europe and other international organisations have developed in these fields;

Building on the good and promising practices that member States have developed before and during the Covid-19 crisis at national, regional and local levels;

Underlining that weaknesses in dealing with inequality and discrimination make societies more vulnerable in times of crisis and that the ongoing work of the member States on the promotion of equality, diversity and inclusion is crucial for societies to be well prepared for future crises,

Adopts the following guidelines to serve as a practical tool for member States in adapting their work on upholding equality and protecting against discrimination and hate during the Covid-19 pandemic and similar crises in the future;

Invites member States to ensure that these guidelines are widely disseminated with a view to their implementation by all relevant authorities and encourages them to review, at appropriate intervals, under the auspices of the Committee of Ministers, the need to update these guidelines and assess their implementation.

I. Preparedness, outreach and information

1. Member States should have in place efficient structures and procedures to manage crisis situations and their specific impact on disadvantaged groups, and on equality in general, in a swift and inclusive way.
2. In times of crisis, the authorities of member States should rapidly reach out to vulnerable groups and civil society organisations working with them, assess, together with those groups, their situation and provide prompt and efficient solutions to their pressing needs.
3. The authorities should maintain an active and continuous dialogue with those groups throughout the crisis, involve them in the creation of crisis-related measures and policies and ensure that their concerns are adequately taken into consideration in decision-making processes.
4. The authorities should, in a timely and regular manner, inform vulnerable groups about the outbreak and extent of the crisis, how to protect themselves and the assistance and services that are available to them. This information should be disseminated in the languages and through the communication channels used by the different vulnerable groups, formulated in an easily understandable manner and adapted to their living conditions and needs.

II. Protection and access to services and benefits

5. In times of crisis, member States should take effective measures to ensure that persons belonging to vulnerable groups have, on an equal footing with others, effective access to healthcare, including available vaccines. The authorities should furthermore take effective measures to continue the long-term treatment of persons belonging to those groups.
6. The authorities should take effective measures with a view to providing all persons belonging to vulnerable groups with access to housing that has adequate hygiene standards and allows to respect health-related rules and recommendations. The authorities should work towards ensuring that no person belonging to vulnerable groups is left homeless.
7. In times of crisis, member States should take effective measures to ensure that all children, including those belonging to vulnerable groups, continue to have access to adequate schooling.
8. If it becomes necessary to switch to online schooling, member States should endeavour to ensure, as far as possible, that children belonging to vulnerable groups are provided with a good internet connection, the necessary hardware

and software and appropriate technical and pedagogical assistance. Such new schooling formats should be adapted to the needs of these children and should maintain social interaction, contain inclusive elements and include measures to help children in difficult situations.

9. The authorities should take effective measures to protect employees, including those belonging to vulnerable groups, who are particularly exposed to the dangers of the crisis on their way to work and at their workplace.

10. The authorities should protect persons belonging to vulnerable groups, in particular those who are in a precarious employment situation, from losing their means of subsistence due to the impact of the crisis on the economy and employment. To this end, the authorities should safeguard their jobs, or help them to find new jobs and facilitate their access to unemployment and other social benefits, including social aid.

11. The authorities should adopt effective measures to help persons from vulnerable groups who are self-employed or who work in the informal economy.

12. The authorities should take effective measures to provide all persons belonging to vulnerable groups with access to the aforementioned services and other basic public services and social benefits also during the crisis. This can be done either through granting or maintaining access to the usual public service or by introducing specific services and social benefits for the duration of the crisis.

13. The authorities should assist persons belonging to vulnerable groups in applying for the aforementioned services and benefits.

III. Hate speech and different forms of violence

14. During times of crisis, the authorities should put a particular focus on preventing and combating hate speech and stigmatisation, including on the internet.

15. During times of crisis, the authorities should focus on preventing and combating violence against persons belonging to vulnerable groups, including hate crime, domestic and gender-based violence. The authorities should provide victims with the necessary psychological, social and legal support, in particular by ensuring the availability of hotlines and enough places in well-functioning shelters.

IV. Prevention, assessment and oversight of discrimination and other human rights violations

16. In times of crisis, the authorities should ensure that neither the crisis nor the measures taken to cope with it disproportionately affect persons belonging to vulnerable groups and result in or exacerbate existing structural discrimination.

17. The authorities should refrain from taking measures that specifically target or affect vulnerable groups without objective and reasonable justification.

18. Where the crisis or general measures taken to mitigate its impact disproportionately affect vulnerable groups, the authorities should take temporary special measures to compensate for the resulting structural disadvantage.

19. The authorities should collect disaggregated data on the impact that the crisis and related measures have on vulnerable groups, while respecting the principles of confidentiality, informed consent and voluntary self-identification.

20. The authorities should initiate research into the factors that could contribute to a disproportionate impact of the crisis or measures taken to cope with it on specific vulnerable groups. These groups should be involved in this research and its results should be used to remedy such disproportionate effects.

21. The authorities should regularly assess their crisis-related measures, their impact on vulnerable groups and whether these measures are in accordance with human rights standards and uphold equality. These assessments should be based on equality data and research; they should integrate a gender perspective and involve representatives of vulnerable groups, civil society organisations, researchers, equality bodies and national human rights institutions.

22. The authorities should take into account the results of assessments made by parliaments, equality bodies and national human rights institutions of their countries.

23. Based on these assessments, the authorities should improve their response to the ongoing crisis, strengthen the positive impact of the measures taken on vulnerable groups and eliminate any discriminatory effects. They should furthermore use the lessons learned from an ongoing crisis to enhance their general preparedness for future crises.

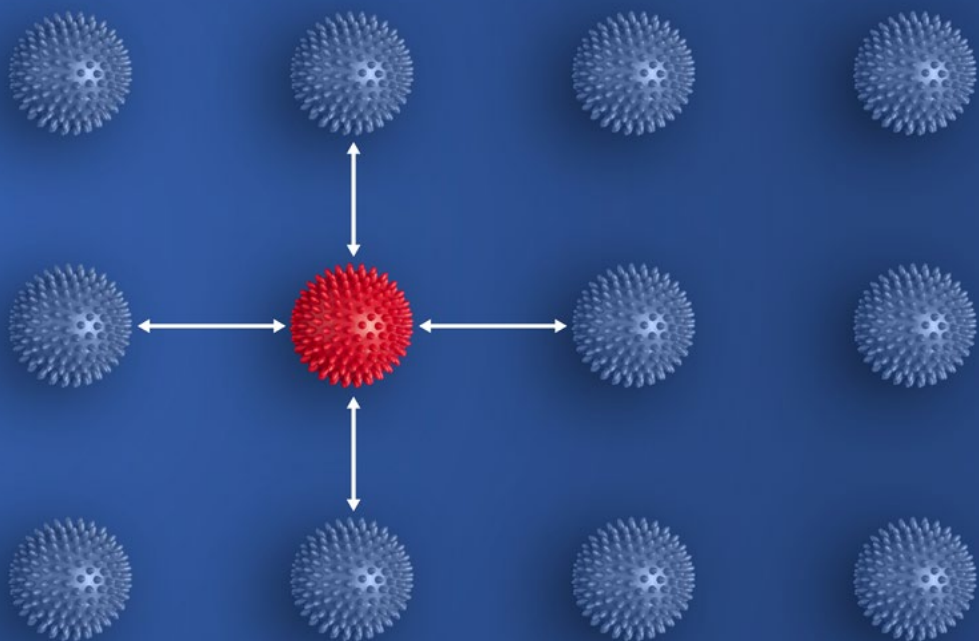
24. Following the crisis, the authorities should take measures to cope with its negative impact on vulnerable groups and to promote equality. The authorities should furthermore consider continuing measures that they introduced during the crisis and which have had a positive impact on vulnerable groups.

25. In times of crisis, the authorities should maintain equal and effective access to justice for persons belonging to vulnerable groups. The judiciary should continue to function in an independent and efficient way and control emergency measures.

V. Digitalization, artificial intelligence and contact tracing

26. The authorities should take efficient measures to ensure that persons belonging to vulnerable groups have access to services and benefits even if they are not able to use digital means to apply for them.

27. When developing digital tools for dealing with the crisis and the resulting risks, the authorities should take effective measures to ensure that these tools are not discriminatory against persons belonging to vulnerable groups or otherwise violate their rights.



B. Appendix to the Guidelines - Explanatory Memorandum

Introduction

1. The elaboration of the Guidelines of the Committee of Ministers of the Council of Europe on upholding equality and protecting against discrimination and hate during the Covid-19 pandemic and similar crises in the future was triggered by the outbreak of the Covid-19 pandemic in 2020 and its social and economic effects, which hit people belonging to certain groups in a particularly hard way throughout Europe. These Guidelines have been developed to deal with public health crises, but they may also provide valuable guidance for upholding equality and protecting against discrimination and hate during other, similar types of crisis. Central, regional and local authorities have an important role in the implementation of these Guidelines and National Human Rights Institutions (NHRIs) and Equality Bodies (EBs) can also make an important contribution.

2. As documented by the information received from several member States in the process of drafting the present Guidelines (cf. § 4 below), various groups covered by the prohibition of discrimination in Article 14 of the European Convention on Human Rights and Article 1 of its Protocol No. 12 can be affected by a crisis in a particularly heavy way and face specific challenges. Among them are persons belonging to ethnic, cultural, linguistic or religious minorities including Roma and Travellers, Jews and Muslims, Black people, migrants and persons with a migration background including asylum seekers, refugees, internally displaced persons and irregularly present migrants, as well as LGBTI persons. For all those groups, the Guidelines use the term “vulnerable groups”. Vulnerable groups are diverse within themselves and composed of different communities. Within these groups, women, children, young people, persons with disabilities and other persons exposed to multiple and intersectional disadvantage and discrimination face very diverse and specific, but also some common, challenges. The Guidelines contain principles

for dealing with such common but also with more specific challenges that affect in a particular way one or several groups, a community within a group or certain persons belonging to a group. While sometimes general measures are sufficient to address such specific challenges, in other cases temporary special measures (see paragraph 5 of General Policy Recommendation No. 7 of the European Commission against Racism and Intolerance (ECRI)) are needed to compensate for disadvantages suffered by persons belonging to those groups. The Guidelines also take into account the Council of Europe Gender Equality Strategy and Disability Strategy that contain additional guidance on mainstreaming equality and addressing issues of multiple and intersectional discrimination, which is also of relevance in times of crisis.

3. A crisis often makes more visible longstanding inequalities that existed already before its outbreak. Member States should continue to tackle and eliminate these structural inequalities and disadvantages to increase their resilience to and preparedness for future crises. It should furthermore be emphasised that member States must, also during times of crisis, continue to respect international human rights instruments such as those referred to in the Preamble of the Guidelines. Member States should also continue implementing the general policy and country-specific recommendations of ECRI and those made under the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages.

4. These Guidelines are based on the responses of member States to a questionnaire on measures taken during the Covid-19 pandemic, which was drawn up by the Steering Committee on Anti-discrimination, Diversity and Inclusion (CDADI) of the Council of Europe. Those answers, the important guidance of other bodies of the Council of Europe (see its dedicated website and in particular the Statement made by ECRI's Bureau on 19 May 2020), the United Nations (see for example the Covid-19 guidance of the OHCHR), the Organisation for Security and Cooperation in Europe (see in particular the Covid-19 related activities of ODIHR) and other international organisations, and other additional material have subsequently been analysed in a study commissioned by the CDADI. The study "COVID-19: An analysis of the anti-discrimination, diversity and inclusion dimensions in Council of Europe member States" and a compilation of good practices identified in these answers were published on the website of the CDADI. Member States are invited to take inspiration from these good practices, some of which are summarised in this Explanatory Memorandum, for implementing the Guidelines, improving their responses to the Covid-19 pandemic and other crises and enhancing their preparedness for future crises.

I. Preparedness, outreach and information

5. Many member States have general emergency management structures and procedures in place to deal with certain types of crisis. Independently of the outbreak of any crisis, they should make an assessment of those structures and procedures and reflect how to use or adapt them for upholding equality and protecting vulnerable groups against discrimination and hate during times of crisis. To that end, they should consider involving in the emergency management structures and procedures existing minority councils and similar structures that have been established to ensure sustainable cooperation and dialogue with vulnerable groups. Representatives of those groups, Roma mediators, civil society including non-governmental organisations (NGOs), Equality Bodies and independent human rights institutions should also be involved in this assessment. Such assessments could result in training of civil servants and public employees on upholding equality and protecting vulnerable groups in crisis situations and in instructions to reach out to such groups as soon as the emergence of a crisis becomes apparent.

6. At the beginning of a crisis, persons belonging to vulnerable groups can lose all contact with the authorities and their access to essential services. In several countries, this was the case at the beginning of the Covid-19 pandemic and a significant number of persons belonging to those groups did not even have access to food. In this situation, the authorities of several member States immediately reached out to vulnerable groups and assessed together with them their situation and needs. To that end, the authorities in some cases contacted existing minority councils and similar structures. In other cases, they reached out to representatives of those groups, Roma mediators, faith leaders and NGOs. They also initiated surveys among persons belonging to vulnerable groups. In this way, a first overview and data on the needs of the different vulnerable groups was gathered. Subsequently, member States intensified this dialogue and gathered more sophisticated equality data (for more details see below in §§ 42 ff).

7. The assessment of this initial information should lead to quick action to meet pressing needs, for example the need to provide food. A specific focus should be put on persons suffering from multiple and intersectional discrimination. Representatives of vulnerable groups should be involved in the elaboration of the initial and further measures and policy and in the delivery of aid and assistance.

8. To finance and deliver such emergency relief to vulnerable groups, some member States have, during the Covid-19 crisis, mobilised international

organisations and donors. The authorities should also consider providing funding to civil society organisations for delivering such emergency relief.

9. At the beginning and in the further course of a crisis, persons belonging to vulnerable groups are in need of information, just as the rest of the population. As some of them lack proficiency in the official language(s), such information should quickly be disseminated in languages that they understand, including in minority languages.

10. Persons belonging to vulnerable groups may use other communication channels than the mainstream population. Therefore, the authorities should identify the communication channels that are accessible to and used by the different communities and subsequently disseminate information through those channels in the languages they understand. This information should be formulated in a manner that is suitable for the addressees and adapted to their specific living conditions (e.g. lacking running water or overcrowded housing) and needs (e.g. the need of Travellers to access a duly serviced encampment area for staying safe during the crisis).

11. During the Covid-19 pandemic, member States disseminated information for example through SMS, social media, posters and flyers and television and radio programmes in minority languages. The dissemination of information through multipliers also proved to be successful, for example through representatives of vulnerable groups, mediators and other authoritative figures such as teachers, medical doctors, nurses, religious leaders or the police in cooperation with the aforementioned groups.

II. Protection and access to services and benefits

12. In times of crisis, access to health care for everybody is of great importance. During the Covid-19 pandemic, it became obvious that the further spreading of the pandemic could only be curbed through making sure that everybody got access to health care, including persons belonging to vulnerable groups who live in poverty or are homeless, irregularly present migrants and undocumented persons. In some member States, existing “firewalls” that decouple the activities of health services from those of the immigration control authorities (see ECRI’s General Policy Recommendation No. 16) helped to achieve this goal.

13. To ensure that all persons, including those who are irregularly present on the territory, had access to health care during the Covid-19 pandemic, some member States provided the latter with temporary stay permits or with social security (for more details see § 30). Other member States issued regulations providing that all persons present in the country had access to Covid-19-related

health care at the expense of the State. Among the measures taken was also the allocation of considerable budgets to municipalities for the provision of medical supplies and equipment in Roma settlements. Other member States issued recommendations to social services on temporary special health-related measures regarding segregated and highly vulnerable neighbourhoods.

14. To ensure effective access to health care, those measures should include medical testing, vaccination and the provision of protective equipment such as masks, disinfectants and gloves to persons belonging to vulnerable groups, and should be covered by social security or free of charge. Furthermore, medical staff should be made aware of the specific needs and situations of persons belonging to vulnerable groups and adapt to those conditions. During the Covid-19 pandemic, the authorities of some member States have translated medical information into the languages understood by those groups and interpretation was provided during medical consultations.

15. Some member States have, during the Covid-19 crisis, furthermore taken measures to ensure that long term treatment related to chronic diseases and gender reassignment of people belonging to vulnerable groups could be continued. The information received from several member States indicates that it is also important to make sure that women belonging to vulnerable groups and in particular Roma, migrant, LGBTI women and women with disabilities continue to have access to sexual and reproductive health care, also in rural areas.

16. In times of crisis, the risk of homelessness increases for persons belonging to vulnerable groups and homelessness can have more severe consequences. At the beginning of the Covid-19 crisis, a considerable number of labour migrants lost their jobs and subsequently their homes. The information received from several member States indicated that homelessness affected also LGBTI persons and irregularly present migrants. Roma and Travellers continued to suffer from a lack of adequately equipped encampment areas that made it possible to meet hygiene standards and avoid the further spreading of the Covid-19 virus.

17. A significant number of persons belonging to vulnerable groups live(d) in overcrowded housing – for example in overcrowded refugee camps or reception centres, in collective accommodation provided by their employer or in small apartments inhabited by several families - which made it difficult or impossible to respect rules on confinement, social distancing and hygiene. Others lived in substandard housing without running water, for example in segregated Roma settlements.

18. Several member States have suspended evictions during the Covid-19 pandemic in order to avoid homelessness. Others have housed homeless persons

in hotel rooms or emergency shelters where confinement, social distancing and hygiene rules could be respected. Others made available additional space in order to remedy overcrowding in reception centres for asylum seekers and refugees. Still others have kept open reception areas for Roma and Travellers and have reduced or even suspended parking fees. In some member States, specific efforts were made to provide enough water and hygiene articles to persons living in substandard housing without running water. Also during other crises, it is often important that the authorities take adequate measures to avoid homelessness and provide for accommodation that does not expose the inhabitants to health hazards or other risks.

19. Statistics show that, independently of the outbreak of a crisis, a considerable number of children, and in particular girls, belonging to vulnerable groups face challenges in their (pre-)schooling including school segregation. The outbreak of a crisis often exacerbates those pre-existing problems.

20. During the Covid-19 pandemic, most kindergartens, pre-schools and schools quickly closed; many of them had to switch to distance schooling, where possible online. Many children, and in particular children belonging to vulnerable groups, lacked the necessary technical and pedagogical support and did not have a computer, a smartphone, a good internet connection or even electricity or a place in their home where they could do homework, and were cut off from their school; others had only very limited access to online schooling.

21. In this situation, several member States and civil society organisations distributed computers, tablets, smart-phones and other technical equipment to children belonging to vulnerable groups. In other member States, the authorities subsidised mobile internet access and social services distributed Sim-cards for such internet access. Some mobile operators provided free internet in Roma neighbourhoods. In some places, electronic devices were collected with the help of private donors and distributed among children belonging to vulnerable groups.

22. In some member States, public service broadcasters created specific TV or radio programmes for tele-schooling, which were sometimes produced in the languages of linguistic minorities. In some places, where such means were not available, teachers and civil society organisations prepared and distributed printed educational material and homework packages.

23. Various countries mobilised Roma educational mediators, school personnel and social workers to motivate and assist children belonging to vulnerable groups in the process of switching to online education and to monitor its implementation. In several member States, the participation in online education

and the quality of this education were assessed through research or surveys. Their results helped to plan and implement further measures for increasing attendance and improving the quality of online schooling. In this context, it is important that member States continue, as far as possible, education in minority languages, social interaction and extracurricular activities.

24. In the field of employment, the impact of a crisis can be particularly harsh on employees who belong to vulnerable groups. During the Covid-19 pandemic, many persons belonging to vulnerable groups - including seasonal and other migrant workers - continued to work, as they were employed in sectors that were considered as essential. Many of those sectors are female dominated. Research showed that they were affected by higher infection rates than the rest of the population, as they were more intensely exposed to the risks of the pandemic; they often had to continue working in front offices and in close contact with clients and work-colleagues; a considerable number of persons belonging to vulnerable groups continued to use collective transport or to live in collective housing provided by their employer with little possibility for social distancing. Others continued to live with big families in small, overcrowded apartments.

25. To compensate for such structural disadvantages, some member States put a specific focus on labour protection and workplace risk assessments that were carried out in particular in sectors with a high number of employees belonging to vulnerable groups, such as for example the meat processing industry.

26. A considerable number of persons belonging to vulnerable groups do not have a regular and stable employment but work on the basis of unstable short-term, fixed-term or part-time contracts, for example as seasonal workers. While some do not have a written employment contract, others are self-employed or work in the informal economy. Due to this structural disadvantage, they are particularly at risk of losing their work in a crisis and are strongly exposed to its economic consequences.

27. When designing the measures for coping with the economic effects of a crisis, the authorities should therefore separately assess the social, economic and gender-specific impact on persons belonging to vulnerable groups and take temporary special measures to facilitate the access of those persons to unemployment or other social benefits. Member States should also make sure that people losing their jobs receive the necessary information and assistance for successfully applying for such services and benefits.

28. Among the measures taken during the Covid-19 crisis was a legislative amendment that allowed foreigners who lost their job during the pandemic to fill jobs in other branches that were deemed "essential". In another member

State, the right to the loss of earnings allowance for self-employed persons was made accessible also to persons belonging to vulnerable groups. Other member States introduced specific benefits that were made accessible to members of certain vulnerable groups, including persons working in the informal economy (see also §§ 30 ff of this Explanatory Memorandum).

29. In particular at the beginning of a crisis, persons belonging to vulnerable groups are often unable to meet very basic needs and have difficulties in accessing basic public services and social benefits to cover those needs. At the outbreak of the Covid-19 crisis, many such persons were even struggling to feed themselves.

30. In such situations, it is of great importance that the authorities quickly make sure that everybody present in the country has access to those basic services including food and social aid. During the Covid-19 crisis, some member States have ensured this by granting, or prolonging for the duration of the crisis, a particular temporary status (e.g. a provisional residence or work permit, a humanitarian protection status or affiliation with the social security) to persons belonging to certain vulnerable groups, which opened for them access to such services. Other member States have introduced specific social benefits (for example a minimum income scheme or a solidarity allowance) that were made available also to people belonging to certain vulnerable groups including migrants or particularly vulnerable Roma families.

31. In some member States, access to certain social services and benefits is linked to fulfilling obligations such as sending children to school. In times of crisis, the authorities should evaluate whether such links should be temporarily waived where parents are not able to ensure continuous school attendance of their children due to reasons outside their control (e.g. lack of access to the internet, lack of hard- or software to follow online-schooling or lack of public transport, see §§ 20 ff above).

III. Hate speech and different forms of violence

32. Crisis and fear often trigger hate speech and hate-motivated violence. The Covid-19 pandemic provoked the fear of “importing” the virus from abroad or that vulnerable groups such as refugees, Roma and religious minorities contributed to spreading it through their behaviour. This led to waves of hate speech and stigmatisation, in particular on the internet, and in some cases also to violent hate crimes. Hate speech from some politicians against foreigners and migrants and the uncoordinated closure of borders contributed to create new divisions within Europe.

33. In order to prevent and counter such waves of hate speech and new divisions, member States should, in times of crisis, step up their work on combating hate speech by implementing relevant standards such as ECRI's General Policy Recommendation No. 15 and, as applicable, the Council Framework Decision 2008/913/JHA) of the European Union. During the Covid-19 pandemic, some high-ranking politicians and public figures did so and spoke out against hate speech. In several member States the contribution of doctors and health care workers with a migration background to combating the pandemic was highlighted by politicians and the media.

34. During the Covid-19 pandemic, the number of cases of domestic violence increased sharply, including towards women, girls and more generally children belonging to vulnerable groups. The information received from several member States (cf. § 4 above) also showed that many LGBTI persons had to return to their families and became exposed to hostile environments. Other forms of violence against women and LGBTI persons also increased, in particular on the internet.

35. During the confinement, access to support and protection services was more limited and victims of domestic violence living in the same household as the perpetrator found themselves particularly exposed and helpless, as they had even fewer possibilities to leave their homes to escape violence and ask for help. Due to this increased exposure to the perpetrators, it was also more difficult and dangerous to contact helplines and report domestic violence.

36. In this situation, member States that have ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention, CETS No. 210) should strengthen their efforts to implement its provisions to prevent, protect against and prosecute domestic violence and gender-based violence and to develop a comprehensive policy in this field. The member States that have not ratified this convention are encouraged to do so and to focus on meeting the wide-ranging obligations that the European Court of Human Rights has developed in this field (see the factsheets of the Court on domestic violence and violence against women) and implement Recommendation Rec(2002)5 of the Committee of Ministers on the Protection of Women against Violence.

37. During the Covid-19 pandemic, some member States ran specific campaigns to alert the public and prevent domestic violence, put in place alternative support and reporting mechanisms (for example in pharmacies or supermarkets), elaborated emergency plans to help victims, ensured that help structures such as helplines and shelters, that are accessible also for people belonging

to vulnerable groups, continued to function and increased their human and financial resources in order to help the increasing number of victims.

IV. Prevention of discrimination and other human rights violations, assessment and oversight

38. A crisis and the measures taken to cope with it can disproportionately affect persons belonging to vulnerable groups and exacerbate pre-existing structural inequalities and disadvantages. During the Covid-19 crisis, the switch to online schooling for example deprived many children belonging to vulnerable groups of access to education (see §§ 20 ff above). The lack of access to running water, from which many segregated Roma neighbourhoods suffer, became an even more burning problem during the pandemic, as their inhabitants could not respect hygiene measures like regularly washing hands, which were important for preventing infection. The additional care responsibilities, which arose for example from the need to care for children at home and to deal with home schooling, negatively impacted the employment and economic situation of many persons belonging to vulnerable groups and in particular women. The extension of the rules on unemployment benefits tended to focus on persons working on traditional and stable employment contracts, whereas people working on short-term and part-time contracts, self-employed workers and workers in the informal economy were sometimes left out.

39. In some countries, neighbourhoods densely inhabited by persons belonging to vulnerable groups have been exposed to collective quarantine orders. In other neighbourhoods with a high proportion of vulnerable inhabitants, a disproportionately high number of fines was issued to enforce confinement and social distancing rules. There were also reports about illegal and excessive use of force against members of vulnerable groups in connection with the enforcement of quarantine rules.

40. According to the case law of the European Court of Human Rights, any difference in treatment, in order not to be discriminatory, must have an objective and reasonable justification, that is, pursue a legitimate aim and employ means which are reasonably proportionate to the aim pursued. To ensure respect of these principles, the authorities of member States should assess the effects of the measures taken to cope with the crisis, which may also unintentionally result in a difference in treatment and affect persons belonging to vulnerable groups in a disproportionate way. Where this is the case, the authorities should take measures to put an end to such discrimination. To this end, but also in case of justified differential treatment, they should also consider taking temporary special measures to compensate for (structural) disadvantages.

41. During the Covid-19 pandemic, some collective quarantine measures were successfully challenged and abolished for having been disproportionate. In various member States, specific temporary measures were taken in various areas and in particular to ensure that children from vulnerable groups were able to continue their schooling (see §§ 22 ff above).

42. Also in times of crisis it is crucial to gather data which make it possible to assess the situation of different vulnerable groups and to measure the impact of measures on such groups (equality data). This data should be disaggregated to be able to assess also the situation of different communities within such groups and of women, children and persons that are exposed to multiple and intersectional discrimination. Data should be collected while respecting the principles of confidentiality, informed consent and the voluntary self-identification of persons as belonging to a particular group. At the beginning of a crisis it could be that only very basic data is available. As the crisis progresses, the authorities should work towards improving the data situation and gather data in a more systematic manner from existing sources, but also through targeted surveys and research.

43. Among the measures taken during the Covid-19 pandemic was the compilation by statistical services of data about the infection rates among different vulnerable groups. Subsequently, additional research was carried out and data was pulled together from various sources to identify the factors that contributed to the disproportionately high infection rates among some groups. It led to the identification of factors such as frequent use of public transport, working in front-offices and with frequent contact with clients and living in overcrowded housing. The results of this research could serve as a basis for future policies and measures. In some member States, NGOs took the initiative to carry out surveys on the impact of the crisis on different vulnerable groups.

44. Any communication concerning such data should be done in a sensitive way that avoids stigmatisation and discrimination of vulnerable groups.

45. When a crisis breaks out, measures often need to be taken very quickly, and it is often the executive alone which acts without the usual control by the legislator and the judiciary. During the Covid-19 pandemic, various member States made derogations under Article 15 of the European Convention on Human Rights and from their national legislative procedures. Restrictions to human rights and liberties were often put in place through government regulations or decrees.

46. In such situations, it is important that human rights assessments of the measures taken are made by institutions that are independent of the executive.

During the Covid-19 crisis, parliaments quickly started overseeing these measures and they, along with independent human rights institutions, started assessing their compatibility with human rights standards, including the principle of proportionality and the requirements of Article 15 ECHR; according to this provision a member State may take measures derogating from its obligations under the Convention only to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.

47. In many member States, the executive also embarked on such human rights assessments and involved human rights specialists from various backgrounds.

48. To be effective, all those assessments should be based on disaggregated equality data and research (see §§ 43 ff) and serve as a basis for adapting the existing measures with a view to further improving the situation of vulnerable groups and enhancing the possible positive effects of the measures taken on those groups. In this context, the authorities should also consider taking temporary special measures to compensate for structural disadvantage. A specific focus should be put on improving the situation of persons who suffer from intersectional disadvantage or discrimination.

49. Even after the end of the acute crisis, persons belonging to vulnerable groups can still be heavily affected by its negative effects. For example, pupils who could not attend online-school during the crisis would need specific assistance to catch up and victims of violence might need long-term assistance to recover. Therefore, it may be necessary to take measures to offset the negative impact of the crisis even once the initial crisis is over.

50. Some member States realised during the Covid-19 crisis that a number of emergency measures had a positive impact on the promotion of equality of vulnerable groups and started a reflection process on maintaining those measures in a permanent way. This concerns in particular measures that were taken to provide persons belonging to vulnerable groups with temporary access to social services and benefits and measures that facilitated their access to such services and benefits.

51. In times of crisis, Equality Bodies, legal aid structures and other institutions tasked with supporting victims of discrimination, violence and other rights violations should continue providing personal support and legal advice and assistance in order to secure their rights. The judiciary should continue to oversee the legality of the action of the executive including emergency measures that could have discriminatory effects or otherwise violate the rights of persons belonging to vulnerable groups. During the Covid-19 pandemic, the courts of several member States have issued interim relief injunctions to lift or limit such restrictions.

V. Digitalization, artificial intelligence and contact tracing

52. During the Covid-19 crisis, many front offices delivering public services closed and people were asked to apply for public services, assistance and benefits through computer systems. However, a significant number of persons belonging to vulnerable groups do not have access to a computer or the internet, or are not able to use those computer systems, sometimes due to illiteracy.

53. To remedy the structural discrimination that can result from this digital exclusion, the authorities should continue to provide those persons with personal assistance or assistance through telephone or video hotlines. To be effective, this assistance should comprise help for filling in online forms and applications.

54. When developing contact tracing and other tools for fighting a crisis, the authorities and their contractors should, already during the designing phase, assess whether those tools bear a risk of discrimination of persons belonging to different vulnerable groups and whether those tools could lead to a violation of their right to private life. If such tools are introduced, the authorities should make sure that people belonging to vulnerable groups have the necessary technical equipment and knowledge to access and use these tools.



C. Responses to the Covid-19 and similar crisis in the fields of non-discrimination, diversity and inclusion

Promising and good practice examples

This part of the publication contains a compilation of good and promising practice examples that member states of the Council of Europe have developed to uphold equality and protect disadvantaged groups against hate and discrimination during the Covid-19 crisis. Unless otherwise indicated in the footnotes, those promising and good practices have been extracted from the replies that the CDADI received to a questionnaire on the anti-discrimination, diversity and inclusion dimensions of the response to the Covid-19 pandemic in late spring 2020 and from subsequent contributions from CDADI members. The responses to those questionnaires have also been used for the study entitled: "Covid-19: An analysis of the anti-discrimination, diversity and inclusion dimensions in Council of Europe member states".

I. Preparedness, outreach and information

Active outreach and assessment of needs on the ground

ANDORRA: The Government Equality Service has maintained close co-operation with the DIVERSAND association representing LGTBI+ people. It established a referral and prevention protocol with that association to prevent and combat discrimination.

BELGIUM: A Task Force "Vulnerable Groups" composed of representatives of the Federal State, the Regions and the Communities was set up to monitor the impact of the crisis on the most vulnerable and to propose appropriate actions. In the Flemish Community, a Task Force on Vulnerable Families was set up at Community level with similar objectives. The Agency for Integration

and Civic Inclusion made an analysis of the impact of the crisis on the legal situation of foreign nationals.

The Department of Culture, Youth and Media launched a call for projects with a budget of 2,125,000 euros to help socially vulnerable children and young people during the Covid-19 period. A budget of 15 million euros to support the PCSWs (public centres for social work) was allocated to enable them to provide appropriate assistance to users who have lost part of their income under Covid-19 and could no longer cope with daily or medical care-related expenses.

BULGARIA: An NGO which is part of the online group initiated by the National Contact Point for Roma started an informational campaign in all Facebook groups.

DENMARK: The Danish Department of Gender Equality maintained dialogue with representatives of Danish LGBTI organisations on the effects of Covid-19 on LGBTI communities.

CYPRUS: The mayor of Limassol maintained close contacts with the intercultural council and the representatives of the migrant communities through an online meeting convened to assess special needs and challenges.¹

ESTONIA: The Ministry of Social Affairs has been in regular contact with the Estonian organisations working on human rights and LGBTI issues to evaluate the needs of the community.

IRELAND: The NGO *Belong to* and *Pobal* published “LGBTI+ Life in Lockdown”, which looked at the impact of the pandemic as well as the impact that public health measures had on the wellbeing of LGBTI+ young people.²

The National Public Health Emergency Team (NPHET) established a vulnerable persons’ subgroup to monitor and advise on the impact of the pandemic on vulnerable groups.³

FINLAND: The Ministry of Justice conducted an unofficial survey among its stakeholders on the impacts of Covid-19 on equality and non-discrimination (March 2020). The survey was sent by email to the National Advisory Board

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1. Intercultural Cities 2020, Covid-19: Challenges and Opportunities for Intercultural Local Authorities, Summary Report Online Meeting, 23 April 2020.
 2. <https://belongto.org/wp-content/uploads/2020/06/LGBTI-Life-in-Lockdown-Key-Findings.pdf>.
 3. See also the “Report on Social Implications of Covid-19 in Ireland: Preliminary Assessment” published by the Department of the Taoiseach on 15 May 2020 and reports on the impact of Covid-19 across society, including vulnerable groups: <https://assets.gov.ie/74373/5cc1bbfe59b447d3b841fa43cefc79d.pdf>; a follow-up report was published in mid-June.

on Romani Affairs (RONK), the Advisory Board for Ethnic Relations (ETNO) and the Advisory Board for the Rights of Persons with Disabilities (VANE), as well as several civil society organisations (CSOs) working on minority rights.

In the autumn 2020, the Finnish Institute for Welfare and Health launched a project to study the experience of persons with disabilities and immigrants during the pandemic with a view to better involve these groups in future planning. An additional survey is to examine the effects of the Covid-19 pandemic on the Roma population in Finland.

GREECE, BULGARIA, LATVIA, NORTH MACEDONIA, ROMANIA: The role of Roma mediators has been highlighted for maintaining continuous and effective communication with local Roma communities and in SERBIA and HUNGARY the role of minority self-governments was highlighted.

GERMANY: A newly founded network “Competency network Public Health Covid-19” aims to address, among others, questions of impact and protection of vulnerable groups including migrants, refugees, LGBTIQ, homeless people and socially deprived groups during the pandemic. Future Germany-wide surveys by the Robert Koch-Institute are sought to include instruments to assess the impact of the Covid-19 pandemic and health care access, health status and health information.

LATVIA: The Ministry of Culture launched a survey to identify the impact of the lockdown related to the Covid-19 pandemic situation on activity of national minority NGOs as well as to collect the views and proposals from NGOs of national minorities on promoting effective participation of the national minorities in the development of civil society (May 2020).

NORTH MACEDONIA: Regular communication was maintained between the Government and civil society through the Council for Cooperation between the Government and the Civil Sector as well as by each line Ministry. Communication included the LGBTIQ NGO sector and Human Rights and Roma NGOs which are included in the National Government Body for non-discrimination issues.

MALTA: Consultation by the Human Rights department with the LGBTIQ Consultative Council focused specifically on the impact that Covid-19 was having both on the work of the organisations as well as on the LGBTIQ community in Malta.

PORTUGAL: The High Commission for Migration (ACM) was in contact with different local stakeholders and conducted a survey on the existing responses on the ground involving the CLAIM network (municipalities and civil society entities), Municipal Plans for the Integration of Migrants, Immigrant GIP (Office of Professional Inclusion) Network, responses at the level of asylum seekers

and refugees, Roma Communities (Municipal Plans for the Integration of Roma Communities, Roma Associations, ROMED Programme, Intercultural Municipal Mediators Project), Immigrant Associations, and Portuguese For All Schools and Vocational Training. ACM also designated Focal Points in the North and Center, Lisbon and Alentejo and Algarve to give immediate and coordinated responses to emergency situations. At governmental level, five State Secretaries were assigned to five different regions to centralize responses addressed to the most vulnerable communities.

ROMANIA: The National Agency for the Roma (NAR), in collaboration with the local authorities, have carried out a survey among Roma communities and identified the communities most at risk. An early warning/reporting mechanism was instituted by NAR with regular communication with county representatives to get updates on the status in Roma communities and to fill any possible gap in communication with the central authorities in reporting the evolution.

SPAIN: The Directorate General for Family Diversity and Social Services conducted a survey among the 17 Autonomous Regions, 2 Autonomous Cities (Ceuta y Melilla) and Local Entities regarding the impact of the social measures on Roma people at local level during the state of emergency.

UNITED KINGDOM: The government developed a communication and engagement strategy to reach out to ethnic minorities. It also engaged with faith leaders and other stakeholders from the Sikh, Jewish, Christian, Muslim and Hindu communities. This included extensive media campaigns, using television and social media outlets to provide the latest information from the Government. Regular webinars with LGBT community sector leaders were held by National Adviser on LGBT health to understand the impact of Covid-19 on the community.

Information for disadvantaged groups in the languages they speak and on the communication channels they use

BELGIUM: In the Flemish Community, the local religious communities have cooperated in the preparation of an information leaflet on the organisation of celebrations during the confinement. Antwerp Local Police Mediation Teams sensitized the different communities on the Covid-19 measures and monitored their impact on the different communities. Charleroi police had close contact and consultations with minority groups including local religious leaders and "camp chiefs" in Roma settlements.

CYPRUS: The Mayor of Limassol convoked a [teleconference meeting](#) with the members of the Limassol Intercultural Council and with representatives of the

Russian community. This teleconference led inter alia to the setting-up of a multicultural team to resolve translation-related matters and the distribution of information material in various languages spoken in Limassol. As a result, the campaign on Covid-19 measures was communicated in over 40 different languages through social media of the Limassol Intercultural Council.

DENMARK: An information campaign about Covid-19 specifically aimed at ethnic minorities living in Denmark was launched and included the distribution of posters, booklets and online videos. 'Mino Danmark' keeps up to date minorities with the latest news from the government's Covid-19 messages in 25 languages. A social media campaign aimed at young people was created. Efforts were made to ensure that those messages were made accessible to illiterate persons. The Danish Health Authority developed information material on Covid-19 for people with an ethnic minority background, the majority of whom are migrants, to counter higher infection rates among this population. The graphic material is available in 19 languages, with videos available in languages such as Arabic, Somali, Urdu and Farsi. The Danish Health Authority established an expert group to advise it on how to communicate the new information to ethnic minority groups and help disseminate relevant material in their networks.⁴

ESTONIA: All important information was translated into the other most commonly used languages in Estonia: Russian and English. The government has created a special webpage in three most common languages.⁵ Estonian residents are regularly informed by e-mail and text messages by the Government. During the emergency situation police was informing people on the streets and other public places about the rules and restrictions and made home-visits as well as phone calls to people who were quarantined.

FINLAND: The Finnish Institute for Health and Welfare published on their website information concerning Covid-19 in 16 different languages and as audio recordings and videos in the Finnish and Finland-Swedish sign languages. The Non-Discrimination Ombudsman gathered links to different sites that provide Covid-19 information in different languages.⁶ The Sámi Parliament distributed information material prepared by the Prime Minister's Office and the National Institute for Health and Welfare in the Sámi community. Through a webinar, the Ministry of Social Affairs and Health conveyed to the municipalities the message that it is essential to have multilingual information on the

4. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf:32.

5. See: <https://www.kriis.ee>

6. <https://www.syrjinta.fi/-/tietoa-koronaviruksesta-eri-kielilla>.

coronavirus. Furthermore, persons who were unable to search information online, had access to a telephone service and a chat (primarily available in Finnish and, where possible, also in Swedish and English) providing advice on Covid-19. Contact with the older Roma people has taken place through regular telephone communication. A letter about coronavirus was sent to every home in Finland; the letter to citizens is also available in Braille.

GEORGIA: The most critical information on Covid-19 is shared with population through cellular SMS system. SMS messages are also sent in Armenian and Azerbaijani languages in addition to Georgian. The information hot-line 144 operated also in Armenian and Azerbaijani languages.

ICELAND made information on Covid-19 available in eight languages; the authorities built new partnerships to reach out to the minorities and thus made diversity visible.⁷

IRELAND: All communication from the Health Service Executive Covid-19 team was spread to civil society. Communication to date have included material on Covid-19 available in over 20 languages. Additional funding has been provided to create Travellers-specific information around Covid-19 and social distancing measures.

NETHERLANDS: Specific problems indicated that the anti-Covid-19 measures were not well known among people with Moroccan, Turkish and Somali origins, and that inaccurate information was circulating. In reaction to these signals, the Ministry of Social Affairs and Employment helped organisations with a reasonable support base to disseminate and interpret the anti-Covid-19 measures among their supporter base (television and online broadcasts, the possibility to contact a helpline with volunteers from one's own community, and other creative (local) initiatives).

NORWAY: The Directorate of Health and the National Public Health Institute took step to provide adapted information to different communities and vulnerable groups. Information on Covid-19 was given in North Sami, South Sami and Lule Sami, in over 40 languages (main global languages), and in the languages of most minority groups. Furthermore, as migrants of Somali origin in Norway often do not speak Norwegian, the government allocated funds to open a "Covid Hot Line" in the Somali language.⁸ Cooperation with NGO's of ethnic groups, community-workers and health-advisors who represent

7. Intercultural Cities (2020), Covid-19: Challenges and Opportunities for Intercultural Local Authorities, Summary Report online meeting 23 April 2020.

8. Information collected during a CoE-seminar on online hate speech.

different ethnic or migrant group is reported to be an efficient way to reach out to minority and vulnerable groups.

REPUBLIC OF MOLDOVA: There is a Russian language version of the official website dedicated to Covid-19 updates. Informational leaflets on the virus and related measures have been made available in the Ukrainian, Romani and Gagauz languages.⁹

PORTUGAL: During the state of emergency, face-to-face attendance was always maintained at the services of the National Support Centres for the Integration of Migrants (CNAIM) and was complemented with the reinforcement of online service and creation of specific email addresses and telephone support.

The High Commission for Migration (ACM) issued information on different measures taken according to the situation of each region in nine languages besides Portuguese, including Arabic, Bengali, English, French, Hindi, Mandarin, Nepalese, Romanian and Russian.¹⁰ Videos from the Directorate-General for Health with recommendations for preventing Covid-19 contagion were made in the following languages: Arabic, Bengali, Crioulo, Nepalese and Romanian. It also disseminated information to Roma NGOs including through an awareness raising campaign.

ROMANIA: The Romanian Broadcasting Company and the National Television adjusted their programmes dedicated to national minorities, by translating and broadcasting in different minority languages all information related to the pandemic and the measures taken by the authorities. The police played an important role in disseminating information: in partnership with civil society, audio messages regarding prevention measures were recorded and disseminated by the police patrolling units in settlements where the majority of the population speaks Romani and Hungarian.

SLOVAKIA: The Plenipotentiary for National Minorities published an official statement about the translation of all relevant documents and measures adopted by the government to the languages of national minorities (Hungarian, Romani, Ukrainian, Ruthenian and German) and asked the government and other authorities to respect the law on minority languages, which requires to publish all relevant information in minority languages.¹¹

9. <https://gismoldova.maps.arcgis.com/apps/opdashboard/index.html#/b8a5ead53f214b649ac4ec45e4b4c65f>.

10. <https://ec.europa.eu/migrant-integration/index.cfm?action=furl.go&go=/news/portugal-more-multilingual-information-on-covid-19-for-migrants>.

11. https://fra.europa.eu/sites/default/files/fra_uploads/slovakia-report-Covid-19-april-2020_en.pdf:10.

SWEDEN: The Public Health Agency has published general advice and recommendations on how to avoid spreading the disease. These are available in various languages, including Romani in some regions.¹² Religious leaders and mediators from the minority groups have been involved in spreading the information about the virus and how to protect oneself from being infected.

UNITED KINGDOM: The Government has issued Covid-19 guidance in a range of different languages, including Bengali, Polish and Urdu, to help those with limited English language skills to access vital information that they need to stay safe. Furthermore, the government introduced a new Community Champions scheme on the 22nd October 2020, to enhance existing communication strategies in a target group of councils and fund work with grassroots advocates from affected communities.

II. Access to services

Health

In some countries like **BELGIUM, FRANCE, GERMANY (BERLIN), IRELAND, MALTA, THE NETHERLANDS, NORWAY, SWITZERLAND AND THE UK**, undocumented people were able to access Covid-19-related health care.¹³

BULGARIA: The National Network of Health Mediators drew up guidelines for the work of health mediators to curb the spread of the Covid-19 for approval by the Ministry of Health.

ESTONIA: All persons living/staying in Estonia, regardless of the existence of medical insurance, receive equal medical treatment in case of diagnosed Covid-19. As 24,3% of Roma living in Estonia are uninsured (compared to the 14,7 % of the general society), this is considered an important measure.

FRANCE: Recommendation was made to use traducmed (<http://www.traducmed.fr>), a support tool for medical care. This site contains the Covid-19 explanatory sheet in 42 languages, the barrier measure sheet in 16 languages, containment instructions in 11 languages, and sentences in 38 languages to speak to the patient.

12. <https://www.skane.se/en/Health-care/seeking-healthcare/Covid-19---other-languages/>.

13. <https://picum.org/whats-happening-to-undocumented-people-during-the-Covid-19-pandemic/>.

GREECE: The government allocated on 27 March 2020 2,255,000 EUR to 98 municipalities for the provision of medical supplies and equipment in Roma communities.¹⁴

LITHUANIA announced that foreigners without health insurance would be treated for health issues related to the coronavirus at the state's expense.¹⁵

NORTH MACEDONIA: On August 5th 2020, the National LGBTI Helpline was launched by the Sexual and Gender Minorities Association "Subversive Front" in partnership with the Ministry of Labour and Social Policy and with the EU and CoE financial support.

POLAND: Lublin municipal authorities took measures to ensure that migrants could obtain a social security number.¹⁶

PORTUGAL: The High Commission for Migration (ACM) had several persons of its staff working directly with persons that were in isolation, providing awareness about rules to have in mind, diagnosing and providing for basic needs, establishing contacts with several institutions and providing translators. ACM also was involved in Covid-19 testing actions with asylum seekers, in this situation mainly providing interpreters.

The Health General Directorate issued specific guidelines addressed to the Regional Health Administrations to guarantee the access of Trans people to clinical follow-up and drugs in the framework of specific hormonal therapy. Furthermore, through a partnership between the Secretary of State for Citizenship and Equality and the National Pharmacy Association (ANF), it was created a direct and privileged communication channel between ANF and LGBTI associations and groups to identify and respond to needs related to access to pharmacies and the administration of injectables associated with specific hormonal therapy.

SPAIN: The Ministry of Social Rights published a technical document with recommendations to social services on actions during the Covid-19 crisis in segregated settlements and highly vulnerable neighbourhoods.¹⁷

14. <https://fra.europa.eu/en/news/2020/protect-human-rights-and-public-health-fighting-Covid-19:32>.

15. https://www.baltictimes.com/foreigners__emigrants_to_be_treated_for_coronavirus_at_state_s_expense_in_lithuania/.

16. <https://www.themayor.eu/en/how-to-support-foreigners-in-a-pandemic-lessons-from-lublin>.

17. <http://www.fnmc.es/2020/03/31/documento-tecnico-de-recomendaciones-de-actuacion-de-los-servicios-sociales-ante-la-crisis-por-Covid-19-en-asentamientos-segregados-y-barrios-altamente-vulnerables/>.

UK: Trans people may have gender affirming surgery and treatment cancelled or delayed as Trusts that host a Gender Identity Clinic are complying with national advice to prevent face-to-face contact unless urgent. This could have negative consequences for mental health. National Health Service England (NHS) has advised GPs on measures to ensure continued access to treatment and prescriptions wherever possible, such as via electronic repeat dispensing. The National Adviser on LGBT Health also worked across the health care system to ensure that LGBT specific Covid-19 guidance is produced on matters such as accessing Gender Identity Clinics or getting mental health support.

TURKEY: provided all people in Turkey, regardless of whether they had social security or not, with free-of-charge coronavirus-related treatment and medicine.¹⁸

Housing (enabling social distancing and respect of hygiene and social distancing rules)

FINLAND: Provisions were made for reception centres of asylum seekers to accommodate potential quarantine and isolation situations as well as making nurses available in each reception centre.

FRANCE, GREECE, IRELAND¹⁹, SWITZERLAND and UK²⁰: Instructions were given to ensure that additional sites are made available for Roma and/or improve sanitary conditions.

FRANCE, GERMANY²¹, HUNGARY²², ITALY, ROMANIA, SPAIN²³: Evictions were suspended.²⁴

GREECE: The Greek authorities continued to automatically renew asylum applicants' residence permits to avoid overcrowding at the Asylum Offices²⁵.

18. <https://www.trtworld.com/turkey/coronavirus-treatment-in-turkey-is-free-35417>; <https://www.resmigazete.gov.tr/eskiler/2020/04/20200414-16.pdf>.

19. <https://www.paveepoint.ie/concerns-for-vulnerable-travellers-being-taken-on-board-by-government-in-plan-to-fight-Covid-19/>.

20. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/882564/Covid-19_-_mitigating_impacts_on_gypsy___traveller_communities.pdf.

21. <https://www.thelocal.de/20200322/german-government-promises-relief-for-renters-amid-coronavirus-crisis>.

22. <https://hungarytoday.hu/coronavirus-govt-suspends-enforcements-evictions/>.

23. <https://www.deccanherald.com/international/world-news-politics/coronavirus-spain-bans-evictions-to-ease-virus-hardship-819858.html>.

24. See the Study "Covid-19: An analysis of the anti-discrimination, diversity and inclusion dimensions in Council of Europe member states".

25. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf: 31.

IRELAND: Special measures were put in place to assist the Roma community in accessing services, including specific accommodation to facilitate social distancing and Roma-specific medical care. Additional funding was also provided to facilitate social distancing in Traveller accommodation and for international protection applicants in the Direct Provision system.

Education (online/distance learning)

AUSTRIA: Special schooling support programs for Roma take place in an online setting (the Roma-Schulmediation in Vienna or the Lernbetreuung in the Burgenland). Lack of personal contact is reported to be a particular challenge.

BULGARIA: Educational mediators have assisted children from poor neighbourhoods including Roma neighbourhoods and offered help with on-line education. Mobile operators provided free internet in Roma neighbourhoods to support distance learning.

CROATIA: A survey was launched on the involvement of Roma students in distance learning activities with the aim of detecting gaps.

FRANCE distributed computer equipment that would be available in schools and educational establishments (tablets and laptops), in agreement with the municipalities, departments and regions in order to ensure continuity of education.²⁶

FINLAND: in June 2020, the Finnish Government introduced a wide-ranging package of measures, which are worth approximately 320 million euros, for promoting the wellbeing of children and young people. It has been called it as “a Wellbeing Package” and it covers the administrative branches of three ministries: the Ministry of Education and Culture, the Ministry of Social Affairs and Health, and the Ministry of Economic Affairs and Employment. In vocational education and training, 30 million euros were allocated to support students who have interrupted their studies or are in danger of doing so, and for study guidance for students who are about to complete their studies. Young people at risk of social exclusion were offered education, training and services that support their path towards a qualification or a job.

GREECE: students in refugee camps received weekly homework packages if unable to connect to online platforms by phone or Internet.²⁷

Bodies of non-territorial or cultural autonomy such as the National Roma Self-Government in **HUNGARY** and national minority councils in **SERBIA**

26. <https://www.education.gouv.fr/continue-pedagogique-l-education-nationale-et-la-poste-mobilisees-pour-maintenir-le-lien-avec-les-303321>.

27. <https://oecdeditoday.com/immigrant-refugee-students-coronavirus/>.

have provided support with regard to the delivery of education in minority languages.

NORTH MACEDONIA: negotiations were held with telecommunication companies to subsidise connectivity²⁸ and donation of cards for mobile internet through the centres for social work. Within the project for inclusion of children for preschool education, a proposal was prepared to involve educators, Roma caregivers and mediators in the process of instructing and monitoring online education. This proposal considered the possibility of providing tablets to 103 children who did not have access to preschool education.

ROMANIA: The public broadcaster (TVR) created special TV programs for the transmission of “tele-school” programs, including classes for students belonging to national minorities, conducted in their own mother tongue, for all school subjects.

SERBIA: In cooperation with the Public Media Service of Radio Television of Vojvodina, as well as local and minority media, teaching content was broadcasted in eight minority languages. Research was carried out on the participation of vulnerable groups in education through distance learning.²⁹ The data obtained was used for planning further measures for developing resources, increasing coverage and improving the quality of distance learning. A similar research was done regarding access to distance learning for children in reception and asylum centres during the pandemic.

SLOVENIA: with the help of private donors, thousands of **electronic devices** were collected to support those **vulnerable children** who had no access to a computer.³⁰

Employment and mitigation of the economic impact of the crisis

BELGIUM: The Walloon Network for the Fight against Poverty (RWLP) launched a Social Emergency Task Force and created a “Social emergency” toll-free number (line 1718).

FINLAND amended its legislation to let foreigners already in the country take on work deemed “essential” if they were laid off. The amendment remained in force until 31 October 2020 and applied to work in the agriculture, energy,

28. <https://reliefweb.int/sites/reliefweb.int/files/resources/IRB%202020-10.pdf>:5.

29. <http://www.mpn.gov.rs/wp-content/uploads/2020/06/4.b-Prvi-izve%C5%A1taj-osetljive-grupe-u%C4%8Denje-na-daljinu.pdf>.

30. <https://oecdeditoday.com/including-marginalised-roma-students-during-coronavirus/>.

technology, chemical, food, maritime, logistics, social and health, communication, construction and infrastructure sectors.³¹

To keep all the entrepreneurs in Finland aware of the situation and restrictions caused by Covid-19, the Ministry of Economic Affairs and Employment published [information on the effects of the coronavirus on business activities, employment and security of supply](#) in Finnish, Swedish, English, Arabic, Kurdish, Persian, Turkish, Russian, Estonian, Chinese and Somali. The Ministry has produced a multilingual information leaflet to asylum seekers on seasonal work possibilities.

GERMANY: New rules were prepared to better protect workers in a sector that employs many migrants (May 2020). The regulation takes aim at the common practice of subcontractors. It would also oblige employers to provide authorities with information on accommodation provided.³²

NORWAY: The new Integration Act tabled to the Parliament put education, qualification and work at the centre of the integration process. Skills enhancing measures were taken to support refugees and migrants. A package of measures of a total NOK 456 million was proposed to facilitate refugees' and immigrants' inclusion into the labour market.

NORTH MACEDONIA: Informal workers and others were included in the system to receive minimal guaranteed assistance based on the total amount of the incomes from all household members; they were calculated on the basis of the last month, instead of the current three months.³³

POLAND introduced a solidarity allowance for people who lost their jobs due to the Covid-19 pandemic covering migrants, including those with a temporary residence permit or a visa issued in connection with work, recognized refugees, as well as beneficiaries of subsidiary protection, holders of a permit granted for humanitarian reasons or a permit for tolerated stay, together with their family members.³⁴

ROMANIA granted without interruption, during the entire state of emergency and until the end of the school year, benefits of social assistance, which are normally conditioned by the attendance of educational courses by children

31. <https://fra.europa.eu/en/publication/2020/Covid19-rights-impact-may-1:30>; Finland, Act No. 208/2020, Section 213 b, 9 April 2020: <https://www.finlex.fi/fi/laki/alkup/2020/20200208>.

32. <https://www.business-humanrights.org/en/latest-news/germany-cabinet-proposes-new-regulations-to-better-protect-meatpacking-workers-following-Covid-19-outbreaks-at-slaughterhouses/>.

33. <https://bit.ly/2V2JnaG>.

34. <https://ec.europa.eu/migrant-integration/index.cfm?action=furl.go&go=/news/poland-solidarity-allowance-due-to-Covid-19-for-the-unemployed-applies-to-foreigners>.

or young people or by the regular attendance of the kindergarten, in the case of pre-school children.

SPAIN launched a minimum income scheme for its most vulnerable families. From 26 June 2020, some 255 000 people started to benefit from the Minimum Living Income Scheme, through which Spain's most vulnerable families, including migrant and Roma families, begun to receive a minimum monthly payment of up to 700 Euros.³⁵

SWEDEN: The Swedish government proposed extending the period for young migrants to find a job to support themselves, which is required for renewing their residence permit and obtaining a permanent one. The proposal concerned those who acquired a residence permit for studying in upper secondary education. It would extend from 6 to 12 months the time young migrants have after finishing school to find a job.³⁶

SWITZERLAND: Yenish, Sinti and Roma who engage in itinerant professional activities have been granted the right to loss of earnings allowance for self-employed persons under one of the Federal Council's Covid-19 ordinances. An advisory service was set up in co-operation with some NGOs to support Travellers in their applications for social assistance. Such assistance could take the form of vouchers and, in the case of precarious economic situations, rent or insurance bills could be included.

Granting of (residence) status and access to (other) services (including access to social aid and food)

BELGIUM: In the German-speaking Community, language courses for migrants were organised at a distance; the budget for food aid has been doubled; laptops have been distributed to students who did not have the means to buy one; and the social aid fund for the PCSWs (Public Centres for Social Welfare) has been increased.

CZECH REPUBLIC: The Government adjusted the rules for allowing foreigners to enter the Czech Republic in exceptional cases for family reunification to include also partners in same-sex couples and their family members.

ESTONIA: Food assistance for persons in need was organised by local governments. Many local governments started cooperation with local grocery stores and pharmacies to deliver food, other necessities, medicines and in some cases,

35. <https://www.euronews.com/2020/06/26/spain-launches-minimum-income-scheme-for-its-most-vulnerable-families>.

36. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf:32.

technical advices, to persons who needed assistance and within Covid-19 risk groups. In many cases, the local government paid for the food and medicines delivery. Several good examples of food delivery solutions for persons in need emerged, with the perspective to find a suitable model to the whole country.

FRANCE: The Defender of Rights called for resuming the registration of asylum claims.³⁷

FINLAND: Third-country nationals residing in Finland with a residence permit or a permit under the Aliens Act (301/2004) have been granted the permission to change employer and profession without applying for a further permit.

ITALY: The Government provided for the possibility for about 200 000 undocumented migrant workers to receive residence and work permits.³⁸

GERMANY: The Bavarian Refugee Council called for the rehousing of refugees from mass accommodation to apartments or hotels, to extend all residence permits and to release migrants from immigration detention.³⁹

NORTH MACEDONIA: The Government adopted a decree removing the condition of regular school attendance for payment of the allowance for the third and fourth measuring period for the school year 2019/2020 (17 000 children concerned). The ban on social benefits applying to 3 000 Roma was removed and they gained access to social aid with the help of the NGO ROMALITICO.

PORTUGAL: The Government decided to treat foreigners with pending applications as permanent residents until at least July 1 to ensure access to public services during the Covid-19 outbreak. Applicants including asylum seekers only need to provide evidence of an ongoing request to qualify for accessing to the national health service, welfare benefits, bank accounts, and work and rental contracts.⁴⁰ Residence permits were extended until 31st March 2021; a simplified procedure of applications for granting and renewal of residence

37. <https://www.defenseurdesdroits.fr/fr/Covid-19-et-urgence-sanitaire-le-role-du-defenseur-des-droits>.

38. [https://www.francetvinfo.fr/sante/maladie/coronavirus/il-y-aura-enfin-des-regles-en-italie-les-travailleurs-agricoles-clandestins-pourront-etre-regularises_3989763.html#xtor=EPR-2-\[newsletterquotidienne\]-20200601-\[lestitres-coldroite/titre6\]](https://www.francetvinfo.fr/sante/maladie/coronavirus/il-y-aura-enfin-des-regles-en-italie-les-travailleurs-agricoles-clandestins-pourront-etre-regularises_3989763.html#xtor=EPR-2-[newsletterquotidienne]-20200601-[lestitres-coldroite/titre6]);
<https://www.thenewhumanitarian.org/news/2020/05/14/Italy-undocumented-migrants-work-permits>;
<https://www.infomigrants.net/en/post/24720/italy-approves-temporary-changes-to-migrant-work-permits-after-weeks-of-political-disagreement>;
<https://blogs.eui.eu/migrationpolicycentre/italian-plan-regularisation-real-progress-migrants-rights/>.

39. https://fra.europa.eu/sites/default/files/fra_uploads/germany-report-Covid-19-april-2020_en.pdf:10.

40. <https://www.reuters.com/article/us-health-coronavirus-portugal-idUSKBN21F0N7>.

permits was implemented in May 2020; the exemption from user-fees in case of diagnosis and treatment of Covid-19 was made applicable to all foreign citizens, irrespectively of their legal status.

UNITED KINGDOM: On 17 February 2020, the Government introduced automatic visa extensions for Chinese nationals who were unable to leave the UK to return home. On 24 March, UK extended that provision by introducing visa extensions for all nationals and this was extended until the end of July. On 27 March 2020, UK announced those who have had an asylum decision concluded, have remained supported in accommodation during the pandemic until the end of June. On 21 May 2020, the Prime Minister announced that independent health workers and social care workers will now be exempt from the Immigration Health Surcharge. On 9 June 2020, the Government announced concessions for those applying to enter or remain in the UK on the basis of family and private life including taking into account the impact of furlough on the minimum income requirement.

International co-operation and assistance⁴¹

NORTH MACEDONIA: The UNDP Office, in co-operation with the Ministry of Labour and Social Policy, provided food aid, disinfectants and information material (leaflets) in Romani with visible graphically displayed protection measures against the Covid-19 virus. The aid was distributed to 37 families housed in two locations (Ranka Milanovic and Vizbegovo) as well as to 43 families with children on the street.

ROMANIA: Emergency aid was activated from an EU dedicated programme and was distributed to persons with no income (distribution of food and sanitary material).

SERBIA: The Government provided assistance through the Red Cross of Serbia delivering packages to Roma settlements across the Republic of Serbia. Since the outbreak of the pandemic, with the support of UNICEF and UNDP, it has distributed more than 2 700 hygiene packages along with information related to corona-virus protection. Additional distribution is ongoing for families living in poverty, children and young people living in residential care, foster families and refugee and migrant families.

41. See also under the thematic areas of access to services and domestic violence.

III. Hate speech and different forms of violence

Prevention of and combat against hate speech and racist and LGBTI-phobic violence

AUSTRIA: The Anti-Discrimination Office of Styria stated that on their app “Ban Hate”, which allows to report online hate speech, there had been an increase in posts blaming refugees in particular for the spread of the Covid-19 virus.⁴²

ESTONIA: As part of the activities for the project OpCode (Open Code for Hate-Free Communication), the Estonian Human Rights Centre has conducted research into hate speech in the context of the Covid-19 pandemic.

In **FRANCE**, attention was drawn to the situation of foreign doctors, who are often underpaid and employed in precarious conditions.⁴³

GREECE: The head of the ad hoc committee on the pandemic repeatedly emphasized that Roma are not a threat but a vulnerable group.

ITALY: a joint press conference between the Mayor of Torino and the Chinese community leaders was held as early as February 2020 to counter Covid-19 related stereotypes and discrimination against the Chinese community.

LITHUANIA: The Office of the Inspector of Journalist Ethics started an investigation concerning one media report focusing on a Roma community avoiding to wear facemasks in Kybartai.

PORTUGAL: Contacts were strengthened with Linha Internet Segura (service for reporting illegal content online) in order to facilitate a more effective action in the pursuit of combating hate speech and racial and ethnic discrimination; several awareness measures were taken in the context of the International Day for the Elimination of Racial Discrimination and the International Day against Homophobia, Transphobia and Biphobia to combat the spread of hate speech.

ROMANIA: The National Agency for Roma filed a complaint to the National Council for Combatting Discrimination against a public official (Prefecture’s office Timis) for prejudicial public speech, which had an effect on the Roma communities’ stigmatisation as possible agents of contamination with Covid-19.

42. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin_en.pdf:33.

43. <https://www.france24.com/en/20200422-the-underpaid-foreign-doctors-battling-france-s-Covid-19-crisis>;
<https://www.france24.com/fr/20200418-france-face-au-Covid-19-médecins-et-soignants-étrangers-demandent-leur-intégration>.

SPAIN: The government condemned “any sign of xenophobia”.⁴⁴ On social media, there were initiatives to counter racist and other hatred via hashtags, for instance through a campaign “I am not a virus”.

UNITED KINGDOM: Politicians and the press pointed out on many occasions that the British National Health Service (NHS) heavily relies on doctors and other staff with a migration background and that a number of foreign-born health workers have died on the frontline.⁴⁵ The Home Office and the Ministry of Housing, Communities and Local Government (MHCLG) were working closely with the National Police Chief’s Council to ensure that all police forces are providing reassurance to affected communities and encourage hate crime reporting during the pandemic. The Government also worked with civil society partners to understand whether there are issues of underreporting at this time.

Protection against domestic violence

BELGIUM: In the German-speaking Community, the campaign: “Corona ist kein Grund für Gewalt” (Corona does not justify violence) targets all forms of violence but particularly domestic violence.

ESTONIA: A large scale campaign to tackle domestic violence was launched in May to raise awareness on risks related with the obligation to stay at home, in self-isolation. The campaign focused on different forms of domestic violence.

FRANCE elaborated an emergency plan to help young LGBT victims of domestic violence during the lockdown.⁴⁶

ITALY: Several measures have been re-programmed in order to respond more effectively to the needs related to the effects of Covid-19 including fighting against domestic violence against LGBTI people through the establishment of the network “refuge centres”.

NORTH MACEDONIA: The Ministry of Labour and Social Policy, in cooperation with the OSCE Mission to Skopje, has prepared a campaign for prevention and protection against domestic violence during the Covid-19 emergency, through which victims of domestic violence and the general public are informed to recognize all forms of domestic violence, where to turn and apply for help and what are the existing services for the protection of victims of domestic violence.

44. https://fra.europa.eu/sites/default/files/fra_uploads/spain-report-Covid-19-april-2020_en.pdf:8.

45. https://www.theguardian.com/commentisfree/2020/apr/06/coronavirus-crisis-nhs-not-drained-migrants-sustained-died-frontline?CMP=share_btn_link.

46. https://www.liberation.fr/france/2020/04/24/schiappa-un-plan-d-urgence-pour-les-jeunes-lgbt-qui-vivent-actuellement-un-enfer_1786281.

PORTUGAL: Specific services for LGBT persons regarding domestic violence continued operating during the pandemic and were involved in the campaign #SegurançaEmsolamento, translated into Arabic, Mandarin, English, French, Bangla, Hindu, Nepalese, Russian and sign language. Regulatory Decree 3/2020 extended the duration of emergency sheltering for victims of increased vulnerability, including due to sexual orientation, gender identity and expression. The national support network for domestic violence victims has established new monitoring mechanisms which include data disaggregated by sex, gender identity and nationality. On 5 November 2020, the National Support Centre for Migrants' Integration in Lisbon opened the first specialized support service for migrants and their descendants who are domestic violence victims and/or of harmful traditional practices. The purpose is to guarantee specialised support, information, and referral to relevant services, namely within the National Support Network for Domestic Violence Victims.

UNITED KINGDOM: A further £76m was allocated to support survivors of domestic abuse, sexual violence and modern slavery and to respond to vulnerable children and young people needs. Funding covered safe accommodation services, access to support services for survivors, community-based domestic abuse services and modern slavery services, support for charities.

IV. Prevention of discrimination and human rights violations, assessment and oversight

Prevention of discrimination and human rights violations

BELGIUM: In the French Community there is a partnership agreement between the Maison Arc-en-Ciel (MAC) of the city of Charleroi and the Charleroi Police regarding assistance to LGBT people. A reference police officer undertakes to receive people sent by the MAC in order to provide legal assistance and useful information. The management of investigations relating to gender reassignment in civil status records ordered by the public prosecutor's office continued during the confinement.

GREECE: The Greek Ombudsman launched an investigation regarding police officers for having abused their powers with a discriminating intent towards a Pakistani migrant, a Syrian asylum seeker and a Roma person.

SPAIN: The Council for the Elimination of Racial and Ethnic Discrimination raised concerns about discriminatory bias in policing and the enforcement of restriction measures, particularly regarding Roma. A report by the Spanish implementation team of the decade of people of African Descent and Rights International Spain analysed cases of alleged racial profiling linked to police

enforcement of restrictions, including excessive use of force. It recommended the introduction of a clear ban on racial profiling and the adoption of stop-and-search forms for transparency purposes, and the publication of anonymised statistics on police stops⁴⁷.

UNITED KINGDOM: The government provided clear police guidance that enforcement should be the last resort (four-step escalation principles of engage, explain, encourage, and then enforce). The police have followed the British policing model of policing by consent in the communities they serve and have acknowledged that measures will only work with broad public support and understanding.

Gathering of equality data

BELGIUM: The risk of stigmatization of the Turkish community following the release of statistics on corona patients by ethnic group was mitigated by providing further socio-economic data to understand the said data. Explanations pointed to the fact that the number of Turkish-born patients with coronary artery disease was proportional to the number of Turkish-born citizens in the city of Genk. Emphasis was also placed on the fact that the first generation of migrants in Genk worked in the mines and therefore have weak lungs, which could explain the large number of Turkish patients in Genk.

Several data collection initiatives have been put in place, for example: the National Employment Office has published statistics on temporary unemployment during the crisis; the Crossroads Bank of Social Security has databases where the origin of the person and temporary unemployment can be combined; Sciensano also carried out crisis and health surveys, where questions related to domestic violence can be found.

FRANCE: The Inter-Ministerial Delegation for Accommodation and Access to Housing has drawn up statistics comparing the number of cases of Covid-19 in settlements/camps and the number in the general population.

IRELAND: The National Public Health Emergency Team (NPHE) has established a vulnerable person subgroup to monitor and advise on the impact of the pandemic on vulnerable groups. Under the auspices of this group, an information-gathering exercise is under way to measure access to services related to Covid-19 by gender, disability and the Traveller and Roma communities.

47. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-july_en.pdf:35; For the reports mentioned, see <https://asistenciavictimasdiscriminacion.org/wp-content/uploads/2020/06/Informe-Servicio-de-Asistencia-Covid-19..pdf> and <http://www.rightsinternationalspain.org/uploads/publicacion/d0b782ac0452e9052241b17a646df19ad4edf12c.pdf>.

NETHERLANDS: Research was carried out on the impact of Covid-19 including on specific groups or communities referred to as people with a non-western migration background.⁴⁸

NORWAY: Authorities relied on registrations of place of living and country of birth, which was then combined with data on the share of immigrants/minorities in municipalities/districts and on reported observations from hospitals and primary health clinics.

UNITED KINGDOM: The Public Health England (PHE) report compiles data that shows disparities in the risk and outcomes of Covid-19 evidences that members of Black, Asian, and minority ethnic (BAME) groups are more likely to be diagnosed with Covid-19 and that persons from certain communities (Bangladeshi, Chinese, Indian, Pakistani, other Asian, Caribbean and other black ethnicity) had higher risk of death than white British people. The findings helped to devise action in the short term, and they are expected to form the basis of future policies to be endorsed by the Equalities Minister.⁴⁹ Diversity monitoring data by gender identity or trans status is not yet universally collected but the UK is working towards addressing this including by adding questions to the 2021 National Census working with the Office for National Statistics on developing a harmonised standard for monitoring both sexual orientation and gender identity.

Human Rights assessment and oversight

Parliaments

UNITED KINGDOM: All-Party Parliamentary Group model has been set up with the **Joint Committee on Human Rights** reviewing the Government measures to tackle Covid-19. See in particular the Chair's statement: "As we approach the Coronavirus Act's six-month review, there are a number of concerns that the Government must urgently address. Confusion over what is law and what is merely guidance has left citizens open to disproportionate and unequal levels of punishment for breaking the rules, and unfortunately, it seems that once again, this is overtly affecting BAME individuals. The Government must learn from these mistakes to ensure that any additional lockdowns do not unfairly impact specific groups".⁵⁰

48. See research from the Dutch Central Bureau for Statistics (CBS): https://www.cbs.nl/?sc_itemid=7dfe75ea-e638-4752-992e-3573e77c2227&sc_lang=nl-nl.

49. <https://www.health.org.uk/publications/long-reads/how-to-interpret-research-on-ethnicity-and-Covid-19-risk-and-outcomes-five>.

50. <https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/119291/the-government-must-urgently-consider-the-human-rights-implications-of-Covid19-measures-says-joint-committee-on-human-rights/>.

Equality Bodies and National Human Rights Institutions (see under PART 1: Preparedness, outreach and information)

In addition to replies to the CDADI questionnaire, multiple examples of interventions of Equality Bodies on alleged discriminations on various grounds including race and ethnic origin are available in the EQUINET database at <https://equineteurope.org/covid-19-response/#data>. Examples are also mentioned in the European Network of National Human Rights Institutions website http://ennhri.org/covid-19/#here_is_how. Some of these examples are reflected below.

CYPRUS: On 9 April 2020, the Commissioner, within the framework of her jurisdiction as a National Human Rights Institution (NHRI) and a National Preventive Mechanism (NPM), conducted a visit to the Kokkinotrimithia Temporary Migrants Reception and Accommodation Centre, to observe how the measures to contain the spread of the coronavirus (Covid-19) were being implemented and how the fundamental rights of persons deprived of their liberty were ensured under these circumstances (EQUINET).

GREECE: On 27 March 2020, the Greek Ombudsman, acting both as human rights defender and as equality body, sent a formal letter to competent government ministers, recommending the adoption of specific protective measures for vulnerable and disadvantaged groups, such as elderly, suffering from severe chronic illnesses or homeless people, Roma communities, immigrants or asylum seekers, prisoners and detained people or people living in institutions (EQUINET).

FRANCE: The Defender of Rights called for **resuming the registration of asylum claims**.⁵¹

IRELAND: The Irish Human Rights and Equality Commission (IHREC) called on the Oireachtas (Ireland's national parliament) Committee on Covid-19 to keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights and equality. According to the IHREC; gaps in Ireland's legislation have left certain groups more exposed, setting out that such gaps are "not cost free" because they "deliver real and meaningful impact to people's lives". The IHREC considered that a dedicated Oireachtas Committee on Human Rights, Equality and Diversity is the most appropriate mechanism to examine the legal, social and economic rights implications of Covid-19.⁵²

51. <https://www.defenseurdesdroits.fr/fr/Covid-19-et-urgence-sanitaire-le-role-du-defenseur-des-droits>.

52. <https://www.ihrec.ie/emergency-legislation-around-Covid-must-be-the-exception-not-the-norm/>.

NETHERLANDS: The Institute for Human Rights reviewed the discriminatory impact of the Covid-19 app and provided advice. The Institute points out that sufficient account must be taken of people for whom access to apps is not self-evident. Due to a lack of digital literacy, financial resources, health or having a (functional) disability, these groups should not be excluded from the Covid-19 application. The apps must also comply with proper safeguards to protect the right to private life.⁵³

SLOVAKIA: The Centre for Human Rights called for an investigation following a complaint alleging police mistreatment and violence in a Roma settlement, which was placed into quarantine after several inhabitants tested positive for Covid-19. The complaint alleged that victims of such police treatment were also minors. The Centre also highlighted the inadequacy and lack of justification of certain measures adopted to primarily test Roma communities to prevent the spread of the pandemic (EQUINET). The Public Defender of Rights and the Commissioner for Roma Communities called on the government to impose quarantine on entire Roma settlements only as a last resort after an entire apartment building was quarantined after one family tested positive.⁵⁴

Judiciary (no specific reference to disadvantaged groups)

FRANCE: The State Council delivered a decision according to which the Prefect needs to limit, in the municipalities concerned, the obligation to wear the mask to perimeters that can coherently encompass places characterised by a high density of people or a difficulty in ensuring respect for physical distancing.⁵⁵

GERMANY: The Federal Constitutional Court granted interim measures in three cases involving local authorities' decisions restricting freedom of assembly. These rulings have been seen to 'oblige local authorities to make contextualised assessments, and take responsibility for their decisions, ensuring a minimum level of protection of fundamental rights in areas that are particularly sensitive'⁵⁶.

ROMANIA: Upon the initiative of the Ombudsman, the Constitutional Court ruled that the emergency ordinance which increased fines for not observing

53. <https://mensenrechten.nl/nl/toegelicht/corona-apps-moeten-toegankelijk-zijn-voor-iedereen>.

54. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf:32.

55. <https://www.conseil-etat.fr/ressources/decisions-contentieuses/dernieres-decisions-importantes/conseil-d-etat-6-septembre-2020-port-obligatoire-du-masque-a-strasbourg-et-dans-12-communes-du-bas-rhin>.

56. <https://constitutionnet.org/news/coronavirus-lockdown-measures-german-constitutional-court>.

state-of-emergency measures was unconstitutional, because the norm lacked precision in defining the behaviour which would lead to sanctions.

Co-operation mechanism

LITHUANIA: The Ministry of Social Security and Labour reported to work on establishing a cooperation mechanism between national and local institutions as well as relevant stakeholders in the area of equal opportunities that shall be used to distribute and gather relevant information during the crisis.

Independent research

FINLAND: A Scientific Panel was set up by the Government of Finland to assess the current and long-term effects of the Covid-19 pandemic in Finland.⁵⁷ It consists of 13 academics from several disciplines.

V. Digitalization, artificial intelligence and contact tracing

Digitalisation of services:

UNITED KINGDOM: An emergency response called DevicesDotNow was designed to get the most vulnerable online during the crisis so they can shop, get critical help and support and connect with others. Over 11 000 people are reported to have benefited from devices, connectivity and support thanks to DevicesDotNow.⁵⁸

Tracing and other tools

BELGIUM: The Data Protection Agency made recommendations on two draft royal decrees aimed at regulating tracing activities. These include providing further information on the means of collecting tracing data, the individuals who may access the data, and on the purposes justifying data processing. The Authority also underlined that data collected for the purpose of contact-tracing must not be processed for other purposes.⁵⁹

NETHERLANDS: The Institute for Human Rights reviewed the discriminatory impact of the Covid-19 app and provided advice. The Institute points out that sufficient account must be taken of people for whom access to apps is

57. https://valtioneuvosto.fi/en/article/-/asset_publisher/10616/tieteellista-tukea-koronakriisin-jalkihoitoon-Covid19-tiedepaneeli-asetettu.

58. <https://futuresdotnow.uk/devicesdotnow>.

59. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-may_en.pdf: 47.

not self-evident. Due to a lack of digital literacy, financial resources, health or having a (functional) disability, these groups should not be excluded from the Covid-19 approach. The apps must also comply with proper safeguards to protect the right to private life.⁶⁰

SLOVAK REPUBLIC: The Slovak Constitutional Court put an end to the development of a contact tracing app that had triggered concern over the need for a mass collection of data.⁶¹

UNITED KINGDOM: The ethics board advising on the development of the app [have warned](#) that up to 21% of the UK population do not own a smartphone and urged a consideration of the extent to which the app could introduce or exacerbate inequities.⁶²

60. <https://mensenrechten.nl/nl/toegelicht/corona-apps-moeten-toegankelijk-zijn-voor-iedereen>.

61. <https://privacyinternational.org/examples/3922/slovakian-court-declares-telecommunications-data-sharing-unconstitutional>.

62. <https://nhsbsa-socialtracking.powerappsportals.com/EAB%20Letter%20to%20NHSx.pdf>.

www.coe.int

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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