

COVID-19

Weekly Legal and Policy Update

APRIL 14-20, 2020

This weekly legal and policy review is a review of new laws, litigation and other legal developments around COVID-19 during the period specified. The review highlights novel issues from around the world that may be relevant to policymakers and the public, recognizing the differences in local context and legal systems. This document is not legal advice. The developments captured are subject to change as new information is made available.

We welcome comments and feedback at covid19-eiu@vitalstrategies.org

Adaptive Response for Public Health and Social Measures

Main message: Governments should continue to refine their public health and social measures to adapt to the evolving phases of the pandemic and community response, especially where discriminatory effects are brought to light.

Some governments are beginning to implement distancing laws. For example, the Republic of [Equatorial Guinea](#) implemented a 30-day “health state of alarm” beginning April 15 that suspends all international flights. In [Sudan](#), the cities of Khartoum and Omdurman implemented a three-week lockdown beginning April 18. Starting April 16, [Poland](#) will fine people who do not wear face masks when walking in public. [Sweden](#)’s government introduced a new bill that revises power in its Communicable Diseases Act to enable the government to more nimbly implement public health and social measures from April 18 to June 30.

While some countries are just beginning to impose new public health and social measures, others are starting to relax them. On April 14, [Austria](#) began to reopen small [stores](#) (less than 400 square meters), as well as do-it-yourself home and garden centers, if they satisfy existing hygiene standards. [Public transport](#) is slowly ramping up to meet increased demand. [Barbados](#) reopened financial institutions on April 15. [Denmark](#) allowed day care facilities and primary schools to reopen on April 15. [Lichtenstein](#) is reopening post offices slowly between April 14 and 20. On April 22, [Uruguay](#) will reopen nearly 100 rural schools.

[India](#) eased the national lockdown to allow agricultural workers to continue to work. Under the new guidelines to be implemented starting April 20, agriculture and related sectors including farmers' markets, logistics, repair shops and brick kilns will be restarted. Strict measures will be enforced, including the wearing of face masks or coverings. Some factories will also reopen but staffing will be limited and working hours staggered.

[Angola](#) lifted its cordon sanitaire, which prohibited people from leaving any province, for three days to allow the return of travelers who had been caught outside of their area of residence when the state of emergency began on March 27. People are banned from circulating on the streets except for basic needs such as purchasing food, medicine, water or fuel.

Peru imposed a [gender-based quarantine](#) to limit movement to stem spread of COVID-19. Starting April 3, President Martín Vizcarra ordered enforcement of the strict measures to stop the spread of the disease. He said the [new gender-based restrictions](#) should halve the number of people circulating in public at any one time. The rationale was not based on any estimations of real mobility needs by gender. Men were allowed to go outside Monday, Wednesday and Friday, and women on Tuesday, Thursday and Friday. No one was allowed to go outside on Sunday.

Peru had to [reverse this measure](#) after intense backlash. Only a few days after implementation, the lead of Peru's COVID-19 task force admitted that it did not work because women are typically tasked with more domestic work, including grocery shopping. This caused overcrowding in markets when women were allowed to go outside and was not effective in minimizing the number of people in the streets.

Peru's measure was also met with [backlash from LGBTQ activists](#) because transgender and nonbinary people faced increased street harassment by the police, and incidents of transphobia and public humiliation were reported across the country. Panama implemented a similar gender-based lockdown that is still in place.

Access to Countermeasures

Main message: Governments should continue to pursue innovative methods to ensure everyone has access to the highest quality countermeasures, such as treatments, diagnostics and vaccines, as soon as possible, regardless of residency or ability to pay.

On April 16 and 17, the [European Parliament](#) discussed a joint response from member states to the coronavirus pandemic. A draft resolution seeks a uniform strategy, and includes language requesting that the treatments, vaccines and diagnostics funded by the EU research program are made globally available, accessible and affordable.

On April 15, the [European Union](#) also submitted a zero draft of a resolution for the World Health Assembly entitled "WHA73: COVID-19 Response"; the draft included this paragraph (OP3.9) that calls on member states to "Invest in and support research and development of diagnostics, treatments, therapeutics, medicines, and vaccines as appropriate and to sustainably strengthen national R&D capacities for the current and future outbreaks, and collaborate in order to harmonise efforts as appropriate, with all relevant international actors in this field."

Meanwhile a [Brazilian](#) bill proposes the temporary licensing of patents on any and all health technologies that can be used against the COVID-19 pandemic, and is awaiting designation for vote in the Chamber of Deputies' plenary. This bill follows the action of countries such as Germany, Canada, Israel, Chile, Ecuador and Colombia that have taken legislative measures to favor speedy access to technologies useful to contain the pandemic.

Treatment of Non-Citizens

Main message: All residents, regardless of citizenship status, must have access to affordable testing and treatment.

[Portuguese authorities](#) decided to treat all immigrants with pending applications as residents until July 1, thereby ensuring that asylum seekers have access to health care and other necessary services during this time. By contrast, [Turkey](#) implemented a regulation on April 14 that allows Turkish citizens to receive free COVID-19 treatment, even if they have not paid for state insurance. There is no indication that the free care applies to non-citizens.

The [Council of Europe and UNHCR, the UN Refugee Agency](#), are encouraging states to benefit from the support that refugee health professionals can provide to stretched national health systems during the COVID-19 crisis. Launched in 2017, the [European Qualifications Passport for Refugees](#) can help states assess refugees' qualifications and speed up their integration into national health systems. Filippo Grandi, the [United Nations High Commissioner for Refugees](#), noted that "refugees with proven professional competencies are ready to step in and contribute if allowed to, under the supervision of certified health professionals. In this way, they can show their solidarity, and give back to the communities sheltering them."

Other Legal issues

Military draft

On April 2, [Kazakhstan](#) President Kassym-Jomart Tokayev approved a decree for an emergency military recruitment drive for men under 60, with certain exemptions. Any draft evaders will face fines, administrative charges and forcible conscription. Those drafted may be asked to work staffing checkpoints, patrolling streets, carrying out disinfection, guarding government facilities and assisting in the event of floods. Anybody liable for service will retain their jobs and have their salaries covered by the state, while those not in employment will receive a minimum wage.

Crackdown on journalists

In recent weeks, [Azerbaijani](#) authorities have sentenced at least six activists and a pro-opposition journalist to detention for between 10 and 30 days on charges including breaking lockdown rules or disobeying police orders. Many of the arrested journalist had criticized conditions in government-run quarantine centers or reported on the government's failure to provide adequate compensation to people struggling financially from the consequences of the pandemic. A report in The [Washington Post](#) tracks an uptick in COVID-19-related journalist arrests from around the world.

Travel permits

A mandatory electronic permit is required for essential movement around [Moscow](#) as of April 15. The city issued 3.2 million passes per day for residents to leave their homes, but also rejected 900,000 applications in the first day of operation due to residents entering incorrect or inaccurate information. After large crowds formed outside metro stations during rush hour while officials checked each pass, Moscow authorities said they have [switched](#) to random checks of public transit passengers.

Dietary supplements

Four dietary supplement [industry trade associations](#) in the United States came out in support of FDA actions against fraudulent coronavirus treatment claims and have urged marketers and retailers to not sell or stock products with such claims on their labels.

Prisoner release

The question of whether certain prisoners should be released as a matter of law is being litigated in many countries. [Chhattisgarh](#), India released nearly 1,500 prisoners following a Supreme Court order. In the [Philippines](#), petitioners demanded that the Supreme Court order the release of medically vulnerable political prisoners. A growing number of lawsuits brought by prisoners in the United States seek release to prevent cruel and unusual punishment and other violations of constitutional and state law, including in [Louisiana](#), [Virginia](#), [Oregon](#), [North Carolina](#), [Pennsylvania](#), and [other jurisdictions](#).