

**Submission for the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health**

Across different regions of the world, fascist and fundamentalist actors inside and outside governments have harnessed the COVID-19 crisis to grow and consolidate their power. The state of abnormality has created fertile grounds for anti-rights actors to reinforce traditional gender roles and reject feminist achievements in law and practice and sexual diversity. It has allowed for the closing of borders and perpetuation of restrictive border regimes, with gender-specific impacts. Using the pandemic, these anti-rights actors in governance systems gained greater control over the power of the State. This has manifested in the increase of the criminalization and persecution of human rights defenders, legislation under “emergency regulations” leading to the militarization of society, and scapegoating of people and social groups according to their particular agendas: Black and Brown people, ethnic and religious minorities, impoverished communities, women, LGBTIQ people and sex wokers.

Within this context, gender and sexuality continue to be a battlefield for struggles to appropriate and maintain institutional and social power, with deep impacts on the right to sexual and reproductive health. Patriarchy and its ideal family unit - always heteronormative and reproduction-oriented - are the cornerstone of fundamentalisms and fascims, and of colonialist and nationalist ideologies.

Feminists and other social justice movements have documented a strong body of evidence on the impact of COVID-19 on access to sexual and reproductive health services on women, trans and gender non-conforming persons. This submission builds on these findings and outlines global trends of anti-rights tactics and discourses employed during the course of the pandemic. It highlights their impacts on policy related to sexual and reproductive health as well as the lived realities of women, trans and gender non-conforming persons, as well as other marginalized communities. In doing so, it responds to questions 1, 2 and 3. **The submission will demonstrate the importance of recognising and addressing facisms and fundamentalisms as systemic attacks by anti-rights actors on sexual and reproductive health and rights (SRHR). It suggests that to enhance the intersectional focus of the upcoming report, the Special Procedure should address developments of facisms and fundamentalisms, and anti-rights mobilization during the pandemic as key political contexts.**

The Association for Women’s Rights in Development (AWID) is a global, feminist, membership, movement-support organization working to achieve gender justice and women’s human rights worldwide, with over 6,000 members from over 180 countries. For over 35 years, AWID has served as a reliable source of information, research, and analysis on key themes and trends pertaining to women’s rights, gender justice, and feminist movements, and the contexts in which they operate. AWID also coordinates the Observatory on the Universality to Rights platform that has produced the [Rights at Risk: Observatory on the Universality of Rights Trends Report](https://www.oursplatform.org/resource/rights-risk-trends-report-2017/).

**Sexual and reproductive health services as ‘non-essential’**Around the world, right wing and fundamentalists actors were swift to ensure that sexual and reproductive health services were deprioritized.

* In several US states,[[1]](#footnote-1) politicians have exploited the emergency by classifying most abortions as non-essential procedures.[[2]](#footnote-2)
* A number of Russian hospitals used a ban on elective surgeries to delay abortions by classifying them as ‘non-essential’ services and as a result, only three out of 44 hospitals in Moscow continued to offer abortion procedures.[[3]](#footnote-3)

This rhetoric runs parallel to commonly employed discourse by anti-rights actors in human rights spaces to deny sexual and reproductive rights : anti-rights actors frame SRHR as “new conceptions of rights” that are not guaranteed by international human rights law. They also claim that “states have national sovereignty in these areas”[[4]](#footnote-4) - appealing to national sovereignty argumentation to deny SRHR.

At the beginning of the pandemic, anti-abortion activists in Slovakia, Italy and the UK campaigned for abortions to be suspended during the pandemic on the basis that “all resources needed to be focused on the coronavirus.”[[5]](#footnote-5) Conservative actors have also used the pandemic to create additional barriers to abortionservices by pushing back against state-funded abortions.

* In the United States, where the nation’s largest provider of abortion services and Christian anti-abortion lobbying organizations both received millions in Coronavirus stimulus money—loans are forgiven for Christian advocacy groups, but must be paid back by those providing reproductive health care.[[6]](#footnote-6) While emergency measures have taken a drastic toll on access to abortion as well as contraception, HIV medicine and domestic violence services, it is clear that anti-rights actors are attempting to instrumentalize the crisis to erode the right to SRHR far beyond the pandemic.[[7]](#footnote-7)

**Neo-colonial anti-rights impacts and the co-optation of anti-imperialist struggles**

While the pandemic has had detrimental and disproportionate impacts in cutting off abortion medication and contraceptives supplies in the East and South African region,[[8]](#footnote-8) the pandemic did not hinder anti-rights actors’ efforts to bolster their anti-sexual reproductive health and rights agenda. Reports have demonstrated transnational ties between US and Europe-based anti-rights groups and actors in the East and South African region prior to the pandemic.[[9]](#footnote-9) However, organizations working to provide sexual and reproductive health services in the region have testified that these transnational ties have been tightened at the institutional and legal level. This is evident in the human and financial resources invested in hiring local representatives of anti-rights organizations.[[10]](#footnote-10)

There were several attempts to derail national progress on abortion law reform, as anti-rights groups mobilized in countries such Malawi,[[11]](#footnote-11) Kenya, and Namibia.[[12]](#footnote-12)

* CitizenGo and Christian Voice UK instigated aggressive opposition tactics[[13]](#footnote-13) to the proposed Kenyan Reproductive Health Bill that would regulate teenagers’ access to contraception and women’s access to abortion if their lives are in danger.[[14]](#footnote-14)
* Similar efforts to undermine reproductive rights initiatives and comprehensive sexuality education took place in Malawi,[[15]](#footnote-15) and Zambia[[16]](#footnote-16) especially as these governments initiate implementation of new technical guidelines and standards.[[17]](#footnote-17)

Ironically, these attacks claim that the progress on sexual and reproductive health and rights is a product of cultural imperialism and colonialism by people who are coming to Africa and trying to subvert African culture and values.[[18]](#footnote-18) Anti-rights actors co-opt real issues - stemming from the ongoing global neo-colonial dynamics of power - and spin them to serve an anti-rights agenda. In reality, these organizations are themselves imperialist actors, presenting themselves as saviours when actively exporting their anti-rights ideologies worldwide. Several states at the UN employ a discourse of “cultural imperialism” more implicitly and appropriate anti-imperialist language when making reservations to human rights agreements and instruments, and to amend or develop resolutions to reflect anti-rights agendas.[[19]](#footnote-19)

**“Gender ideology”**

In March 2021, Turkey withdrew from the Istanbul Convention on the basis that the convention threatens “traditional” families, promotes homosexuality and so-called “gender ideology.” “Gender ideology,” has been described by Sonia Correa as a scarecrow because it is an invention, a hollow signifier within which there is room for all sorts of issues that are brought into public debate at the appropriate time for a given agenda.[[20]](#footnote-20) This has certainly been the case during the pandemic where variations of the “gender ideology” rhetoric was invoked by right-wing and conservative politicians and state institutions against comprehensive sexuality education, diverse sexual orientation and gender identity, the rights of LGBTIQ people and their families, countering gender-based violence, and safeguarding sexual and reproductive rights.

* In a crusade against “gender ideology,” Poland’s ultraconservative right wing goverment threatened to withdraw from Istanbul convention in May 2020 and also used the pandemic to quickly approve a total ban on abortion on the basis of protecting of “human dignity”.[[21]](#footnote-21)
* Anti-rights groups Christian fundamentalist in the US used the moment to push harmful conceptions of 'family' and to restore a traditional gender roles where “a man and a woman are allowed to live according to their true nature, and not expected to pursue androgynous lives.”[[22]](#footnote-22)
* In March 2020, the Hungarian parliament – dominated by an ultraconservative right-wing party – passed a law allowing its prime minister to govern unchallenged by decree. This was followed by constitutional amendments in December, when the parliament voted to redefine “family” as “based on marriage and the parent-child relation. The mother is a woman, the father a man.” [[23]](#footnote-23) New restrictions were also adopted to deny same-sex couples the right to adopt children.[[24]](#footnote-24)
* Taking advantage of the pandemic, the UK and US governments also worked to rush through legislation that targets trans people generally,[[25]](#footnote-25) and trans children in particular, with detrimental impact on their right to sexual and reproductive health. Further, the framing of trans access to healthcare as “non-essential” is being dangerously exploited to intensify the legislative attacks on trans flourishing.[[26]](#footnote-26)
* In Panama, Peru, and Colombia, to avoid large assemblies, governments adopted gender binary criterias to determine who could leave the house at which day. Activists noted that these segregation rules based on sex/gender reify the biological determinism immediately placing non-binary people at greater risk and vulnerability in the face of state coercion.[[27]](#footnote-27) It also contributes to crystallizing the so-called “natural order” of sex/gender, reactivating the deep cultural layers upon which sexual division of labor and inequalities are grounded.

Beyond the pandemic, “Gender ideology” has been widely recognized as an immediate threat to a broad range of rights around the world. The Working Group on discrimination against women and girls has emphasized the obligation of states with respect to anti-rights discourses, calling on them to counter the narratives around gender ideology used by conservative lobbies to misinform and undermine the advancement of women’s rights and gender equality; urged states to continue promoting the fundamental principles that all rights are universal, indivisible, interdependent and interrelated, and called on countries to ensure respect for women’s rights to make decisions about their own bodies and to receive comprehensive sexuality education.[[28]](#footnote-28)

**Crackdowns and criminalization**

Many states have exploited the pandemic as a pretext to undermine rights to freedom of assembly and association through hyper-carceral responses, using war semantics to justify violence and surveillance.[[29]](#footnote-29) We also witnessed governments granting themselves unlimited powers, ambiguous criminal provisions under the pretence of combating disinformation and implementing ‘emergency measures’ with detrimental impacts on sexual and reproductive health and rights.[[30]](#footnote-30)

Lockdowns and movement restrictions have had a disproportionate impact on marginalized communities, who have long faced government-backed threats and harassment in retaliation for their activism.

* For sex workers in Uganda, movement restrictions and ban on public gatherings in the name of Controlling COVID-19 meant that they were not able to access health information and services resulting in hardship, illness and death.[[31]](#footnote-31) At the start of the pandemic, police raided a shelter for homeless LGBTIQ youth, beating and arresting dozens under the guise of “public health measures” to stop the spread of the virus.[[32]](#footnote-32)
* Other activists in the African region have highlighted how the COVID-19 pandemic has further exacerbated the persecution of LGBTIQ communities with detrimental impacts on the community’s mental health and access to sexual and reproductive health services.[[33]](#footnote-33)
* Sex work activists around the world reported an increase in physical attacks, sexual assault, arrests, raids on their homes, and harassment by security forces during COVID-19.[[34]](#footnote-34)
* In early 2021, Spain blocked Women on Web, which offers vital abortion information that the state has long failed to provide, especially in the context of COVID-19,where access to abortion has gotten harder amid lockdowns and restricted mobility.[[35]](#footnote-35)

**Disinformation**

Anti-vaccine movement found common ground with anti-rights groups’ and Covid-19 denialists and conspiracy theorists in several countries. At the beginning of the pandemic, conservative religious voices that have traditionally been engaged in anti-rights and anti-abortion campaigns were already contesting analyses and scientific data concerning COVID-19 and propagating interpretations of the pandemic as a conspiracy or divine punishment.[[36]](#footnote-36) Covid-19 measures and vaccines continue to be hotspots that will provide a platform for the spread of more anti-science disinformation that have had a detrimental impact on access to SRHR for women, trans and gender non-conforming persons, as well as marginalized communities.

* Far-right governments, led by Brazil, as well as anti-rights groups, capitalized on disinformation related to the pandemic to discredit the World Health Organization and later,[[37]](#footnote-37) other international health and human rights bodies.
* In Latin America, anti-rights groups encouraged actions against international health recommendations, disseminated disinformation, made biblical comparisons related to sin, promoted conspiracy theories, and generally took advantage of the crisis to hinder access to abortion care, threatening global public health.[[38]](#footnote-38) Telemedicine programs and collectives for the accompaniment of safe abortion using medications were targets of anti-rights actors.
* Doctors in at least a dozen countries, supported by US Christian Right activists, are providing women with a “dangerous” and controversial treatment that claims to “reverse” medical abortions.[[39]](#footnote-39) Leveraging on movement restriction measures brought by the Pandemic, ‘abortion pill reversal’ proponents oppose such changes, suggesting that treatment provided online is risky, even though they provide theirs in a similar way. Activists from Mexico and Uruguay have also highlighted that this controversial method is starting to take root in the region – supported by a large US Christian Right group.[[40]](#footnote-40)

**Xenophobia, white supremacy, anti-migrant narratives**Across the globe, Covid-19 has disproportionately impacted the right to sexual and reproductive health for those already made vulnerable by systematic racism and other intersectional injustices. From Brazil to the United States to South Africa — Black people, Afro-descendants, Indigenous Peoples and other racialized groups are more likely to contract Covid-19, and to suffer the worst consequences.

* In Brazil for example, pregnant and postpartum Afro-Brazilian women die from COVID-19 at twice the rate of white women.[[41]](#footnote-41) The deliberate disregard and laissez faire politics adopted by anti-rights leaders has been underlined by feminist activists as a manifestation of eugenics, or necropolitics,[[42]](#footnote-42) as it entails a large number of deaths, mostly of the vulnerable, people of colour and low-income groups .[[43]](#footnote-43)

COVID-19 has deprived women, trans and gender non-conforming persons who are migrants (especially undocumented migrants and those in precarious work), internally displaced and refugees access to the essential sexual and reproductive health services they depend on. From the beginning of the pandemic, opportunistic anti-rights actors were quick to use COVID-19 to boost discourses and practices destined to blame, stigmatize and produce violence against “others.” In India, health professionals and vulnerable groups such as Dalits, people with disabilities, women, and, above all, the Muslim population very quickly became the targets of various attacks.[[44]](#footnote-44)

* In the United States, COVID-19, like other pandemics, has been politicized among the far-right in the United States and worldwide to stoke the fire of Sinophobia, and xenophobia toward immigrants in general.[[45]](#footnote-45)
* In Germany, migrant and refugee women have overall struggled more than usual to access health services, as their testimonies from refugee accommodations centers illustrate.[[46]](#footnote-46) Meanwhile, “COVID-skeptical members of the QAnon movement, too, have been tied to armed neo-Nazi networks”.[[47]](#footnote-47)

In many other countries, the pandemic was used to scapegoat and direct blame towards immigrants and refugees for spreading the virus, and to falsely validate claims that states have lost control of their borders.

* In Malaysia, disinformation was shared across media outlets and social media platforms to bolster anti-Rohingya narratives. In April, the navy turned back a boat carrying hundreds, including women and children.
* In South Africa, a malicious Twitter campaign, #PutSouthAfricaFirst, evoked a dangerous xenophobic narrative in the COVID-19 context, and targeted African migrants, accusing them of stealing jobs and draining health resources. The media reported that nationals damaged or looted 124 spaza shops owned by foreigners.
* Aurélia Beigneux, an MEP from France’s National Rally, argued that more open borders “obviously allow the exponential spread of this type of virus”.

The stigmatizing narrative that migrants carry COVID-19 just because they are migrants, makes them the target of threats. In the specific case of migrant women and gender diverse people, this discrimination has had consequences such as the lack of adequate care in a medical centre and other healthcare settings that are directly related to their gender (such as pregnancy care, or legal and psychosocial support due to gender based violence).

Within international human rights spaces, this narrative has often manifested in claims by nationalist states that the UN is biased, and that it is overstepping its mandate and interfering with their national affairs. Often, they will also claim the organization is in collusion with progressive civil society and pushing ‘foreign’ influences upon their countries. This is consistent with the trends of delegitimization, persecution, and criminalization of human rights organizations highlighted above.[[48]](#footnote-48)

1. https://rewire.news/article/2020/04/22/when-will-these-attacks-on-abortion-rights-end-you-wont-like-the-answer/ [↑](#footnote-ref-1)
2. https://www.theguardian.com/world/2020/mar/23/ohio-texas-abortion-us-coronavirus-outbreak [↑](#footnote-ref-2)
3. https://www.opendemocracy.net/en/5050/hypocrite-russia-promotes-childbirth-wont-protect-pregnant-women/ [↑](#footnote-ref-3)
4. Alliance Defending Freedom (ADF) International, *White Paper: The Rise of Faux Rights*, <https://adfinternational.org/resource/the-rise-of-faux-rights/> [↑](#footnote-ref-4)
5. https://www.provitaefamiglia.it/petizione/durante-la-pandemia-laborto-non-e-un-servizio-essenziale-firma-anche-tu [↑](#footnote-ref-5)
6. https://www.npr.org/2020/05/21/860410536/trump-administration-to-planned-parenthood-return-coronavirus-relief-funds [↑](#footnote-ref-6)
7. https://www.lifenews.com/2020/04/09/planned-parenthood-abortion-business-will-close-a-dozen-clinics-some-cities-will-be-abortion-free/ [↑](#footnote-ref-7)
8. https://foreignpolicy.com/2020/05/04/coronavirus-africa-abortion-access/ [↑](#footnote-ref-8)
9. https://www.opendemocracy.net/en/5050/revealed-us-linked-anti-abortion-centres-violating-the-law-in-south-africa/ [↑](#footnote-ref-9)
10. <https://familywatch.org/2020/05/26/kenya-cse-exposed-resources/>
https://www.dailymaverick.co.za/article/2020-10-27-american-christian-right-group-hosts-anti-lgbt-training-for-african-politicians/ [↑](#footnote-ref-10)
11. https://www.rfi.fr/en/africa/20201017-malawi-s-abortion-bill-pits-pro-life-against-pro-choice [↑](#footnote-ref-11)
12. https://citizengo.org/en/node/181507?utm\_source=fbpage&utm\_medium=social&utm\_campaign=&utm\_content=tyflow&fbclid=IwAR3bZrczAHsmyVh\_8QRXrrFY8dpFYNvM-bmt97GAU46HuttP88H6y71Ftdc [↑](#footnote-ref-12)
13. <https://www.citizengo.org/en-af/lf/180382-senate-shelve-reproductive-healthcare-bill-2019>
https://www.aciafrica.org/news/1845/pro-life-groups-in-kenya-renew-commitment-against-proposed-reproductive-health-care-bill [↑](#footnote-ref-13)
14. https://www.opendemocracy.net/en/5050/unsafe-abortion-is-a-class-issue-explains-kenyan-activist-ruth-mumbi/ [↑](#footnote-ref-14)
15. https://www.citizengo.org/en-af/lf/182362-malawi-shelve-termination-pregnancy-abortion-bill [↑](#footnote-ref-15)
16. https://www.zambiawatchdog.com/comprehensive-sex-education-harmful-to-kids-mp-tells-parliament/ [↑](#footnote-ref-16)
17. https://en.unesco.org/themes/education-health-and-well-being/cse-campaign [↑](#footnote-ref-17)
18. [↑](#footnote-ref-18)
19. For examples please refer to [Rights at Risk Report](https://www.oursplatform.org/wp-content/uploads/Rights-At-Risk-OURs-Trends-Report-2017.pdf), pg. 94 [↑](#footnote-ref-19)
20. https://sxpolitics.org/monsters-under-the-bed/21609 [↑](#footnote-ref-20)
21. https://blogs.lse.ac.uk/gender/2020/06/24/when-covid-19-becomes-a-political-ally-polands-law-on-abortion/ [↑](#footnote-ref-21)
22. https://www.lifesitenews.com/blogs/how-coronavirus-may-have-just-saved-countless-preborn-babies-in-maryland [↑](#footnote-ref-22)
23. https://www.france24.com/en/europe/20201215-hungarian-lawmakers-approve-anti-lgbt-adoption-law-and-constitutional-amendments [↑](#footnote-ref-23)
24. https://www.reuters.com/article/hungary-lgbt-idUSKBN28P1N8 [↑](#footnote-ref-24)
25. https://newrepublic.com/amp/article/156539/new-anti-trans-culture-war-hiding-plain-sight [↑](#footnote-ref-25)
26. https://www.businessinsider.com/my-gender-affirming-surgery-isnt-elective-its-life-saving-2020-3?r=US&IR=T [↑](#footnote-ref-26)
27. https://sxpolitics.org/one-year-of-covid-19-sexual-politics-in-times-of-pandemic-round-up/21925 [↑](#footnote-ref-27)
28. For more information on how ‘gender ideology’ has been used by anti-rights actors in the UN please refer to Rights at Risk: The Observatory on the Universality of Rights Trends Report, 2017, pg. 73 - 75. [↑](#footnote-ref-28)
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31. https://www.opendemocracy.net/en/5050/sex-workers-abandoned-as-covid-crackdowns-undo-africas-hiv-efforts/ [↑](#footnote-ref-31)
32. https://www.hrw.org/news/2020/04/02/uganda-respect-rights-covid-19-response [↑](#footnote-ref-32)
33. http://opiniojuris.org/2020/12/10/covid-19-and-africa-symposium-the-intersection-of-lgbt-rights-in-africa-and-the-covid-19-pandemic/ [↑](#footnote-ref-33)
34. https://www.frontlinedefenders.org/en/statement-report/lgbtiq-and-sex-worker-rights-defenders-risk-during-covid-19 [↑](#footnote-ref-34)
35. https://www.opendemocracy.net/en/5050/why-were-suing-the-spanish-government/ [↑](#footnote-ref-35)
36. https://sxpolitics.org/covid-19-and-religious-discourses-compilation/20488 [↑](#footnote-ref-36)
37. https://www.opendemocracy.net/en/5050/us-groups-linked-to-covid-conspiracies-pour-millions-of-dark-money-into-latin-america/ [↑](#footnote-ref-37)
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40. https://www.opendemocracy.net/en/5050/latin-america-unproven-abortion-pill-reversal-treatment/ [↑](#footnote-ref-40)
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42. https://www.coronatimes.net/bolsonaro-politics-death-covid-19-race-brazil/ [↑](#footnote-ref-42)
43. https://dawnnet.org/wp-content/uploads/2020/06/DAWNTalksON-COVID\_19\_Sonia-Correa\_Final.pdf [↑](#footnote-ref-43)
44. https://www.thehindu.com/news/national/preventing-stigma-related-to-covid-19-requires-full-throated-campaign-says-expert-gita-sen/article31215075.ece [↑](#footnote-ref-44)
45. https://www.opendemocracy.net/en/countering-radical-right/coronavirus-and-radical-right-conspiracy-disinformation-and-xenophobia/ [↑](#footnote-ref-45)
46. https://iwspace.de/2020/12/lager-reports-december-2020/ [↑](#footnote-ref-46)
47. https://www.theatlantic.com/health/archive/2021/05/anti-vaccination-germany-anti-semitism/618777/ [↑](#footnote-ref-47)
48. The CIVICUS Monitor is a research tool that provides close to real-time data on the state of civil society and civic freedoms in 196 countries. See: <https://www.civicus.org/index.php/what-we-do/innovate/civicus-monitor> [↑](#footnote-ref-48)