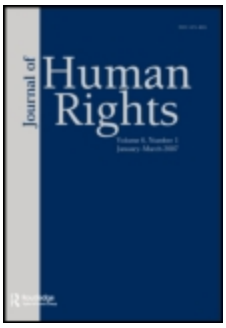

The Effect of the COVID-19 Pandemic on Human Rights Practices: Findings from the Human Rights Measurement Initiative's 2021 Practitioner Survey

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Health is a human right, and as such, a public health crisis, like the COVID-19 pandemic, is a human rights crisis. Yet, observations about the human rights impact of the COVID-19 pandemic seem to have varied widely across rights, time, and countries.[1] For instance, given the potential for COVID-19 to spread in prisons and jails, the earliest phase of the pandemic was marked by many countries releasing prisoners, especially those who were most vulnerable to the virus (Human Rights Watch, 2020). These releases may have temporarily reduced the number of people arbitrarily detained worldwide, albeit to a far lesser extent than recommended by human rights advocacy groups. On the other hand, by later in the pandemic, many governments had used COVID-19 as an excuse to silence critics and journalists, engaging in wide-ranging crackdowns on free expression in the name of public health and safety, ultimately leading to many arbitrary arrests around the world (Human Rights Watch, 2021). Which of these stories is more representative of the human rights effects of the pandemic? How have human rights practices been affected by COVID-19 so far?

To provide early answers to these questions, the Human Rights Measurement Initiative (HRMI) added questions to its annual practitioner survey to determine how some civil, political, economic, and social rights were affected by COVID-19 during 2020 in 39 countries and territories. This article introduces those data for use by researchers hoping to learn more about the effects of the COVID-19 pandemic on human rights. Using both quantitative and qualitative data from this survey, we describe COVID-19's human rights impact as seen by practitioners on the front lines in our sample of countries around the world. We also try to give some preliminary insight into the larger question of which factors enabled states to maintain a high level of enjoyment of human rights just when those rights were needed the most, as they were during the recent global public health crisis.

Over the following pages, we first briefly describe HRMI and its approach to measuring human rights, both in general and during the COVID-19 pandemic. We then summarize some of the key findings from the HRMI 2021 Practitioner Survey that provide insight into the effects the COVID-19 pandemic exerted on human rights in 2020. Finally, we conduct some brief exploratory analyses that suggest some of the factors that enabled states to weather the COVID-19 pandemic with fewer ill-effects to the human rights enjoyment of the people in their borders.

Measuring Human Rights Practices during the COVID-19 Pandemic

The Human Rights Measurement Initiative (HRMI, pronounced like the English words "Her Me") was founded in 2015 with the goal to produce human rights data that would be used by and useful to academics, policymakers, practitioners, activists, and everyone else alike (Brook, Clay, and Randolph 2020). As a global collaborative project including human rights scholars, practitioners, and others, HRMI tries to accomplish this goal by co-designing its products with potential users and human rights experts from different backgrounds. HRMI aims to be as comprehensive as possible and thus plans to expand its reach to cover every single human right listed in the core United Nations human rights instruments (OHCHR 2021), as well as in other important human rights documents like the United Nations Declaration on the Rights of Indigenous Peoples (United Nations 2007) and the Yogyakarta Principles (including the Yogyakarta Principles plus 10) (https://yogyakartaprinciples.org/). Currently, HRMI collects data on five economic and social rights, eight civil and political rights, and, in a subset of Pacific countries, additional data on cultural rights, the rights of indigenous people, the human rights implications of the climate crisis, and societal violence against women, children, people with disabilities, and LGBTQIA+ people (HRMI 2021a).

HRMI uses publicly available international datasets to produce annual country-level scores on the intensity of government fulfillment of economic and social rights obligations. However, few equivalently reliable sources exist for other human rights. Further, it is often difficult to find data that provides sufficient disaggregation to understand the distribution of human rights violations and enjoyment, including economic and social rights. To overcome these limitations, HRMI conducts an annual practitioner survey in several countries around the world, adding new countries every year (Clay et al., 2021a). This survey primarily targets respondents who work for human rights INGOs or NGOs, human rights lawyers, journalists that cover human rights issues, and individuals who work for National Human Rights Institutions (NHRIs) rated as fully compliant with the Paris Principles. In countries with populations under 120,000, government employees with high amounts of human rights knowledge and low conflicts of interest are also allowed to participate.

Every year, the survey asks questions about the prevalence of government violations of eight different civil and political rights, grouped into the two broad categories of empowerment rights (i.e., the rights to expression, political participation, and assembly & association) and "safety from the state," or physical integrity rights (i.e., the rights to be free from torture and ill-treatment, extrajudicial killing, the death penalty, disappearance, and political or arbitrary arrest and detention) (Clay et al., 2021a). For each of these rights, survey respondents also answer questions about a set of hypothetical countries. Together, these responses are used in a model to estimate the latent level of government respect for each right via the Bayesian Aldrich-McKelvey (BAM) scaling algorithm (Hare et al., 2015; Clay et al., 2020). This approach allows HRMI to account for the facts that (1) not every response to every question, nor every individual respondent, will be equally well-informed, and (2) different respondents may interpret questions

and scales differently. As a result, HRMI produces annual scores with credible intervals for the intensity of respect for each of these eight civil and political rights in every country included in the survey, as well as overarching measures of physical integrity and empowerment rights derived from a Bayesian factor model (Clay et al., 2021b).

The survey also asks who was at risk for violations of each of these eight civil and political rights, as well as who was at risk for lack of enjoyment of five different economic and social rights, i.e., the rights to food, housing, work, health, and education (Clay et al., 2021a). In each case, HRMI reports the proportion of respondents that selected each pre-selected identifier in the survey (of which there were 39 in the 2021 survey), as well as summaries of additional qualitative information provided in open-ended follow-up questions.

The annual HRMI Practitioner Survey has been used to collect data in countries around the world since 2017. The current civil and political rights data set contains 19 countries in 2017, 33 countries in 2018, and 39 countries in 2019 and 2020. The 19 countries for which HRMI has civil and political rights data for the entire 2017-2020 time period were chosen with the aim of maximizing diversity in terms of population, geography, political institutions, income, and other factors. That sample consisted of Angola, Australia, Brazil, Democratic Republic of Congo, Fiji, Jordan, Kazakhstan, Kyrgyzstan, Liberia, Mexico, Mozambique, Nepal, New Zealand, Saudi Arabia, South Korea, United Kingdom, United States, Venezuela, and Vietnam. Since then, the other 20 countries have been added as part of focused efforts to expand HRMI's coverage regionally in Asia and the Pacific. Those countries are American Samoa, Cook Islands, French Polynesia, Guam, Hong Kong, Kiribati, Malaysia, Marshall Islands, Federated States of Micronesia, Nauru, New Caledonia, Niue, Northern Mariana Islands, Papua New Guinea, Samoa, Solomon Islands, Taiwan, Tonga, Tuvalu, and Vanuatu. More information on the annual

survey and the data it produces can be found in Brook, Clay, and Randolph (2020), Clay, et al (2020), and the various methodology notes found here: https://humanrightsmeasurement.org/methodology-handbook/. Likewise, the data themselves, along with accompanying visualizations, are available at the HRMI (2021a) Rights Tracker: https://rightstracker.org/en.

While these annual data will provide a foundation on which we can build comparisons between human rights practices before and after the COVID-19 pandemic began, it may be challenging to use them to determine which changes are directly related to the pandemic. To help parse this potential attribution problem, HRMI added new questions to its 2021 survey about the effects of COVID-19 on human rights in 2020. For each category of rights covered by the practitioner survey (i.e., physical integrity, empowerment, and economic and social rights), HRMI asked a question about the effect the COVID-19 pandemic had on that set of rights in 2020, like the following:

> During 2020 in [COUNTRY NAME], what effect did the Covid-19 pandemic have on physical integrity rights violations, including disappearance, extrajudicial killing, death penalty execution, torture or ill-treatment, and political or arbitrary arrest and detention, committed by government agents (such as soldiers, police officers, or others working for or with the government)?

The responses to this question range from the pandemic having improved respect for physical integrity rights overall to having led to much worse practices. Of course, much as with HRMI's questions about the intensity of respect for physical integrity and empowerment rights, different respondents could understand and interpret both this scale and this question differently while trying to convey the same information. HRMI has taken this issue, known as differential item functioning (DIF), seriously in developing its metrics, as HRMI intends to produce data that are comparable across time and space. Thus, as with HRMI's civil and political rights intensity measures, HRMI aggregated survey responses about the size of the effect of COVID-19 on

human rights practices in 2020 by using the Hare et al., (2015) Bayesian Aldrich-McKelvey (BAM) scaling algorithm, much as described in Clay et al., (2020). The survey asked respondents questions about the effect of COVID-19 on human rights practices in their own country, as well as questions about the pandemic's impact on human rights practices in a set of hypothetical countries, each described in a series of vignettes. These anchoring vignettes provide insight into how respondents interpret the questions and the scale of responses, as all respondents have the same information about those cases. Further, these are the only cases for which every respondent provides answers. As such, they serve as bridging observations in the BAM model that ensure that the model can be effectively estimated and that the resulting metrics are comparable cross-nationally.[2] The calculation of the COVID effects metrics uses the exact same BAM model as that used for estimating HRMI's other civil and political rights metrics, with the same distributional information and priors described in Clay, et al., (2020). We run two chains for 22,000 iterations, saving the last 2000 draws to summarize the posterior distributions of all estimated model parameters. Neither the Gelman-Rubin statistic nor visual inspection of density plots shows evidence of non-convergence. While the initial posterior means were all between -1 and 1, we rescaled the estimated posterior distributions to range between 1 and 5 for presentation purposes. High scores imply that COVID-19 had few negative effects on that category of rights, while lower scores indicate more negative effects. All replication materials necessary to calculate these scores will be available with the replication data for this article.

Beyond these questions about the overall effect of COVID-19 on these three broad categories of rights, the HRMI practitioner survey also asked: (1) follow-up questions about which particular rights were most affected in each category, (2) open-ended questions about how COVID-19 affected the distribution of abuse and enjoyment of each right in 2020, and (3) open-

ended questions that give respondents the space to provide other details about the relationship between each set of rights and the pandemic.[3] In the next section, we'll summarize the data from the 2021 survey before providing some brief exploratory analyses that suggest some of the factors that enabled states to weather the COVID-19 pandemic with fewer ill-effects to the human rights enjoyment of the people in their borders.

Human Rights in 2020: Changes & the Effect of COVID-19

As with any large data set, HRMI's data covering 2020 suggest far more stories than could be contained in a single paper. Some of those stories are summarized in HRMI's (2021b) report, *Human Rights during the Pandemic*, and its corresponding appendix, which contains summaries of the data collected in the COVID-19 module for each country included in the 2021 survey. Other stories can be explored using the data and visualizations on HRMI's (2021a) Rights Tracker website: https://rightstracker.org/en. As such, in this section, we do not attempt to provide a comprehensive overview of all of the important COVID-related information contained in HRMI's research. Instead, we provide a few high-level descriptions of patterns that appear in the data before digging deeper into the attributes of states that performed well on human rights during the pandemic according to our metrics.

In HRMI's sample, 2020 was not a good year for civil and political rights

As mentioned in the introduction, there was some hope at the beginning of the pandemic that this crisis would open up room for improvements in human rights practices worldwide, and even some evidence in the first half of 2020 that maybe some positive changes were happening. However, by the end of 2020, that possibility seems to have largely faded. Looking at HRMI's annual civil and political rights data, most changes were decreases in government respect for those rights. Indeed, there were only two positive changes in our civil and political rights data in

2020 in which the 80% credible interval for the 2020 estimate did not overlap with the credible interval for the 2019 estimate. Those changes corresponded to a reduction of the use of the death penalty in Saudi Arabia during 2020 and a reduction of the use of torture and ill-treatment in Venezuela. (It should also be noted that both of those states still ranked among the very worst states in our sample on freedom from the death penalty and freedom from torture and ill-treatment, respectively). On the other hand, once again focusing on cases in which a country's 2020 80% credible interval had no overlap with the same interval for 2019, one country experienced a decrease in respect for the right to freedom from the death penalty (Taiwan), two countries experienced reductions in respect for the rights to be free from torture and ill-treatment (Jordan and Vanuatu), two countries experienced reductions in respect for the right to opinion and expression (Hong Kong and Malaysia), four countries experienced reductions in respect for the right to political participation (Angola, Hong Kong, Kyrgyzstan, and Malaysia), and eight countries experienced reductions in respect for the right to assembly and association (Angola, Fiji, Hong Kong, Malaysia, New Zealand, South Korea, the United Kingdom, and the United States).

We can also look at the likelihood of decreases in civil and political rights in 2020 by estimating the number of country-metrics with a greater than 0.5 probability of decreasing relative to the same country-metric in 2019. To do this, we limit the sample to only those country-metrics that we have estimates for in 2018, 2019, and 2020. We then draw 2000 estimates from the posterior distribution of each metric in each year. We then calculate the proportion of draws in each year that is less than the draw from the previous year, simulating the probability that the later metric is lower than that observed in the same country in previous year.[4]

Using this methodology, we find that about 62% of our civil and political rights metrics had a greater than 0.5 probability of being lower in 2020 than in 2019. This compares poorly to the previous year, when approximately 51% of those metrics were estimated to be lower in 2019 than observed in 2018. Looking across the various rights draws an even starker picture. As shown in Table 1, our metrics indicate that for every single civil and political right we measure, at least half of the countries in our sample were more likely to have decreased, rather than increased, respect for that right in 2020. Further, the proportion of countries with a greater than 0.5 probability of a decrease was also higher in 2020 than in 2019 for every single right. Overall, our data indicate that most of the countries in our sample decreased their respect for at least some civil and political rights in 2020.

[Insert Table 1 About Here]

According to our respondents, COVID-19 contributed to worse human rights outcomes

According to our respondents, the COVID-19 pandemic largely had the effect of making things worse for respect for civil and political rights and enjoyment of economic and social rights in 2020. On average, our respondents said COVID-19 had its largest effect on economic and social rights, followed by empowerment rights, and finally, the least effect on physical integrity rights. Nevertheless, a majority of respondents said that the COVID-19 pandemic had the effect of making things worse for respect for all three of these types of rights in 2020. Looking at the raw responses, 63% of expert respondents said that the COVID-19 pandemic led to worse respect for physical integrity rights in their country in 2020; 82% of expert respondents said that the COVID-19 pandemic led to worse respect for empowerment rights, and 89% of expert respondents said that COVID-19 led to lower enjoyment of economic and social rights in their country. For each set of rights, less than 2% of our respondents said that COVID-19 made human

rights practices better in their country over the course of the year. As shown in Figure 1, our respondents identified some rights as far more affected by COVID-19 than others. In particular, a majority of respondents identified the rights to opinion and expression, assembly and association, food, education, health, and work as being most affected by the pandemic.

[Insert Figure 1 About Here]

If COVID-19 worsened enjoyment of one set of rights, it likely worsened enjoyment of others

Building on the insight that COVID-19 has served to reinforce the interconnectedness and interdependence of human rights (Murdie 2022), as well as the threat that such interdependence can lead to negative cascades when a crisis strikes at one set of rights (Goodhart 2020), the data from our respondents indicates that countries whose human rights practices were more negatively impacted in one area often experienced negative impacts in other areas. As discussed above, we asked HRMI's practitioner respondents to tell us how the COVID-19 affected three overarching categories of human rights over the course of the year, with responses ranging from COVID-19 having made human rights outcomes better to having made those human rights outcomes much worse. To ensure that our metrics on the effects of COVID-19 on human rights are comparable across respondents and countries, we use the same Bayesian Aldrich-McKelvey (BAM) scaling methodology as that used on our annual civil and political rights intensity scores (Hare et al., 2015; Clay et al., 2020). The resulting estimates are shown in the three graphs displayed in Figure 2, along with labels on the y-axis providing our interpretation of the scores, based on reference to the practitioners' raw responses to the survey.

[Insert Figure 2 About Here]

With some exceptions, countries that have relatively higher mean scores on one set of rights generally have higher scores on the others, and likewise, countries with lower scores on

one set of rights usually have lower scores on the others. Table 2 presents the Pearson correlation, the Spearman's rank correlation, and the Kendall's Tau rank correlation between the means of the posterior distributions of the estimated effects of COVID-19 on each category of human rights. As shown, all three variables correlate positively and, in most cases, quite highly, with all but one correlation estimate coming in above 0.5. Overall, it would appear that the effects of COVID-19 on empowerment rights and economic and social rights share the weakest correlation, while the strongest correlation unsurprisingly seems to exist between the effects of COVID-19 on the two types of civil and political rights, i.e., physical integrity and empowerment rights.

[Insert Table 2 About Here]

Human rights practitioners in the field saw many deep, often troubling, connections between COVID-19 and human rights outcomes.

As mentioned above, the HRMI practitioner survey also contains several open-ended questions that asked respondents to tell us more specific information about who was at risk for human rights abuses and how the COVID-19 pandemic affected human rights outcomes in their countries. The qualitative data from our survey respondents offer rich insight into the plethora of ways the COVID-19 pandemic affected respect and fulfillment of human rights. General themes include the interconnectedness of rights, the tension between public health and respect and fulfillment of human rights, and the heightened vulnerability of marginalized groups.

In keeping with the findings from the quantitative data, as well as some of the expectations discussed in other literature on COVID-19 and human rights (e.g., Goodhart 2020; Murdie 2022), HRMI's expert respondents also often invoked the notion that all rights are interconnected and interdependent. Job loss, for example, did not just mean reduced enjoyment of the right to

work but it often meant that one would experience greater difficulties enjoying the rights to food, housing, and health. In the United States, respondents stated that arbitrary arrest often resulted in violations of the right to health as governments failed to make the necessary changes to protect detainees from COVID-19. In Jordan and Brazil, respondents said that failure to administer elections with the necessary health protocols not only resulted in violations of the right to health but also made citizens uncomfortable going to the polls, violating their right to political participation.

The pandemic also gave rise to tension between public health measures and the respect and fulfillment of human rights, invoking the "negative interdependence" discussed by Goodhart (2020) and exemplified by the discussion of human rights issues in Koo (2022). This could especially be seen with empowerment rights as public health protocols placed restrictions on the right to participate in government, freedom of assembly and association, and freedom of opinion and expression. Those who protested peacefully, for instance, were often detained. Further, in some countries, such as the United States, respondents claimed that whether protesters were targeted by the government often depended on what they were protesting, with Black Lives Matter protestors and others on the political left more frequently targeted for limitations on assembly than those on the political right. Our respondents also stated that the government used the pandemic to impose restrictions on empowerment rights in places such as the Democratic Republic of Congo, Fiji, Hong Kong, Kazakhstan, Malaysia, Nepal, or the Solomon Islands. Overall, as suggested by Chenoweth (2022) and Badran and Turnbull (2022) elsewhere in this volume, many respondents noted that these restrictions continued to be imposed even when they may have no longer been necessary.[5]

This tension also affected other rights. For example, our respondents said that lockdowns, travel restrictions, and disruptions to the transport of food limited people's access to food in places such as Australia, Nepal, and the Cook Islands. Even when governments tried to remedy this situation, the food they provided was not always culturally appropriate, such as in Australia and Hong Kong. In Malaysia and Mexico, inadequate food was provided to those in detention, and in Kyrgyzstan, Mozambique, and Liberia, the government failed to effectively distribute food to those in need. Respondents said that the enforcement of restrictions also resulted in rights violations as security forces or police used violence against those not abiding by protocols in states such as Liberia, Mexico, and the United States. Respondents also said that those who did not comply with COVID-19 restrictions were at greater risk of being tortured or ill-treated in some places, including Angola, the Democratic Republic of Congo, Mozambique, Papua New Guinea, or Fiji.

On the other hand, respondents pointed out that some states, such as Brazil and Mexico, understated the severity of COVID-19 or outright denied its existence. In turn, they implemented few or no health protocols to mitigate the spread of the pandemic, clearly violating their populace's right to health. In such states, the government attacked individuals who attempted to spread accurate information about safety protocols or COVID-19's death toll. In Venezuela, respondents claimed that those sharing COVID-19 statistics contrary to the government's narrative were at greater risk of extrajudicial killing. The government also harassed or fired public officials who tried to implement safety protocols in their localities. Even in countries where the government acknowledged COVID-19, like Jordan, Saudi Arabia, Malaysia, Nepal, and Taiwan, the government attempted to restrict individuals' ability to criticize its handling of the pandemic.

People from marginalized communities, who were already vulnerable to rights violations, were particularly vulnerable due to the pandemic, according to respondents. Indigenous people were vulnerable in a variety of ways. For example, in many countries, our respondents pointed out that indigenous people often lacked access to the internet. As schools turned to virtual learning because of the pandemic, indigenous people were thus unable to connect to the internet, reducing their ability to enjoy the right to education. In Brazil and the Democratic Republic of Congo, indigenous people were less able to access healthcare, making them especially vulnerable to dying from COVID-19. The pandemic also limited access to traditional diets or food-collecting traditions for indigenous people in French Polynesia, Guam, and New Caledonia. Further, indigenous people were targeted for violating curfew or COVID-19 protocols in states such as Australia and French Polynesia.

Migrants, refugees, and those without legal status were also vulnerable. In Malaysia, for example, migrants and refugees were at particular risk of being evicted, and the government targeted and detained them in unsanitary conditions in the name of slowing the spread of the virus. The Malaysian government also used COVID-19 to restrict freedom of expression for migrants, refugees, and their advocates. Refugees, non-citizens, and others without legal status could not access government assistance and were particularly affected by job loss in places like Australia and the Northern Mariana Islands. COVID-19 public health information was also not available in migrants' or refugees' languages, putting their health at risk. In Taiwan, those without legal status struggled to purchase masks.

As discussed by Brysk (2022) in this volume, the pandemic also negatively impacted women and girls. In Liberia, for example, women and girls were restricted from accessing food markets. Further, women were especially affected by unemployment triggered by the pandemic

in states such as Mozambique, Nepal, and Vanuatu, amongst others. Mozambique also saw women and girls' political participation decrease because of the pandemic. The pandemic also detracted from issues that women were advocating for, such as the ability to have land to build homes in Tuvalu.

Of course, there is far more detail in the qualitative responses than can be included here. Summaries of the qualitative responses can be found on the HRMI (2021a) Rights Tracker (https://rightstracker.org/) as well as the HRMI (2021b) report, *Human Rights during the Pandemic*.

Maintaining Respect for Rights during a Crisis: The Pandemic, the "Will," & the "Way"

While the data presented above allow us to provide information on the effect of the COVID-19 pandemic across several diverse contexts, we should also be able to use them to provide insight into the factors that enabled states to weather the pandemic with fewer adverse human rights effects. We hope that as more data become available from the pandemic, researchers will be able to use these data to understand the human rights consequences of COVID-19 in 2020 and beyond. The analyses that follow should thus be used as illustrative of some of the kinds of questions one may be able to approach using our data. While there are many possible ways of categorizing the potential factors at play here, we focus on a few that affected a state's *ability* (or opportunity) to maintain a consistent, higher level of respect for human rights and the factors that demonstrate a state's *willingness* to respect human rights (Most and Starr 1989). As Murdie (2022) might put it, which states had the "will" and the "way" to protect human rights during the pandemic?

Two of the factors that determined whether a state could maintain existing (or even improve) human rights practices during the pandemic are its general capacity to respect the

human rights of its population overall and the size of the additional challenge posed by COVID-19 to that state. The state's capacity to respect human rights has been found to have an important impact on human rights in several previous studies (Cingranelli, Fajardo-Heyward, and Filippov 2014; Clay and DiGiuseppe 2017; Englehart 2009), both by delimiting the possible policy options that are available to the state and by affecting the state's ability to recruit, train, monitor, and incentivize its agents. There are many ways to measure state capacity (e.g., Hendrix 2010), but at the time of this writing, in mid-2021, many of those metrics are not yet available for 2020. Further, since we are looking at a broad set of human rights outcomes, not all of which have been thoroughly examined in light of state capacity, we will focus here on the overall resource base to which the government had access, in the form of GDP per capita, as the overall income of the country has long been found to be an important determinant of human rights outcomes (e.g. Fukuda-Parr, Lawson-Remer, and Randolph 2015; Poe, Tate, and Keith 1999; Richards, Webb, and Clay 2015). We will also look at the effect of population, as higher populations correspond to a higher number of people whose rights the state is obligated to respect, protect, and fulfill. As such, by mere probability alone, countries with higher populations are likely to have a larger share of people whose rights are violated or not enjoyed. Further, larger populations may also place more pressure on the government, especially if that population is at risk for a disease like COVID-19 (Fukuda-Parr, Lawson-Remer, and Randolph 2015). Indeed, many previous studies have found that countries with larger populations often have worse human rights outcomes, all else equal (e.g., Henderson 1993; Poe, Tate, and Keith 1999; Richards, Webb, and Clay 2015).

Of course, any pressures typically placed on the state to fulfill the human rights of its population under normal constraints would be exacerbated as states face the grave risk to the right to the highest attainable standard of health posed by the COVID-19 pandemic. Further,

those states also face potential human rights costs associated with the pandemic's mitigation strategies, such as reduced access to work and pay (e.g., Fana, Torrejón Pérez, and Fernández-Macías 2020), the potential loss of housing as income drops (Benfer, et al., 2021), the loss of access to education as schools shut down or move online (Lorente, Arrabal, and Pulido-Montes 2020), the postponement of elections (International IDEA 2021), imposed limits on expression and assembly (UN Human Rights Council 2020), and increased contact between state agents (like police) and people who are running afoul of the state's mitigation strategist (OMCT 2021; Richards and Gelleny 2021). In general, higher numbers of COVID-19 cases serve to threaten people's health and human rights directly through the disease and its effects and indirectly through the strategies embraced by the state to reduce transmission of that disease.[6]

In terms of state willingness, multiple factors ranging from regime type to the salience of human rights practices could be included. However, as a starting point, we are going to focus on something that is readily available to us and is perhaps the best representation of whether the state has put effort into ensuring enjoyment of rights previously: past human rights practices. It is, of course, possible that a lack of violations of human rights in previous years could result from a lack of problems leading to worse human rights outcomes. However, that is unlikely since, as discussed in the paragraphs above, the consistent fulfillment of every human right requires positive effort (and resource allocation) on the part of the state (Donnelly 2013). As such, we posit that countries that demonstrated higher respect for human rights before the pandemic were better equipped to maintain higher practices during the pandemic, as well as less likely to use the pandemic as an excuse to engage in violations and limitations of human rights for their own benefit, under the guise of concern for public health.

Data & Analysis Design

Table 3 provides the descriptive statistics for all of the data used in the analyses that follow. As a reminder, the variables that we have introduced above on the effects of COVID-19 on human rights potentially range from 1 to 5, with higher scores corresponding to generally fewer negative effects from COVID-19 and lower scores indicating that COVID-19 made human rights outcomes in that category of rights much worse. Aside from these, the various human rights data are all from the HRMI (2021c) Human Rights Dataset. The respect for physical integrity and empowerment rights indicators potentially range from 0 to 10, with higher scores representing greater state respect for that subset of rights. Because the COVID-19 human rights data and the HRMI civil and political rights variables are based on posterior distributions of country-year estimates from Bayesian Aldrich-McKelvey models, we provide descriptive statistics on both the means and the standard deviations of those normal distributions. HRMI's economic and social rights data use the methodology created by Fukuda-Parr, Lawson-Remer, and Randolph (2015), updated and described further in Randolph, Stewart, Fukuda-Parr, and Lawson-Remer (2021). Their Social and Economic Rights Fulfillment (SERF) Index potentially ranges from 0 to 100, with higher scores indicating better state fulfillment of their legal economic and social rights obligations. In this particular implementation, we focus on the data from the low- and middle-income assessment standard, as we have too few observations on the high-income assessment standard to draw conclusions from those data.

[Insert Table 3 About Here]

Our data on the total number of 2020 COVID-19 cases, Gross Domestic Product (GDP) per capita adjusted for purchasing power parity in constant 2011 dollars, and population are all taken from the *Our World in Data* COVID-19 data repository (Appel et al., 2021). The COVID-

19 case data are from the COVID-19 Data Repository by the Center for Systems Science and Engineering (CSSE) at Johns Hopkins University (Dong, Du, and Gardner 2020). The GDP data are from the most recent year available from the World Bank's (2020) World Development Indicators via the International Comparison Program. Population data come from the United Nations' (2019) World Population Prospects. Due to skewness in the total COVID-19 case, GDP, and population data, we use the natural log of those data in the analyses below.

Our sample of states is not large. We have data on 35 countries for the effects of COVID-19 on economic and social rights, and 33 countries for the effects of COVID-19 on civil and political rights. Further, many of those countries are not treated as independent states by the United Nations, the World Bank, and other international institutions. Thus, in many cases, we lack comparable data on state attributes that we would like to use to understand the effects of the pandemic, even further limiting our sample size in many cases. As such, we would caution readers against reading the following results as causal. Instead, we will merely be attempting to establish associations that may help us gain a high-level description of the attributes of states that navigated the difficulties associated with COVID-19 without significantly worsening the enjoyment of human rights of people in that country. Further, as mentioned above, several alternative attributes should also be analyzed in future work, particularly as more data from the pandemic become available. The following results are only intended as an example of some things that can be learned from these data; we hope other work will expand on this.

Given the small sample size, we do not attempt multivariate regressions. Instead, we report the results of a series of bivariate linear regressions relating each of the state attributes of interest to our measure of COVID's effect on each type of human right. To completely utilize the available information about the amount of uncertainty surrounding the Bayesian estimates used

in the following analyses (as represented by the standard deviations described in Table 3), we take 10 draws from each of those Bayesian posterior distributions and run 10 separate regressions, combining the results of those 10 regressions using Rubin's (1987) rules.

Results

Table 4 shows the results of the bivariate regressions described above. First, countries in our sample in which higher proportions of the population contracted COVID-19 also tended to experience more negative effects on physical integrity, empowerment, and economic and social rights due to the pandemic, according to HRMI's expert respondents. On some level, this is to be expected, but it does suggest that many states required a reasonably high level of COVID-19 transmission before using the COVID-19 pandemic as a reason for reduced respect for human rights. That is, the fact of a global pandemic may not have been enough for a state to reduce its respect for rights greatly; rather, that pandemic needed to impact the population directly.

[Insert Table 4 About Here]

Interestingly, our other two indicators of state ability to maintain respect for human rights during the pandemic perform worse than might be expected. Higher populations are significantly associated with larger adverse COVID-related effects on government respect for physical integrity rights; in all other cases, neither population nor GDP per capita attains statistical significance. However, we should not draw too many conclusions from these null findings. This could have something to do with the particular sample of countries being analyzed here, or it could be related to the fact that the standing GDP of countries before the pandemic mattered less than the effect COVID-19 had on countries' economies during 2020 (which might be captured better by the proportion of the population affected by COVID, which was found to be

significantly associated with outcomes above). It will be essential to reanalyze all of this as more data become available.

As for our indicators of state willingness to respect human rights, i.e., past respect for human rights, in most cases, they were related to fewer negative effects on human rights practices due to COVID-19. Past respect for physical integrity rights and past respect for empowerment rights are both related to fewer negative COVID-related effects on physical integrity, empowerment, and economic and social rights across the board. Respect for economic and social rights, measured via the low- and middle-income assessment standard on the Social and Economic Rights Fulfillment (SERF) Index, is not significantly associated with the effect of COVID-19 on physical integrity or empowerment rights. Still, it is significantly associated with fewer negative effects of COVID-19 on economic and social rights in our sample. Overall, rather than increasing the probability that the pandemic would lead to worse human rights outcomes by leaving the state further to fall, it would seem that higher prior respect for human rights does indicate that a state was more likely to maintain those practices through the struggles of the pandemic, at least in our sample of states.

Conclusion

By most accounts, 2020 was not a good year for global human rights practices. In general, the human rights practitioners and experts that responded to HRMI's annual survey agreed, producing data that indicate that most countries experienced some form of decline in respect for human rights practices over the course of the year. As Chiozza and King (2022a) state in their introduction to this volume, COVID-19 has exerted a "profoundly negative" effect on human rights conditions worldwide.

However, there may still be some room for optimism amid the bad outcomes of 2020. The pandemic has driven an increased awareness of the interdependence between different human rights, and thus, the necessity to ensure respect for each human right to truly guarantee respect for all human rights (Goodhart 2020). This interdependence in outcomes appears to be supported by the data presented in this article. Hopefully, the accumulated evidence from the pandemic will encourage states to stop approaching the list of internationally recognized human rights as a menu of options and more as a necessarily connected whole that must be embraced in its entirety. Likewise, the degree to which the adverse human rights effects of COVID-19 were disproportionately experienced by marginalized groups, as noted by HRMI's respondents, has led to a wider understanding of the longstanding inequities in rights enjoyment across populations, and thus, growth in solidarity with those experiencing human rights abuses (Libal and Kashwan 2020).

Strictly from the results presented in this article, we would encourage human rights advocates to take heart in the finding that countries with better human rights practices prior to the pandemic tended to experience fewer negative effects from the pandemic on human rights. In general, this implies that hard-fought past gains in human rights practices were not entirely lost during this period of recession. "Two steps forward, one step back" still leaves us further along the road than when we started. If these findings hold up to further scrutiny in the years to come, it provides more strength to the claim that the best way to protect human rights in times of crisis is to encourage states to adopt stronger human rights norms during calmer times (e.g., Conrad and Ritter 2019).

Of course, it is still quite early to draw firm conclusions about the long-term effects of the COVID-19 pandemic on human rights, and there is much more to learn. We hope that the

metrics discussed in this article, combined with data produced by others, can help researchers find important patterns while aiding practitioners and policymakers in evaluating the steps they have taken so far. Through these efforts, we all may be able to work together to provide the tools and policies necessary to lessen and avoid such widespread human rights crises in the future.

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[1] For a review of the literature on the relationship between human rights and the COVID-19 pandemic, see Chiozza and King (2022b) in this volume.
[2] See Bakker, et al., (2014) for more discussion of the use of anchoring vignettes and Clay, et al., (2020) for discussion that places that use in the human rights context.
[3] A paper version of HRMI's 2021 survey (which is typically taken in Qualtrics) can be viewed in full in Appendix 1.
[4] We exclude freedom from the death penalty from this analysis, as death penalty executions only occurred in 4 countries in our sample over the 2019/2020 time period.
[5] It may bear mentioning that there is a mechanism in international law that would allow states to derogate from some of their obligations under the International Covenant on Civil and Political Rights (ICCPR) during COVID-19 related crises. However, many more states restricted the exercise of civil and political rights than entered derogations at the United Nations (Helfer 2021). Indeed, in our sample of states (which includes some countries that have not ratified the ICCPR), Kyrgyzstan was the only state that we are aware of that entered formal derogations to their ICCPR obligations during 2020 (United Nations 2020).
[6] As suggested by an anonymous reviewer, all of this is further complicated by the possibility that limitations on some rights, including those permitted via legal derogation procedures, may have served to reduce the caseload in some countries. In the current study, the possibility that worse practices on some rights served to decrease the COVID-19 caseload may serve to attenuate the generally negative correlations we find between COVID-19 cases and change in these broad categories of human rights outcomes. Future researchers with access to more disaggregated data should evaluate this possibility further.

Table 1.
Percentage of Countries with Greater than 0.5 Probability of Worse Human Rights Practices than Observed in Prior Year

	Number of Countries	2019	2020
Arbitrary or Political Arrest and Detention	27	59%	63%
Assembly and Association	29	62%	79%
Forced Disappearance	30	50%	63%
Extrajudicial Killing	29	52%	69%
Opinion and Expression	29	45%	59%
Political Participation	28	43%	57%
Torture and Ill-Treatment	30	30%	50%

Table 2.
Pearson Correlation between Estimated Mean Effect of COVID-19 on Types of Human Rights
Spearman's Rank Correlation in Parentheses; Kendall's Tau in Brackets

	Physical Integrity Rights	Empowerment Rights	Economic & Social Rights
Physical Integrity Rights	1		
Empowerment Rights	0.67 (0.72) [0.51]	1	
Economic & Social Rights	0.66 (0.71) [0.56]	0.52 (0.52) [0.38]	1

Table 3.
Summary Statistics*

	N	Mean	Std. dev.	Min	Max
COVID Effect on Physical Integrity (Mean)	33	2.68	0.68	1.68	4.25
COVID Effect on Physical Integrity (Standard Deviation)	33	0.26	0.13	0.08	0.74
COVID Effect on Empowerment (Mean)	33	2.38	0.56	1.57	3.67
COVID Effect on Empowerment (Standard Deviation)	33	0.28	0.17	0.08	0.90
COVID Effect on Economic and Social Rights (Mean)	35	1.84	0.62	1.10	3.52
COVID Effect on Economic and Social Rights (Standard Deviation)	35	0.21	0.11	0.08	0.49
Respect for Physical Integrity (2019 Mean)	38	6.40	1.90	2.07	8.89
Respect for Physical Integrity (2019 Standard Deviation)	38	0.88	0.11	0.79	1.32
Respect for Empowerment (2019 Mean)	37	5.88	2.00	1.01	8.51
Respect for Empowerment (2019 Standard Deviation)	37	0.84	0.05	0.78	0.99
Social and Economic Rights Fulfillment (SERF) Index (Most recent year available)	18	78.13	17.07	42.38	96.37
GDP per capita PPP	26	18121.45	18450.81	752.79	56054.92
Population	27	47935280	74719720	59618	332915074
Total COVID-19 Cases per Million	27	8435.09	14921.05	3.18	60536.24

Table 4.

Associates of the Effect of COVID on Human Rights Practices

Coefficients from Bivariate Linear Regressions Combined via Rubin's Rules (1987)

	Effect of COVID on:					
	Physical Integrity Rights		Empowerment Rights		Economic & Social Rights	
	Observations	Coefficient (Standard Error)	Observations	Coefficient (Standard Error)	Observations	Coefficient (Standard Error)
Total COVID-19 cases per million (ln)	24	-0.132*** (0.048)	24	-0.092** (0.045)	27	-0.071* (0.044)
GDP per capita (ln)	23	0.035 (0.117)	23	-0.008 (0.096)	26	0.097 (0.086)
Population (ln)	24	-0.163*** (0.065)	24	-0.019 (0.092)	27	-0.073 (0.062)
Physical Integrity Rights	33	0.190*** (0.060)	33	0.097** (0.055)	35	0.151*** (0.057)
Empowerment Rights	33	0.203*** (0.053)	33	0.164*** (0.065)	34	0.134** (0.057)
Economic & Social Rights	15	0.008 (0.009)	15	0.004 (0.009)	18	0.013** (0.007)

Intercepts omitted for clearer presentation. One-tailed t-tests: *<0.1, **<0.05, ***0.01

Figure 1.
Percentage of Expert Respondents Identifying Each Right as Affected by the COVID-19 Pandemic in their Country

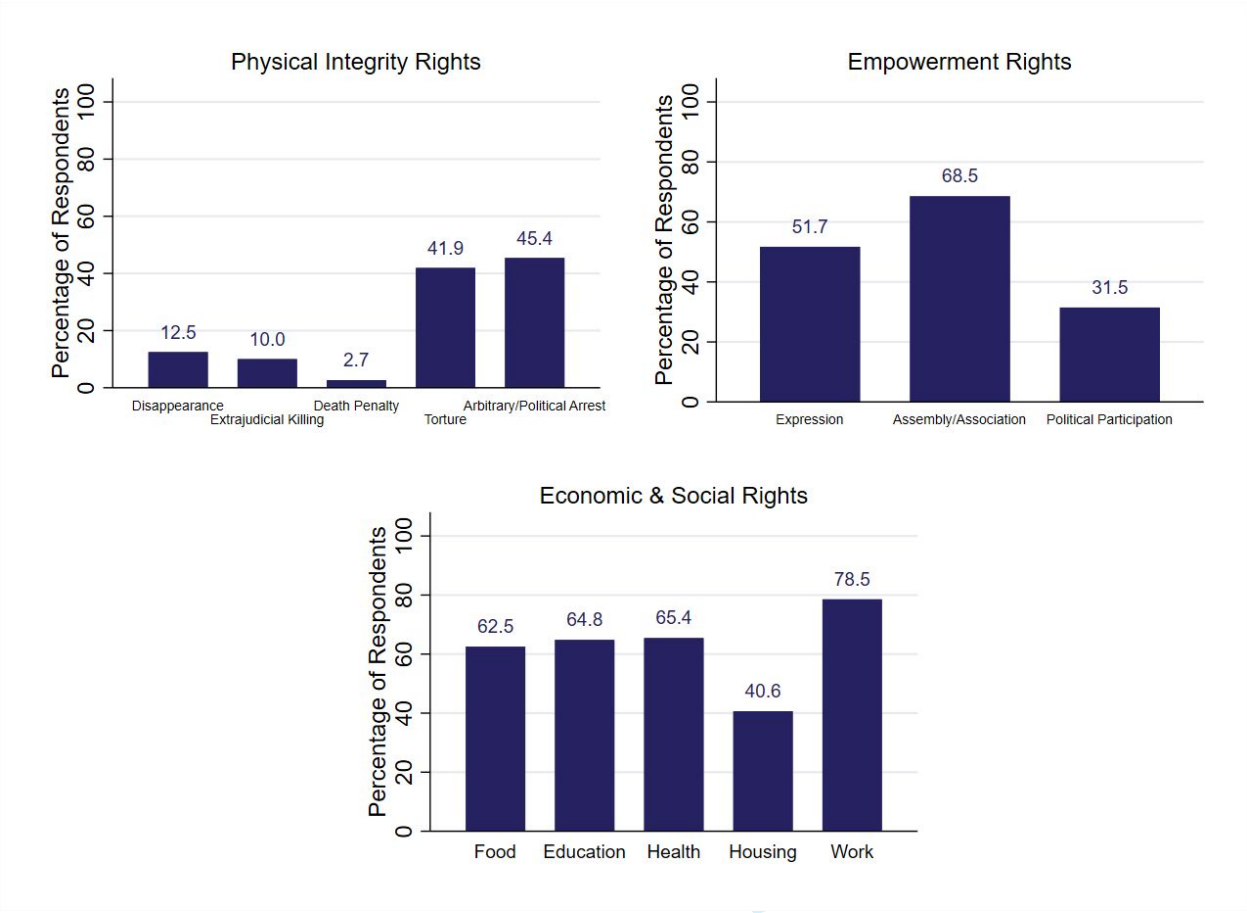
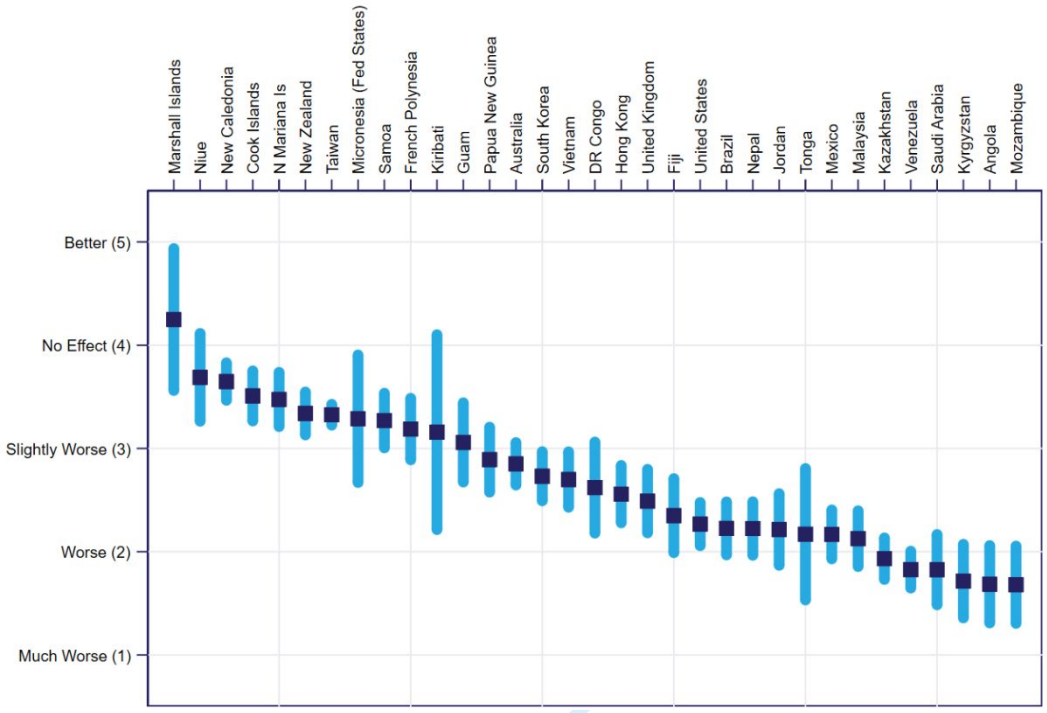
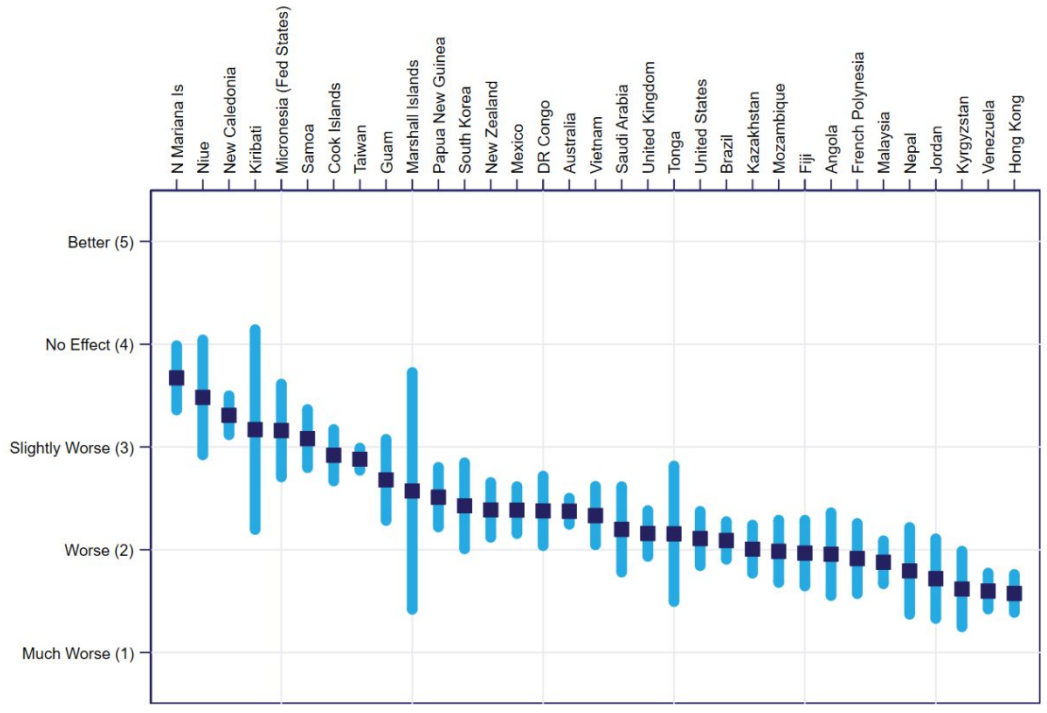


Figure 2.
Estimates of the Effect of COVID-19 on Human Rights in 2020
(80% Credible Intervals)

Panel 2a. Physical Integrity Rights



Panel 2b. Empowerment Rights



Panel 2c. Economic & Social Rights