



Grassroots Justice in a Pandemic: Ensuring a Just Response and Recovery

Throughout this rapidly evolving crisis, Justice For All will be updating its analysis and recommendations for how to support vital grassroots justice efforts.

Executive Summary

Communities around the world are reeling from the repercussions of the COVID-19 pandemic and measures taken to contain it. Now more than ever, the ability to know, use, and shape the law is critical. Access to health care and various forms of relief hinge on the ability to know one's rights and navigate complex systems. As emergency actions escalate, citizens must ensure that governments do not use the pandemic as an excuse to entrench unjust or discriminatory policies.

By addressing these needs and more, civil society grassroots justice defenders play an essential role in responding to the pandemic. But adapting to the evolving public health emergency—particularly while under quarantine conditions—poses a monumental challenge. Most legal empowerment groups are severely under-resourced and under threat. This paper offers recommendations for policymakers, donors, and multilateral institutions on how to finance and protect grassroots justice defenders during and after the pandemic. Doing so will help the world to mount a just and equitable response to, and recovery from, the global crisis.

Grassroots Justice Defenders and Legal Empowerment

Grassroots justice defenders mostly hail from civil society. They undertake the work of legal empowerment: helping vulnerable people to know, use, and shape the law so that they can exercise their rights. They are the ones on the front lines, collaborating with communities to resolve and prevent justice problems. Justice defenders can be community paralegals, human rights activists, organisers, lawyers, or advocates for a variety of causes (including health, housing, equality, and more). Whatever their title, grassroots justice defenders are knowledgeable in law and policy. Many are skilled in negotiation, organising, and advocacy. Many engage formal and customary institutions alike. Ultimately, their goal is to help people overcome injustice.

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A healthcare practitioner in a clinic in Mozambique.
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The Justice Challenge

The COVID-19 pandemic is altering the fabric of our societies and economies. While the full extent of its impact is yet unknown, we can already see that the disease and the response disproportionately affect vulnerable populations. In informal settlements, lockdowns threaten livelihoods and basic services. In quarantined homes, domestic violence is surging. In prisons and detention centres, the virus is spreading unchecked. Meanwhile, regulators are suspending the enforcement of environmental laws, inviting exploitation and pollution. Restrictions on movement, information, and expression are hampering civil society's ability to defend fundamental freedoms.

Left unaddressed, the repercussions will endure far beyond the current crisis. **Ensuring a just response to the pandemic - one that respects human rights and democratic principles - will be crucial to the ongoing health and safety of our communities.**

A recent briefing, *Justice For All and the Public Health Emergency*, describes the justice challenges arising from the pandemic and sets out seven areas of priority actions for justice leaders.¹ This companion paper focuses on the role and needs of grassroots justice defenders, who are making critical contributions to these seven areas and beyond. As justice leaders within their communities, grassroots justice defenders are integral to pandemic response and recovery efforts.

Prior to the pandemic, the Justice For All campaign identified that grassroots justice defenders were facing two key challenges: financing and protection.² This new crisis exacerbates these concerns. Legal empowerment groups are being asked to do more, move to remote working under lockdown, adapt to how they interact with clients

Seven Areas of Action

- 1 Enforce emergency measures fairly
- 2 Protect people from violence
- 3 Make people your partners
- 4 Reduce demand on justice systems
- 5 Increase innovation and smart working
- 6 Protect the justice workforce
- 7 Prepare for future disease containment phases

while social distancing, and scale up support to vulnerable populations - while operating on very limited, often project-bound resources.³ Simultaneously, grassroots justice defenders are facing new risks, including exposure to contagion, increased government surveillance, and violent interactions with security forces. **More than ever, we need to fill the financing and protection gaps facing grassroots justice defenders so that these essential workers can respond to the COVID-19 crisis.**

Justice is Essential

During the pandemic, the ability to know, use, and shape the law is critical. Access to health care, food aid, unemployment benefits, and other forms of relief hinge on the ability to know one's rights and navigate complex systems. As emergency actions escalate, citizens need to ensure that governments do not use the pandemic as an excuse to entrench unjust or discriminatory policies. In an official statement on COVID-19, the UN Committee on Economic, Social and Cultural Rights affirmed: "[i]n this difficult context, access to justice and to effective legal remedies is not a luxury, but an essential element to protect economic, social and cultural rights, especially those of the most vulnerable and marginalised groups."⁴

By supporting legal empowerment efforts grassroots justice defenders are essential to pandemic response and recovery.

- 1. Their considerable networks can be leveraged to disseminate and amplify vital public messaging about COVID-19.** Grassroots justice defenders work closely with vulnerable and excluded communities, earning a rare level of trust that can help to counteract misinformation.⁵
- 2. During the pandemic, grassroots justice defenders can help marginalised groups to access aid, healthcare and other basic services, and concrete remedies when problems arise.** Grassroots justice defenders are experienced in navigating complex legal and administrative systems. They specialise in seeking practical solutions for people's justice problems.
- 3. Grassroots justice defenders can play a role in improving the accountability and effectiveness of COVID-19 response and recovery programs.** As justice defenders help people to secure basic services, food aid, cash transfers, loans, and more, the real-time data from their casework can highlight where systems are breaking down. When analysed and acted upon, the data can inform iterative reforms to these programs.⁶
- 4. Justice defenders can monitor and report human rights abuses and other injustices that arise under quarantine, lockdown, and shelter-at-home situations.** The heightened use of security forces to enforce quarantines and curfews have led to violence in countries around the world.⁷ People are being harassed, stigmatised, and evicted due to perceived association with COVID-19.⁸ Confinement in close quarters has exacerbated rates of domestic and gender-based violence.⁹ Grassroots justice defenders are connected to vertical networks of lawyers and advocacy groups that can help victims by taking legal action or exposing rights violations.
- 5. Justice defenders can help to build stronger preparedness systems after the pandemic ends.** Justice defenders have firsthand insight into the socio-economic spillover effects of the pandemic. They possess direct experience with tackling the injustices that arise from a public health emergency. These unique perspectives will be central to the design and establishment of future preparedness systems that guarantee privacy and human rights.

Responses to the COVID-19 pandemic: Grassroots justice organizations adapt and act

- **Expanding access through technology.** In cooperation with governments, civil society, and corporate partners, empowerment organisation Haqdarshak developed a mobile app and web portal that helps Indian citizens to understand and access COVID-19 relief programs offering basic rations, food, and loans.¹⁰
- **Pivoting to advocacy.** Based on the advocacy efforts of the Horizon Institute, the president of Somaliland pardoned 20% of detained prisoners in the country.¹¹ In Argentina, Asociación Civil por la Igualdad y Justicia (ACIJ) and other grassroots organizations lobbied local government to secure adequate housing for the homeless while a lockdown was in effect. ACIJ also distributed short materials and videos throughout poor neighbourhoods with information about their rights.¹²
- **Collaborating regionally:** Over 30 legal empowerment groups from Latin America endorsed a regional call to action: “Covid-19: To Leave the Crisis Behind, Rights Must Come First.”¹³ The statement demands that governments guarantee the rights of vulnerable populations, prevent COVID-19 from deepening existing inequalities, and ensure holistic and inclusive public policies that help people know their rights and how to enforce them.
- **Offering remote and rapid legal advice.** In the United States, Pro Bono Net and its legal aid partners now conduct remote, rapid-response legal rights outreach to educate people about frequent changes to the policy environment around workers’ rights and evictions.¹⁴ In the Philippines, Ateneo Human Rights Center offers online legal counseling for questions about arrests related to curfew, discrimination to health care workers, and more.¹⁵



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Policy Recommendations

To ensure a just response and recovery, governments and donors should nurture grassroots legal empowerment efforts. Civil society and communities are responding to the pandemic with innovation and resourcefulness. Around the world, self-organised groups like “covid mutual aid”¹⁶ associations are supporting neighbours who are vulnerable to discrimination, violence, or detention. Legal empowerment organizations are turning to telephone hotlines, radio programming, and online tools to reach populations in need. To adequately serve the shifting needs of communities, however, justice defenders must respond nimbly, experiment freely, and build new skills. This is a monumental challenge, given that most legal empowerment groups are severely under-resourced and under threat.

Finance civil society efforts that advance justice during and after the pandemic

The UN says \$2.5 trillion is needed to address the “looming financial tsunami” of COVID-19.¹⁷ Already, the World Bank has announced it will provide \$160 billion in relief efforts over the next 15 months, including \$1.9 billion through fast track processes.¹⁸ The Asia Development Bank has committed \$20 billion to COVID-19 response, while streamlining its operations to allow for quicker and more flexible delivery of funds.¹⁹ The African Development Bank has launched a \$3 billion “Fight COVID-19” Social Bond; it’s the largest social bond ever issued.²⁰ National governments around the world have committed trillions of dollars in stimulus packages. Over the next weeks and months, decisions will be made on how these and other funds will operate. The impacts of these choices will resonate over years and possibly decades.

As the global community mobilises funding for response and recovery, we must ensure that justice considerations are built into financing mechanisms from the start. Funds should be spent transparently, allow for inclusive decision-making in their use, function with independence and accountability, and support legal empowerment efforts serving vulnerable populations during and after the

pandemic. To make good on the above, governments and donors should pursue the following:

Develop mechanisms or utilise intermediaries to efficiently get core funding to large numbers of grassroots justice groups. Assistance should come in the form of unrestricted grants, enabling legal empowerment groups to adapt their community-driven work in appropriate, time-sensitive ways.²¹ There are many possible intermediaries - including the Global Fund for Human Rights²² and the Global Fund for Women²³ - who have decades of experience in doing exactly this. They understand that the best solutions come from those who are closest to the problems.²⁴ Donors should also ensure that core support continues after the containment of COVID-19 and through the recovery stage, to ensure that any gains are sustained. This includes funding for convening, collaboration, and coordination among grassroots justice defenders working to rebuild our societies and economies in a just and inclusive way. The outreach must be visible so that justice defenders know that they are appreciated and championed. Finally, capacity building to support adaptation to remote working should be paired with financing wherever possible.

Dedicate a portion of global COVID-19 funds to financing grassroots legal empowerment efforts. When governments and development partners create COVID-19-specific response structures, they should recognise and support the role of grassroots justice defenders. At the international level, the United Nations Multi-Partner Trust Fund for COVID-19 Response and Recovery has pledged to work in partnership with civil society.²⁵ It must follow through and offer fast, flexible financing not only to community health initiatives, but also to grassroots justice groups. We also recommend that, as a component of the World Bank fast track response, the Global Partnership for Social Accountability open a funding window for civil society groups working to ensure a just and accountable response to the pandemic.

Replenish existing global funds and increase support for legal empowerment groups. Funds such as the UN Trust Fund to End Violence Against Women should identify and engage new grassroots partners who address the justice needs of women and girls impacted by violence during the crisis.²⁶ The Global Fund to Fight AIDS, TB and Malaria,

has made the removal of human rights-related barriers to health services a strategic objective. They should bolster investment in programs that increase legal literacy of patients' rights and improve access to legal services for those who are denied access to healthcare during the pandemic.²⁷

Integrate grassroots legal empowerment efforts into national COVID-19 strategies and stimulus packages.

Governments must recognise that grassroots justice defenders are essential workers during pandemic crisis and recovery. They can complement and enhance public services, especially among excluded or marginalised communities. They help people to understand emergency regulations and new legislation. They respond to growing justice needs and advance systemic change. Grassroot justice defenders are critical to ensuring equal access to healthcare and any future vaccine, supporting victims of gender-based and domestic violence, navigating social welfare and other public services, helping small businesses to access business loans, and more. Note that governments must respect the independence of any groups that receive funding. Justice defenders need this independence to hold government programs accountable and to ensure that services and benefits reach their intended populations.²⁸

Philanthropy should balance current needs and long-term impact.

Spearheaded by the Ford Foundation, over 600 foundations have pledged to support grantee partners with flexibility and resources.²⁹ This is a welcome shift as grassroots justice groups adapt to rapidly changing needs. As foundations contemplate possible reductions in the value of their endowments, future capacity to have impact needs to be balanced carefully with existing commitments to partners. Supporting grassroots groups now can help to turn the crisis into a lever for positive change. In the long term, legal empowerment groups will prove vital for peaceful, just, and inclusive societies.

Recommit to financing Justice For All.

Before the onset of the global crisis, civil society and governments were working to close the justice gap, which left 5.1 billion people without meaningful access to justice. As the world responds to the pandemic, we must keep the Sustainable Development Goals in focus, and in particular Goal 16's commitment to secure access to justice for all. Now and during the recovery phase, investments will be needed to propel the world toward a more equitable, sustainable, and resilient future.

COVID-19 Funds

Examples of governments stepping up to finance and protect grassroots justice defenders:

- In Ontario, \$4 million CAD was dedicated to support services for victims of domestic violence and other violent crimes. This one-time emergency payment will help more than 50 community agencies, including victim crisis assistance organizations, Indigenous organizations, and those based in rural areas, to stay operational and accessible to victims during the public health crisis.⁴⁰
- The United States has included \$50 million in the \$2 trillion stimulus package to the Legal Services Corporation. This will support 132 legal aid organisations with assisting low-income clients facing job losses, evictions, and other problems stemming from the pandemic.⁴¹ An additional \$2 million was included for justice information-sharing technology to promote video conferencing abilities for prison health care and court proceedings.⁴²

Policy Recommendations - CONTINUED

Protect grassroots justice defenders from harassment, imprisonment, and murder

Grassroots justice defenders often work on the front lines, visibly demanding accountability, challenging power imbalances, and tackling injustices. It is vital that they are able to carry out their work freely and independently, without fear of harassment, reprisal, or worse. We call on governments, law enforcement, and civil society to take the following actions to help protect grassroots justice defenders during the COVID-19 pandemic.

End all attacks on grassroots justice defenders. UN rights experts have stressed that public health and emergency containment measures must respect the fundamental human rights of every individual.³⁰ This includes grassroots justice defenders, some of whom have already been arrested and detained under COVID-19-related pretexts.³¹ This is unacceptable. Governments should not use the pandemic as an excuse to consolidate power or silence dissenters.³² Nor should they fail to prosecute private actors who orchestrate attacks.³³ Meanwhile, witnesses should document and report attacks against grassroots justice defenders to human rights commissions, ombudsman offices, and the media.

Release grassroots justice defenders from prisons. The High Commissioner for Human Rights and the UN Subcommittee on the Prevention of Torture have called for the immediate release of people detained without legal basis, including political prisoners, to mitigate the rapid spread of COVID-19 in overcrowded prisons.³⁴ Grassroots justice defenders who have been unfairly detained for helping communities seek justice should be released immediately.

Uphold freedom of expression and access to information. A handful of governments have begun to use emergency measures and sweeping legislation to authorise imprisonment and other penalties for spreading false information, a vague concept that can easily be abused

by officials and law enforcement. The practical result is the silencing of whistleblowers and voices demanding accountability - roles that grassroots justice defenders take on regularly.³⁵ Governments should not impinge on the rights to freedom of expression and access to information; any temporary restrictions should comply with international standards. Governments should partner with grassroots justice defenders to design and enforce emergency measures fairly.

Ensure that the use of digital technologies respects the rights of grassroots justice defenders. Information and communications technologies may be harnessed for legitimate public health goals, such as tracing, testing, or the distribution of aid. But technology use, particularly for surveillance, must respect the privacy and rights of grassroots justice defenders. Contact tracing apps deployed by ministries of health, for example, should be created by trusted entities that can ensure privacy protection.³⁶ Any emergency measures relating to the use of technology must be non-intrusive, limited in time and purpose, and abide by international human rights standards.³⁷

Keep women grassroots justice defenders safe from harm. The world has seen a dramatic spike in gender-based violence amidst the COVID-19 pandemic.³⁸ Female grassroots justice defenders may face abuse not only due to their status as justice defenders, but also because they are challenging gender-based expectations about their position and role in society.³⁹ Special protection measures should be enacted to protect grassroots justice defenders focusing on women's rights issues. These include proactive outreach to, and the creation of safe spaces for, grassroots justice defenders at risk of gender-based violence, as well as sensitization training for law enforcement responding to calls from victims.

Endnotes

1. David Steven, Maaik de Langen, Sam Muller & Mark Weston, et. al., 'Justice in a Pandemic - Briefing One: Justice for all and the public health emergency', Pathfinders for Peaceful, Just, and Inclusive Societies, April 2020. Available at: <https://www.justice.sdg16.plus/justice-in-a-pandemic>
2. Abigail Moy, Stacey Cram & Vivek Maru, 'The Case to Fund and Protect Grassroots Justice Defenders', Justice For All, 2019 [hereinafter 'Justice for All - Policy Brief']. Available at: <https://namati.org/resources/case-to-fund-protect-grassroots-justice-defenders/>
3. Global Legal Empowerment Network, '2019 Annual Survey Results', Namati, 2020.
4. The Committee on Economic, Social and Cultural Rights, 'Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights', 6 April 2020, E/C.12/2020/1, para. 12 (link).
5. Their trusted position with communities can also prove useful should grassroots justice defenders choose to serve as contact tracers and support legal, non-discriminatory isolation and quarantine. In order to suppress outbreaks until a vaccine can be deployed, governments will have to deploy massive networks to support testing, contact tracing, isolation of new cases, and quarantine of close contacts.
6. Vivek Maru, Laura Goodwin, Aisha Khagai & Mustafa Mahmoud, 'Digital IDs Make Systemic Bias Worse', Wired, February 2020.
7. Rebecca Ratcliffe, 'Teargas, beatings and bleach: the most extreme Covid-19 lockdown controls around the world', The Guardian, 31 March 2020.
8. 'Human Rights Dimensions of COVID-19 Response', Human Rights Watch, 19 March 2020.
9. Phumzile Mlambo-Ngcuka, 'Violence against women and girls: the shadow pandemic', UN Women, 6 March 2020.
10. COVID-19 Relief Information, Haqdarshak, accessed at: <https://haqdarshak.com/covid>.
11. Caitlin Lambert, 'COVID-19 and Prisons: Ensuring an effective response', Global Legal Empowerment Network Discussion Forum, 5 April 2020.
12. 'Coronavirus: información legal sobre circulación en barrios populares', ACLJ, 15 April 2020.
13. 'Covid-19: To leave the crisis behind, rights must come first', The Global Legal Empowerment Network, April 2020.
14. 'COVID-19 Information', Pro Bono Net, April 2020.
15. Facebook page, Ateneo Human Rights Centre, 2 April 2020.
16. Patrick Butler, 'Covid-19 Mutual Aid: how to help vulnerable people near you', The Guardian, 16 March 2020.
17. Larry Elliott, 'UN calls for \$2.5tn emergency package for developing nations', The Guardian, 30 March 2020.
18. 'World Bank Group Launches First Operations for COVID-19 (Coronavirus) Emergency Health Support, Strengthening Developing Country Responses', World Bank, 2 April 2020.
19. 'ADB Triples COVID-19 Response Package to \$20 Billion', Asian Development Bank, 13 April 2020.
20. 'African Development Bank launches record breaking \$3 billion "Fight COVID-19" Social Bond', African Development Bank, 27 March 2020.
21. CIVICUS offers additional guidance for donors looking to support grantee partners. 'Open letter: Donors and supporters must act to ensure civil society resilience against COVID-19 pandemic' CIVICUS, 19 March 2020.
22. Regan Ralph, Human Rights and COVID-19: A Message from our CEO, The Fund for Global Human Rights, 23 March 2020.
23. 'COVID-19: Statement of Solidarity and Call for Funder Flexibility', Global Fund for Women.
24. Alex Evans & David Steven, 'Building Trust, Confidence and Collective Action in the Age of COVID-19', World Politics Review, 7 April 2020.
25. 'Shared Responsibility, Global Solidarity: Responding to the socio-economic impacts of COVID-19', United Nations, March 2020, pp. 20-21.
26. Ibid. at 21.
27. The Global Fund to Fight AIDS, TB, and Malaria, 'The Global Fund Strategy 2017 - 2022', The Global Fund, 2016.
28. Justice for All - Policy Brief, supra n. 2, pp. 5, 10.
29. 'A Call to Action: Philanthropy's Commitment During COVID-19', Council on Foundations, 2020.
30. 'Human rights must be maintained in beating back the COVID-19 pandemic, 'without exception' – UN experts', UN News, 26 March 2020.
31. 'Cambodia: Rights group concerns over arrests & harassment of activists amid the Covid-19 pandemic measures', Business & Human Rights Centre, 2020; 'Nurcan Baysal investigated for social media posts on COVID-19 and prison conditions', Frontline Defenders, 1 April 2020.
32. Cristina Maza, 'Authoritarian leaders are using the coronavirus pandemic as an excuse to lock up dissenters and grab power, human rights experts warn', Business Insider, 9 Apr 2020.
33. Joe Parkin Daniels, 'Colombian death squads exploiting coronavirus lockdown to kill activists', The Guardian, 23 March 2020.
34. Political prisoners should be among first released in pandemic response, says UN rights chief, UN News, 3 April 2020.
35. Ratcliffe, supra n. 7; Human Rights Watch, supra n. 8.
36. The EU will soon release COVID-related privacy protection guidelines for digital technology. Press Release, 'Coronavirus: Commission adopts Recommendation to support exit strategies through mobile data and apps', European Commission, 8 April 2020.
37. "[I]nformation and communications technologies should not be used in a manner that amounts to arbitrary or unlawful interference with the privacy of individuals or the intimidation of human rights defenders." UN General Assembly, Human rights defenders in the context of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 10 February 2016, A/RES/70/161.
38. Mlambo-Ngcuka, supra n. 9.
39. Justice for All - Policy Brief, supra n. 2, p. 14.
40. Ministry of the Attorney General, 'Ontario Strengthening Victim Services in Response to COVID-19', 2 April 2020.
41. 'Legal Services Corporation Will Receive \$50 Million in Coronavirus Stimulus Bill', Legal Services Corporation, 26 March 2020.
42. 'COVID-19 Stimulus Bill: What It Means for States', National Conference of State Legislators, 2020.

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