

**Protecting human rights during and after COVID-19
Joint questionnaire by Special Procedure mandate holders**

Response by: The International Federation of Library Associations and Institutions (IFLA)

Website: <https://www.ifla.org/>

Common questions

Impact on human rights

Please explain the impact of the pandemic on the enjoyment of human rights and what actions have been taken by the State to respect, protect and fulfil human rights?

Within IFLA's mandate, the pandemic has most directly impacted on the ability to enjoy the right to education, to freedom of access to information, to freely participate in the cultural life of the community, to share in the results of scientific advancement, and to participate fully in government. Indirectly, the fact that some have been better able to enjoy rights than others under pandemic conditions also violates the principle of equal access to public services.

Libraries are places for education and access to information, the internet, and literacy development. They are places to assemble in groups, and to participate in cultural life. Following the outbreak of COVID-19, all types of libraries around the world closed. [IFLA has taken steps to aggregate information](#) on library closures around the world, which was especially pertinent information in the early days of global response to the pandemic. As restrictions are being lifted, IFLA continues to record and share the re-opening process with the global library field.

[IFLA also recorded the global response](#) to closures of libraries, and the programmes that were launched to continue providing educational, cultural, and community services. From resources on digital engagement with libraries and their collections, virtual programming, curb-side pickup and book delivery, and many others, IFLA has worked to disseminate methods by which libraries have tried to continue playing their role in their communities' enjoyment of related human rights.

Are there any measures put in place in your country following the pandemic which have had a limiting effect on human rights? If so, please list them, provide an explanation for their adoption and indicate the time-frame by which they will be lifted?

a) Were these measures determined by law? If yes, please indicate the relevant legislation.

In response to the pandemic, there has been evidence emerging of some governments using preventative measures to increase surveillance, place restrictions on free expression and information, and limits on public participation. As an organisation that advocates for the freedom of expression and information, among other rights enjoyed in open, participatory societies, IFLA, [alongside other international organisations](#), has noted the thread of coronavirus emergency legislature to work towards limiting citizens' enjoyment of these rights.

In terms of access to information, there has been a lack of action by many governments to make clear that copyright exceptions could also be applied digitally. Faced with the urgent need to combat the COVID-19 Pandemic and its consequences, we feel it is vital to ensure that intellectual property laws and practices do not become a blockage. IFLA has drafted an

[open letter](#) to the Director General of the World Intellectual Property Organisation (WIPO) to underline this point and call for action.

b) Why were these measures necessary to respond to the COVID-19 situation?

In most cases, it was clear that the closure of public institutions such as libraries was necessary to limit the spread of the virus and maintain social distancing regulations. There can, in situations where this is carried out in a highly proportionate and transparent way, be a case for restricting some elements of free speech, for example when this is harmful. Meanwhile, while there have been welcome steps from some rightsholders to provide electronic access to materials which can no longer be accessed in physical form, or through on-site access, these are far from universal, and some are already being lifted. It remains necessary to take longer term action to ensure the right of access to education and culture.

c. Were these measures proportional in view of their expected results to counter the pandemic?

As concerns library closures this is unknown. However, many countries that have seen a decrease in infection did close public institutions and put in place social distancing regulations that limit visitors.

As concerns freedom of expression, the picture varies globally. It does appear, however, that in some cases measures have been used as a means to restrict criticism and challenge, and so limit government accountability. They have also been used to take non-related decisions with less scrutiny than would otherwise have been the case.

d) Did these measures have any discriminatory effects on various groups of the population? If so, please indicate which ones and why.

Marginalised communities with limited resources and often limited internet access are disproportionately affected by the closure of educational and memory institutions. In the event of closed public spaces, participation in educational and cultural programmes, as well as the ability to partake in services such as registering for unemployment benefits, likely depends on internet access. Those without it are [unable to benefit](#).

[IFLA did collect examples](#) of libraries providing laptops and/or internet hotspots to low-income and homeless members of their communities, or those living in remote areas. We've also received reports of libraries expanding the Wi-Fi range outside the library building, or even using bookmobiles with Wi-Fi connectivity to reach some areas. 13% of libraries in the United States that responded to [this study by the Public Library Association](#) reported to be providing technology (laptop and hotspot checkout, expanding Wi-Fi, print/scan/copy/fax services) to their communities during COVID-19.

e) Please describe whether responses to the pandemic by States, businesses, faith-based organizations or others actors have resulted in a rollback of human rights, including in relation to affirmative action, gender-equality, inclusion of persons with disabilities and LGBT persons, land rights of indigenous peoples' or access to sexual and reproductive health services?

The closure of institutions providing access to community, as well as increased time in isolation, could be easily connected to a rollback of these aforementioned human rights in

practice. As with most times of increased hardship, already marginalised peoples are affected disproportionately. Libraries have recognised they have a role to play in this.

IFLA's Library Services to Multicultural Populations Section launched [a call for submissions](#) to examine how libraries are connecting with multicultural communities during the COVID-19 pandemic.

IFLA has also [noted](#) that people in institutions such as prisons and elderly care homes are being negatively affected by restrictions relating to the pandemic.

- f) What long-term impacts of the pandemic and its response measures are expected on the enjoyment of human rights?

Predictions for the world after COVID-19 often include an increase in digital means for engagement, education, meetings, and cultural events. Although this is a positive in terms of decreasing the economic and environmental costs of travel, this also may alienate those without reliable access to technology and the internet. We certainly hope that it will lead to a wider recognition of the idea that internet access itself should be recognised as a basic utility – even a human right.

IFLA recognises the important public-service role of libraries in providing open, equitable and affordable access to information and of improving ICT literacy and community connectivity, particularly in underserved communities.

Protection of various groups at risk and indigenous peoples

What measures have public authorities taken to protect high-risk populations from COVID-19, including: a) health care and social workers, b) older persons, c) other persons with a possibly reduced immune system such as indigenous peoples, or persons living with HIV, d) detained and incarcerated persons, including persons under state custody; e) persons living in care homes, f) children and adults living in institutions, camps, shelters or collective accommodation, g) persons with disabilities, h) homeless persons; i) persons living in informal settlements or overcrowded homes; j) refugees, IDPs and k) migrant workers.

Can you inform us about particular measures taken to mitigate the impact of the COVID-19 pandemic for communities and groups subject to structural discrimination and disadvantage?

Within IFLA's context, this is a sample of initiatives that have been undertaken:

- [Discussion](#) on how library communities can help people in institutions such as prisons and elderly care homes which are being negatively affected in times of COVID-19. This will lead in due course to an update of IFLA's own guidelines on library services to prison populations.
- Library laptops and WiFi hotspots have been made available to local homeless shelters
- Library donation of equipment, vehicles, and facilities towards outreach programmes, or acting as food banks, childcare facilities, and/or homeless shelters
- Libraries providing resources for people facing unemployment due to COVID-19
- University libraries providing laptops to students that do not have their own, giving them the ability to complete coursework remotely

- IFLA Library Services to Multicultural Populations Section [Call for newsletter submissions](#): *Connecting with multicultural communities during the COVID-19 pandemic*.
- [IFLA's Library Services to Multicultural Populations Section](#) is working with the Australian Library and Information Association (ALIA) to develop translated signage and text to support libraries communicating with their linguistically diverse communities, particularly in relation to library closures and accessing online information.

What measures have been taken by public authorities to ensure continued provision of services, including food, healthcare, education, psycho-social assistance to persons in vulnerable situation, including a) older persons, b) persons with disabilities, c) LGBT persons, d) persons in situations of homelessness, e) indigenous peoples, f) victims and survivors of domestic, sexual and gender-based violence, g) human trafficking, h) discrimination, i) victims of contemporary forms of slavery, including forced labour, as well as h) child victims of sale and sexual exploitation?

Concerning a) and d), please see the above.

Has there been any interruption of services, such as the closure of emergency shelters, food banks, or the disruption of health care or psycho-social services that has been of concern?

Libraries do have an important function in many communities as health information centres. Clearly with the obligation to close, these possibilities have been partially curtailed, but many have still continued to work to make sure that users have access to books focusing on mental health and wellbeing.

What measures have been taken to address racial disparities, prevent racial discrimination and protect victims of racism, racial discrimination, xenophobia, and related intolerance during the pandemic?

[Libraries are recognised](#) as being among the key resources in a cultural effort against racism and discrimination. They provide opportunities within communities to build personal relationships. This is vital, as interaction is the basis of non-discrimination. Libraries are a meeting point where these interactions can occur, and therefore play a major role in the fight against racism.

Participation and consultation

If emergency regulations have been imposed, to what extent have they affected official processes ensuring public participation and consultation? Have women and groups particularly affected by the pandemic and the response measures participated in such decision-making processes?

The library and information field has raised concerns about the pandemic being used as an opportunity to take decisions without proper scrutiny. In both a statement signed by a range of organisations in the [United States](#), as well as a statement by the [International Council on Archives](#), the need to maintain due processes in order to enable participation, transparency and accountability is made clear.

Awareness raising and technology

What awareness-raising activities have been undertaken by the State to inform groups in vulnerable situation, indigenous people and other populations living in remote or conflict-affected areas of health risks associated with COVID-19?

Libraries have continued to represent a trusted source of information for many during the COVID-19 pandemic, with many making special efforts to provide this to members of the community through the most effective means possible. Many librarians have also served in contact centres for vulnerable people, helping ensure that they maintain links with the community while protecting themselves, and providing relevant information.

Internet

The internet and social media were increasingly used for work, education, shopping for food and other goods, awareness raising sharing of information, freedom of expression, religious ceremonies, cultural and social interaction, consultation and political decision making. What challenges and obstacles has the pandemic highlighted in terms of access for all to internet? Has the recent situation given rise to increased violations of human rights, mobbing and bullying online? If so, how was this addressed?

Challenges include the rise of purposefully incorrect or misleading information about the pandemic, as well as limited access to the internet in some communities – most notably those that are already underserved and/or marginalised. Libraries are involved both in advocating for internet access for all, as well as providers of digital and media literacy.

A further concern has been the well-documented rise in cybercrime, and the increased reliance on tools which may not live up to acceptable standards of privacy. While those who have higher levels of digital competence may be able to avoid at least some of these risks, this is not the case for everyone.

Questions by the Special Rapporteur in the field of cultural rights

The next report to the Human Rights Council by the Special Rapporteur in the field of cultural rights, Ms. Karima Bennouna, will focus on the impact of the COVID-19 crisis on the exercise of cultural rights and on the role of culture and cultural rights in responding to the pandemic.

- 1) What have been the impacts on cultural rights and on cultural life* of:
 - a.) the pandemic?
 - b.) measures taken to respond to the pandemic?

Within IFLA's mandate, measures taken to respond to the pandemic – the closing of physical access to library services - has most directly impacted on the ability to enjoy cultural life. This is through measures limiting access to library collections, cultural heritage collections and exhibitions, arts and culture programmes, and programmes allowing for the transmission of intangible heritage knowledge. Restrictions on gathering with other people, as well as accessing public memory institutions, limit people's exposure to these elements of cultural life.

While the possibility of online access has provided an alternative – and there have been significant increases in demand for, and use of, library online platforms, these are restricted both by the fact that not everyone has adequate internet access, and by the combination of copyright and market forces that too often means that types of access and services that libraries can offer in-person cannot be offered online.

For example, libraries' ability to provide access to eBooks is hampered by the fact that they are often forced to pay many times the price for an electronic version than for a digital one. Similarly, the ability of researchers to continue in their work has been limited by the fact that many key resources are only available in print, or on campus. The measures taken by rightsholders to extend access have been welcome where these have been the case, but are already starting to be lifted, well before the need for them is passed. It is only in countries like the United States, where initiatives such as Hathi Trust can operate, that it has been possible to find a meaningful way around this situation.

- 2) What efforts have been made to guarantee the exercise of cultural rights, in accordance with the requirements of public health? How has the message that cultural life must be enjoyed in ways that respect public health and medical expertise been communicated?

[IFLA recorded the global response](#) to closures of libraries, and the programmes that were launched to continue providing educational, cultural, and community services. Libraries themselves have worked hard to help communities understand the necessity of closing where this has been the case, and as re-opening takes place, to explain what is and is not possible.

Libraries, alongside other GLAM institutions, have provided digital means to engage with collections, access cultural and arts performance, and exercise cultural rights remotely. An example is the National Library of Chile's [National Cultural Heritage Day from Home](#) programming, which saw very high levels of engagement.

- 3) What roles have culture and cultural rights played in responding to the pandemic:

- a.) At the individual and collective levels, including in building resilience and solidarity, and memorializing victims?

Cultural heritage – especially the documents, photographs, archival materials and stories of people facing past pandemics, can now resonate more than ever with audiences – possibly even audiences that would not have readily engaged before. Libraries hold collections that can help society access the educational, social, scientific and artistic values of documentary heritage, and connect to the past during this time when many are longing for connection.

[In a recent article](#), IFLA discussed the role of documentary and archival cultural heritage in providing connection, historical context, hope and in informing better decision making during the pandemic. Libraries have also been at the forefront of efforts to gather contemporary stories about people's experience of the pandemic, both helping them to come to terms with this, and providing a valuable source of future information, as set out in another [recent article](#).

- b.) At the scientific level, to provide adequate information to inform public policy and ensure public awareness?

Libraries and librarians have been heavily involved in supporting the global scientific effort to understand the virus, its effects, and the effectiveness of responses. The National Library of Medicine in the United States has led in the creation of the Coronavirus Information Database, which has made it possible for researchers globally to access a wealth of information in order to support analysis. Meanwhile, teams of librarians have led in gathering and sharing information for use by public health agencies (for example the [Knowledge Hub](#) at Public Health England, or in support of the [World Health Organisation](#)).

More broadly, librarians have also been very active in calling for open access to materials concerning COVID-19, led by the [International Coalition of Library Consortia \(ICOLC\)](#), as well as reasonable terms for other access. IFLA itself has signed onto these, as well as promoting principles which highlight the need for open access to remain in place for as long as necessary. In the light of this, the decision by some rightholders to withdraw access on a fixed date is regrettable, and risks holding back research in the field.

Looking to the past can also help society at large be better prepared for changes coming out of this time. For example, Xenophobia is a long-standing result of global crises. [UNESCO has drawn on the example of the Black Death](#) as a warning against knee-jerk reactions that would seek to restrict connection in the future by blaming the pandemic on global connections and freedom of movement.

As parts of a public awareness campaign, accessing documentary heritage to add historical context in can help people today understand how important it is to take public health advice concerning sanitation and hygiene seriously. It could help put our vulnerability into context and therefore add weight to public health initiatives, such as wearing masks and washing hands.

c.) In any other relevant manner?

IFLA has helped to shape and then joined a [UNESCO statement on documentary heritage and the COVID-19 pandemic](#). This stresses the potential that documentary heritage has both to instruct and comfort at times such as these, and calls on governments and others both to recognise this potential and support the work of our institutions. We have further underlined this in a joint statement with members of the Culture 2030 Goal coalition. The importance of heritage is also highlighted in [our blog on the role of heritage in storytelling](#).

4) What steps have been taken to mitigate the impacts of the pandemic, and of measures to counter the pandemic, on the cultural sector and on the human rights of those working in it (including artists, athletes, cultural heritage professionals, cultural workers, librarians, museum workers and scientists)?

How have the cultural sector and those working in it adapted to the pandemic? How have these adaptations been received by the public and how have they been supported, including financially? Are there sectors of the population that may risk exclusion from such adaptations?

Depending on national practices, librarians have been affected in different ways by the steps taken to mitigate the pandemic, with some furloughed, others reassigned to duties such as contact-tracing or contact centres for vulnerable populations, and some simply laid off. Clearly they then depend on the welfare system in place where they are, which may be more or less adequate.

For those who have been able to continue to work in the sector, there has been a particularly strong and welcome demonstration of resilience and resourcefulness. IFLA has recorded responses from our global network of Preservation and Conservation (PAC) centres in how their work has changed in the face of COVID-19. [Responses can be found on our blog](#). Other examples are available in our [overview](#) of the library response, including a rapid pivot to digital practices, innovations in providing services in different ways, through everything from online storytimes (where it has been possible to receive permissions) to carrying out reference services through WhatsApp.

A notable change is that digital preservation activities, outside of digitisation itself, not only remained active but have taken on special significance in many of these institutions. These include COVID web archiving projects, providing for an increased demand on digital resources, and the infrastructures for preservation and access that support them, and virtual tools and outreach programmes.

There have been examples – although arguably not common enough – of governments being ready to allocate extra funding to allow libraries to buy more eBooks (although the high prices charged to libraries for these have meant that it has not been possible to buy as many as had been hoped for). There are also promising efforts to support libraries in the United States through the stimulus package to do more to help the digitally excluded. However, most of the time, libraries have had to offer such services from within existing budgets, and often with fewer staff.

Sectors of the population that do not have the ability to access digital resources, such as digitised collections, risk exclusion from these adaptations. Likewise, cultural heritage practitioners and institutions in the developing world that do not have the capacity to carry out these digital projects, either from lack of funds, expertise, or equipment, stand to suffer in these adaptations. It is likely that they are not able to continue their preservation and conservation practice in the event of limited or no access to materials.

- 5) What kind of measures will be necessary to rebuild the cultural sector going forward? How will inclusion be addressed?

As many countries are grappling with the interface of the pandemic, economic hardship, and possibly civil unrest and natural disasters, these are times where support is greatly needed. Culture is connection and comfort, and cultural diversity is a powerful reminder of our shared humanity in the face of hardship. As set out in the [Culture2030Goal statement](#), signed by a number of international cultural networks, as well as over 200 others globally, there is a pressing need to ensure not only that cultural actors are included in any response to the crisis in order to be able to continue to create and provide access to culture, but that they also be incorporated into long-term development planning.

Going forward, the role of [libraries as multi-cultural hubs](#) has been noted. In order to fight racism and build stronger community connections, the library as a meeting place for cultural and language exchange is key. Providing their communities, no matter their identity, with the freedom to read, to access information, and to participate in cultural life is central to libraries' roles as cultural hubs.

Within preservation and conservation, an increased focus on digitisation in cultural heritage practice will increase the urgency for capacity-building in parts of the world without access to the means to participate. This should be prioritised in order to allow for inclusion in the preservation and access to heritage.

- 6) Has your Government already envisaged / announced specific measures to support the culture sector during and after the pandemic? How will relevant constituencies participate in their development and implementation?

In the United States, there are welcome efforts to include libraries in stimulus packages, notably in order to support efforts to promote digital inclusion. In Barcelona, we are aware that libraries have received increased acquisitions budgets, which will also support local book shops. IFLA has suggested [five ways](#) in which libraries can be included in stimulus packages.

- 7) Have scientific and medical experts been able to express themselves freely about the pandemic, its impacts and needed responses? What measures have been taken to address the denial of scientific information about the pandemic, and to ensure access to reliable scientific information to guide policymaking and personal choices.

With fighting misinformation around COVID-19 a key part of the overall response, libraries have the reputation and the skills to make an important contribution.

To raise awareness of this, IFLA has produced a COVID-19 edition our [How To Spot Fake News infographic](#), with a stronger focus on some of the issues encountered around the pandemic – especially the need to check with other sources – and recognition of the fact that much news today spreads through conversations on social media. Libraries around the world have created COVID-19 information pages, often supported by their associations, have prepared dedicated pages and networks in order to help users access reliable information.

As highlighted above, libraries have been involved both in advocacy for, and provision of information about COVID-19. The sector has called strongly, through the ICOLC statement mentioned above, for free and open access to materials from across disciplines that will help in the understanding of the pandemic and effective means of response.

There has been a welcome reaction from many rightsholders, although in such a situation, it remains an open question whether a stronger legal guarantee of access would not be better, given that access has not been universal. This will become more and more relevant as a question as special measures are lifted and access is replaced by paywalls, even as researchers are still subject to restrictions.

Further needs are for research – and relevant data – to be made available in a fully reusable form, given the potential that technologies such as text and data mining present for developing new understanding, and to focus properly on discoverability.

Clearly in the long-term, the pandemic has strengthened the case for Open Access and Open Science, not only in order to support research on COVID-19, but in order to support equitable research and learning in general.

Questions by the Independent Expert on the human rights of older persons

The report of the Independent Expert, Ms. Claudia Mahler, will focus her report to the General Assembly on the impact of the COVID-19 pandemic on the enjoyment of the human rights of older persons. The report aims to highlight the challenges for the rights of older persons in the current national and international legal framework. It will analyse different risks to older persons human rights which were exacerbated and heightened and made more apparent during the pandemic. Ageism and age discrimination have continued, together with violations to older persons' right to health and care service support, including their right to life, their right to information, their right to live free from violence, abuse and neglect, and their right to participate and to social inclusion. The report will provide best practices and case studies.

Please provide information on reports, speeches and measures which had a special focus on older persons during the pandemic. Please include best and bad practices.

IFLA has [noted](#) that people in institutions such as elderly care homes are be negatively affected in light of the pandemic. IFLA notes that for older people that are limited in movement, there is a pressing need to find alternative ways to help residents pass the time comfortably, with as many possibilities as possible to learn or simply to enjoy books and other materials.

As example comes from Germany, where a public library has reached out to homes for the elderly by loaning boxes with library books and materials for the coming weeks. Publishers donate books and with the help of a local branch library they are packed into bags and delivered to the doorsteps of people in need. Clearly, in such initiatives, every step needs to be taken to ensure that any such programme does not become a vector of infection – national advice should be followed at all times.

Other initiatives involve volunteers from the library reading and talking to elderly people over the

phone. Many use this opportunity to get explained, step by step, how to use their digital devices to be able to Skype, use social media or download electronic library materials.