

24 September 2021

Joe Powell, Deputy Chief Executive Officer, Open Government Partnership (OGP)

Cc: Tonu Basu, OGP Deputy Director of Thematic Policy Areas

Mr. Hae-cheol Jeon, OGP Co-Chair and Minister of the Interior and Safety, Government of the Republic of Korea

Maria Baron, OGP Co-Chair and Global Executive Director, Directorio Legislativo

Dear Mr. Powell,

Re: Covid-19 Emergency Powers Review at OGP Summit

We are a coalition of non-governmental organizations working to roll back the threat to democracy, human rights, the rule of law, and open societies posed by overly broad emergency measures and other extraordinary powers adopted in response to the COVID-19 pandemic. We write to ask that you prioritize robust discussion on this threat during the Open Government Partnership (OGP) summit from December 13 to 17, 2021.

We would welcome the opportunity to speak with you about our concerns and help give this topic the attention it deserves in the commendable “civic space and public participation” priority in the summit co-chairs’ [call-to-action](#).

Since the start of the pandemic, [more than 170 countries](#), including all of OGP’s members, have adopted de facto or official emergency measures as part of their pandemic response. While some of these measures may restrict basic rights only to the minimum extent required to protect public health, many are unnecessary and disproportionate, or use COVID-19 as an excuse to further consolidate executive powers and securitize the public health sector. Collectively, these measures have empowered authorities to suspend elections and legislative bodies; target the poor, minorities, refugees, LGBTQ people, and other marginalized groups; silence media, political opponents and human rights defenders; dramatically expand state and corporate surveillance powers; and violently crack down on peaceful protesters, including healthcare workers seeking greater COVID-related protections.

Review of these measures and rollback of those that are disproportionate and unnecessary is critical to achieving one of the [top OGP goals](#) highlighted by co-chairs the Republic of Korea and Maria Baron of Directorio Legislativo: sustaining “the fight to strengthen civic freedoms, democratic accountability, access to information, and all the other structures,” that allow free participation in public life, despite the pandemic.

Disproportionate emergency powers can enable a lurch toward authoritarianism. We see the 2021 OGP summit as a critical opportunity to highlight this danger and help governments, multilateral institutions, and civil society collectively ensure that COVID-19 emergency powers and restrictions to basic rights such as free speech, access to information, and peaceful protest are strictly limited to those necessary to protect public health and are lifted as soon as is feasible, in line with states’ international legal obligations. In particular, the summit provides a critical opportunity to discuss and craft action plans to reform or revoke unnecessary and overly restrictive COVID-19 emergency measures and ensure they are

properly implemented, and to highlight best practices that some OGP members are already pursuing in this area.

We thank you in advance for considering our request for a virtual meeting, and for your work to promote transparent, participatory, inclusive, and accountable governance. We stand ready to support you in addressing these important concerns.

Yours sincerely,

African Policing Civilian Oversight Forum (APCOF)

ARTICLE 19

Asian Forum for Human Rights and Development (FORUM-ASIA)

Dromómanos

The European Center for Not-for-Profit Law (ECNL)

Fair Trials

Global Law Enforcement and Public Health Association

Harm Reduction International (HRI)

Human Rights Watch

The International Center for Not-for-Profit Law (ICNL)

International Commission of Jurists (ICJ)

International Partnership for Human Rights (IPHR)

Open Society Foundations (OSF)

Pan African Lawyers Union (PALU)

Privacy International

World Organisation Against Torture (OMCT)