THE SECURITY SECTOR AND THE COVID-19 EMERGENCY

Policy recommendations for UN staff working in Mission and non-Mission settings on improving security sector governance

The COVID-19 emergency has led to measures on security sector reform (SSR) being put on hold in a number of countries prone to relapse into conflict. Preparations for the integration of former combatants of armed groups in the security sector are interrupted. Border closures and a standstill on travel have severely constrained the deployment of UN good offices, SSR expertise, and conflict prevention capacities. This limits our ability to transform conflict dynamics and create opportunities for peace.

But the consequences of COVID-19 run deeper. The pandemic has catapulted public health into the domain of national security, while emergency measures have limited parliamentary oversight. Governments across the globe mobilize armed forces, police, border guards and the like to enforce preventive measures and support the crisis response, with mixed results. When security and defence forces are deployed without proper preparation or without full regard to the rule of law, they may compound, rather than mitigate, insecurity.

Moreover, pandemics tend to amplify patterns of vertical and horizontal exclusion. They take a greater toll on the poor, on ethnic and religious minorities, and on women and children. Particularly where the social contract is fragile, a protracted health crisis can have far-reaching political, security, human rights and gender equality consequences.

Adequate governance of the security sector is now more relevant than ever. Effectively sustaining peace and preventing conflict while responding to a public-health emergency will depend on the ability of governments to uphold the core principles on security sector reform set forth in Security Council resolution 2151 (2014).

Successful reform initiatives and progress toward peace can often be traced back to a catalyst moment of deep crisis in which the status quo of entrenched positions and political stalemates was no longer an option. While many SSR initiatives are currently stalled, UN staff should emphasize in their work with government officials the opportunities for progress and trust-building that this emergency period may harbour.

I. Framing the Security-Health Nexus

When developing responses to public health emergencies, conflict dynamics and SSR should be systematically considered. Whole-of-government approaches are essential – including policy development, planning and implementation. The COVID-19 pandemic underscores the need for an integrated policy and operational approach, which acknowledges linkages between public health and security delivery.

Security and defence forces possess several comparative advantages which could justify their deployment, in accordance with the rule of law, to help contain the effects of a public health emergency:

- Preparedness to respond to emerging threats and potential internal or external pressures, including natural disasters
- Centralized chains of command and control, with the highest level of political access and attention
- Wide-spread territorial presence
- Expertise and capabilities in logistics, infrastructure, communication, transportation, intelligence, surveillance, reconnaissance and planning
- Flexibility and adaptability, including through rapid-deployment capacities.

While there may be value in engaging security and defence forces in widespread public health emergencies, it is important to understand and address associated risks.

- New tasks for security sector personnel may shift focus and resources away from performing their core functions. If emergency activities infringe on maintaining national security and law and order, this could erode legitimacy and public credibility.
- The risk of use-of-force violations and abuse of authority is real. Tension and social unrest might escalate if security sector personnel – seeking to prevent and contain the pandemic – deploy and behave in disrespect for basic standards of law enforcement and established international human rights principles by restricting the exercise of fundamental freedoms, allowing for discrimination based on race, gender, ethnicity, religion or social group, or if they sow fear and intimidation and perpetrate violence against children and women. This may particularly be the case in countries where existing punitive measures codified in law and practice do not respect human rights norms
- Weak security sector actors with poor governance and accountability, which are seen as predatory or disconnected from the community, will be unable to effectively mitigate the spread of the virus. Thus the continued requirement for governance reform and accountability measures, in order for the security forces to be engaged in an optimal manner in health emergencies.[1]

BOX 1. KEY PRINCIPLES FOR THE USE OF FORCE

- **PRINCIPLE OF PRECAUTION** When planning and conducting law-enforcement operations and actions, to take all necessary precaution to avoid or at least minimize the use of force
- **PRINCIPLE OF LEGALITY** Force can only be applied in pursuit of a legitimate law-enforcement objective
- **PRINCIPLE OF NECESSITY** Force can only be applied if based on purposes grounded in law
- **PRINCIPLE OF PROPORTIONALITY** Force should not be substantially disproportionate to the physical harm that is threatened
- **PRINCIPLE OF NON-DISCRIMINATION** The use of force, at the lowest necessary levels, cannot be undertaken based on group-discriminatory assessments
- **PRINCIPLE OF ACCOUNTABILITY** Officers applying force in their operations and actions must be held accountable for it.

.[1] *https://issat.dcaf.ch/Learn/SSR-in-Practice2/Thematics-in-Practice/Disaster-Risk-Response-and-SSR*

II. Policy Recommendations

1 Safeguard accountability throughout the enforcement of special measures

Emergency measures extend the scope of duties performed by security and defence forces. When this occurs in the absence of robust legal and policy frameworks, violations of national laws and human rights standards may result. For instance, without adequate oversight, there is a real risk that security forces will perpetrate repressive, discriminatory, or predatory behaviours in the course of enforcing curfews or other legitimate COVID-19 preventive measures. Failure to hold security forces accountable for human rights violations further weakens state legitimacy.

Particularly during states of emergency, the challenge is to ensure that the obligation of the State to protect public interests – which may sometimes involve limiting certain rights – safeguards human rights. Constitutional rights and international human rights obligations do not disappear during a time of emergency; many of them are non-derogable. In this context, it is essential to focus on promoting accountable security sector interventions. Establishing oversight mechanisms can help restore popular trust in security institutions, which is an important determinant of compliance with public health policies.

Strategic United Nations interventions

- Advise national authorities to (i) only deploy the military and internal security forces to enforce social distancing measures **as a last resort and in response to concrete needs** identified periodically during the different phases of the crisis; (ii) ensure they are subordinated to a **civilian authority** and obtain clear guidance e.g. based on the UN Basic Principles for the Use of Force and Firearms by Law Enforcement Officials.[2]
- Inject **expertise** into national bodies responsible for drafting decrees, bills and guidelines on the role of the security sector in the governmental response to COVID-19, including enforcement of lockdown and quarantine orders, and encourage interagency coordination and the integration of gender perspectives in legislation and policy.
- Support the establishment of a mechanism to **monitor, review and evaluate security sector interventions** as part of the national COVID-19 response;

BOX 2. HOW CAN THE SECURITY SECTOR SUPPORT THE CONTAINMENT OF COVID-19?

- Law enforcement and, if warranted within appropriate legal frameworks, armed forces, can establish a safe and secure environment for health-care professionals to save lives by enforcing interventions designed to prevent and contain the transmission of the virus, such as social distancing measures, curfews and restriction of movements across borders.
- Army engineers can build field hospitals and supply medical and personal protection equipment.
- Military medical personnel work alongside civilian capacities in public or service hospitals, and improve access to medical facilities for all, especially vulnerable groups.
- Defense forces can complement the response to the pandemic where civilian health infrastructure is insufficient to address the scale of the crisis.
- Airforce, navy and field transportation personnel can conduct medical evacuations of patients and transport essential goods.

[2] https://www.ohchr.org/en/professionalinterest/pages/useofforceandfirearms.aspx , *in particular paragraph 8: "Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles."*

- Pay particular attention to strengthening and ensuring **civilian oversight** of the security sector through parliamentary committees on defence and security, ombudsman institutions and national human rights mechanisms to oversee COVID-19 related security assignments and arrangements.
- Support the establishment and operationalization of strong **criminal-justice accountability mechanisms**, including through the review of existing criminal and military justice legislation, as well as a capacity mapping within the judicial system and needs assessment/self-evaluation for national security and defence committees within parliaments and civil society organizations, including women's groups;
- Support efforts to ensure that **courts remain open** to take urgent cases including to adjudicate on challenges to the constitutionality of emergency measures; Emphasize that the courts play an essential role in ensuring effective protection of the rights against any unnecessary interference, and ensuring that the enjoyment of non-derogable rights is guaranteed to all individuals. Judges, prosecutors and lawyers must be allowed to perform their duty to enforce the rule of law, including the protection of fundamental human rights impartially and in an independent manner;
- Reinforce the capacity of **internal control mechanisms** within defence and security forces (e.g. Office of the Inspector General) to improve effectiveness of their oversight prerogatives.
- Facilitate the design and roll-out of g**ender-responsive public information** campaigns on the role of security sector in the COVID-19 response, rendering their roles available to diverse groups, including persons with disabilities and linguistic minorities, and promote civil-military relations to restore confidence between the population and the security providers.

BOX 3. BASIC GOVERNMENT ACCOUNTABILITY MEASURES

- Ensure that any **state of emergency is only declared for legitimate purposes** and in compliance with national laws and international standards (e.g., ICCPR Art. 4.2, which provides there shall be no derogation from certain fundamental rights even during a state of emergency)
- Clearly define and document the **purposes of deploying** security and defence forces
- Ensure security-sector interventions are a **proportionate response** to achieve the desired objectives
- Conduct **impact assessments**
- Ensure **transparency** of operations vis-à-vis the population
- Ensure continued **integrity and accountability** as part of security sector governance
- Clarify the **roles and responsibilities** of security services supporting the Covid-19 response and provide appropriate training
- Define **rights, obligations and specific controls** through agreements and protocols
- Verify the implementation of accountability measures through assessments and **audits**, as well as accessible complaint and feedback mechanisms
- Ensure **internal accountability and external oversight** within the security sector through the command chain, as well as **democratic control** via parliaments and civil society organizations.

2 Ensure that the security-sector response to COVID-19 remains people-centered

States with high levels of social cohesion and legitimacy are best equipped to respond to pandemics. Communities are more likely to voluntarily comply with preventive and mitigation measures and cooperate with security and health services, if they trust state actors to protect them. Successful COVID-19 responses have to be nationally and locally owned; this entails articulating local responses to locally generated security demands and concerns. The security sector should be able to respond to the security concerns of the population: raising awareness on restrictions; helping identify and isolate categories of population at risk; delivering food and medical supplies; and ensuring the safety of health-care facilities and personnel, as well as accessto these by all beneficiaries.

However, in many of the settings where the UN operates, the State is unevenly present throughout the national territory and there is a lack of independent and well-functioning accountability and oversight. Here, non-state actors fill the security vacuum. Community leaders and women's organizations, as well as all groups that may have been marginalized before the outbreak, such as persons with disabilities or minorities, should be systematically consulted on the security response to COVID-19. Even some armed groups have been willing to be consulted and involved. Engaging with non-state actors is also important to support the challenged presence or legitimacy of State institutions[3] by identifying synergies, complementarities and avenues for collaboration.

Strategic United Nations interventions

- Promote the importance of **inclusive and gender-responsive pandemic and security responses** including in decision-making, implementation and oversight functions.
- Be aware that **impacts of the pandemic and government responses may exacerbate some of the drivers for radicalization to violent extremism** and may further marginalize certain groups.
- Continue to advocate with national counterparts for a nation-wide, gender-responsive approach to the health crisis, which **recognizes the role of state and non-state security actors at all levels** and the differentiated impacts of the pandemic, includes them in at all stages of the decision-making process, especially planning and security responses to women and men, girls and boys.
- **Advise national authorities on options for community engagement** to ensure that:
  ▶ local perspectives on the role of the security sector – including those of women, minorities and vulnerable groups are heard and inform decision-making, strengthening legitimacy and sustainability of interventions
  ▶ security measures are responsive to the needs of the population, including disenfranchised populations and fully integrate age, gender and diversity considerations
  ▶ preventive and security measures are established to deal with the consequences of the lockdowns on the safety of populations (e.g. monitor and tackle the increase in gender based violence and female genital mutilation)
  ▶ communities are engaged in the various stages of designing, implementing and assessing the impact of interventions

[3] *https://issat.dcaf.ch/Learn/SSR-in-Practice2/Thematics-in-Practice/Disaster-Risk-Response-and-SSR*

- **Build capacity for gender-balanced, community-based oversight** mechanisms to monitor and report on the conduct of security forces, and raise awareness on what constitutes an effective and positive role of security actors in the response to the pandemic.
- **Be aware of and respect local values and customs**, while fostering participatory approaches.
- Where authorities delay elections for legitimate pandemic-related reasons, **offer support – such as a prospect for electoral assistance once the disease subsides** – to help reassure citizens.
- **Advocate** with governance and oversight bodies and with the leadership of security institutions on **the importance of civil-military partnerships**, which enable security providers to effectively perform their functions and deliver security to all.
- Provide support aimed at **improving intra-community cohesion** and building trust between the security sector and the population.
- Where engagement with armed groups continues, consider **advocating for temporary cessation of hostilities** to enable the effective delivery of basic health services in response to COVID-19.[4]
- **Enhance civil-military coordination within the UN** to identify and prioritize engagement with state and non-state security actors.

BOX 4. LESSONS LEARNED FROM THE EBOLA EPIDEMIC

The Ebola response in West Africa demonstrated the benefits of security actors working closely with communities to contain the outbreak. Local mechanisms for dialogue and collaboration between statutory security institutions, public administration, communities, traditional and religious leaders bolster civil-military relations. The UN helped establish local security councils and partnered with civil society organizations in Burkina Faso, The Gambia, Cote d'Ivoire and Liberia to establish platforms that promote meaningful participation of all stakeholders in the security debate. These were instrumental during the Ebola outbreak. But building confidence between the security sector and the population also requires building sector-wide integrity, including through anti-corruption measures. As evidenced during the Ebola response, predatory and corrupt behaviors among security forces can compromise the security and the health of entire communities. The same remains valid for the COVID-19 pandemic.

[4] *DDRS Guidance on Disarmament, Demobilization, Reintergation (DDR) and Community Violence Reduction (CVR) related activities in the context of the COVID-19 pandemic*

3 Advocate for conflict-sensitive, gender-responsive security sector interventions

The Secretary-General recently called for a global ceasefire. He underlined that violence is not confined to the battlefield, alerting that "for many women and girls, the threat looms largest where they should be safest: in their own homes", and urging governments to put women's safety first as they respond to the pandemic.[5] Conflict-affected populations are amongst the most vulnerable to COVID-19, with women and girls in those settings facing disproportionate impacts. In conflict-affected settings, governments and public health systems often lack institutional resilience and have limited capacity to plan and deliver preventive, inclusive and responsive public-health interventions.

Faced with the immediate Covid-19 threat in an already volatile security situation, decision-makers rarely have the time to critically review all elements of an intervention, to determine possible outcomes, including how it may impact the pre-existing conflict. Equipped with a better understanding of the gender-responsive drivers of conflict, a mapping of all relevant actors and their motivations, as well as historical elements and the dynamics of the conflict over time, national authorities can avoid exacerbating tensions and configure the deployment of security services against COVID-19 in a way that does not exacerbate grievances but contributes to sustaining peace.

Strategic United Nations interventions

- Continue to raise awareness on the principles enshrined in the SSR-related SC resolution 2151(2014) to guide the conduct of security sector interventions during the COVID-19 response
- Develop knowledge on how the work of the United Nations in support of security sectors responding to COVID-19 may unintentionally contribute to violent conflict, human rights violations and reinforcing gender inequality
- Support national analysis of the impact of the deployment of security services in support of public health and humanitarian objectives on existing conflicts
- Assist national counterparts with the planning and implementation of security sector interventions that (i) take into account risks and vulnerability factors and conflict drivers within the security sector and (ii) anticipate the potential effects of these interventions on command and control, accountability, civilian oversight and inclusivity, and how these could contribute to an escalation of violence
- Note the importance of security sector professionals modeling appropriate preventive measures, to include wearing face masks and observing social distancing
- Encourage knowledge management processes to support future responses to similar challenges

[5] *https://news.un.org/en/story/2020/04/1061052*

- Prioritize efforts aimed at brokering agreements between government forces and non-state armed groups on the principles of and modalities for inclusive security provision
- Where engagement with armed groups continues, devise messaging related to the respect and protection of health care facilities, health workers, and medical transportation, in accordance with international humanitarian law. [6]
- Develop gender-sensitive key messages to inform good-offices engagement with state and non-state security actors as conflict prevention tool
- Promote collaborative leadership within the security and defence forces to optimize the impact of security sector interventions in response to the pandemic.

BOX 5. CONFLICT SENSITIVITY CHECKLIST FOR SECURITY SECTOR INTERVENTIONS

Political	☑ How stable is the peace agreement? ☑ How can interventions be used by the parties to the conflict to break down the political agreement? ☑ Can these interventions undermine public trust in security actors and give way to broader contestation of the political settlement? ☑ Can power relations and struggles between different political actors impact security sector interventions? ☑ Can security sector interventions have an impact on ongoing political processes (elections, peace talks, national dialogues, constitutional reviews etc.)? ☑ Does the presence of regional or international actors influence national COVID-19 responses?
Security-sector-wide considerations	☑ Are command and control structures able to decide on the adequate prioritization and sequencing of interventions? ☑ Are sufficient civilian oversight mechanisms in place to ensure accountability of the intervention? ☑ Will interventions favor further polarization within the security services and affect their functioning? ☑ Do security services pursue corrupt practices that may generate additional tensions during COVID-19?

[6] *DDRS Guidance on Disarmament, Demobilization, Reintergation (DDR) and Community Violence Reduction (CVR) related activities in the context of the COVID-19 pandemic*

4 Identify a representative, responsive and inclusive security sector as key enabler of an integrated COVID-19 response

Integrating the security sector in the national disaster management framework is a priority. Governments and decision-makers currently work within a complex group of interconnected ecosystems to respond to the COVID-19 pandemic. The role of the security sector in addressing a public health emergency spans both mitigation (reducing the spread of the virus and preventing future contamination) and adaptation (preparing to respond to the multifaceted effects of COVID-19). However, the risks resulting from the deployment of insufficiently representative, responsive and inclusive security and defence forces are compounded by low levels of competency to tackle the pandemic, lack of transparency on the government approach, abuse and manipulation of the public health emergency for political interests, among others. These combined factors – if unaddressed - may trigger an adjacent crisis at some point. It is thus an imperative to prioritize interventions aimed at improving security sector governance, which add value to existing national efforts or fill an international assistance gap.

Furthermore, the pandemic creates conditions conducive to the emergence of new security risks or the reactivation of old ones. Each crisis is different and requires a tailored approach. What effective crisis management efforts have in common though is cross-sectoral cooperation. Coordination within the security sector and across critical areas of government action can provide a useful and unifying frame, applicable to any kind of health or security sector stress or shock—whether a pandemic, an influx of migrants, armed conflict, or a climate-related natural disaster.

Strategic United Nations interventions

- Provide guidance on the role of the security sector in contributing to crisis management, emphasizing the role of civilian and democratic control – including line ministries and governmental task forces – to bring national security bodies and other SSR coordination structures within a response that acknowledges the COVID-19 pandemic as a health and a human rights crisis.
- Take into account - when providing advice - that many ‘traditional’ SSR support activities are currently not possible, such as dialogues, sensitization, outreach, trainings, capacity development, co-located advisors, substantive review, monitoring and evaluation, mentoring – which may also mean that there is benefit in (i) redoubling emphasis on building capacity of local civil society organizations, including women’s groups and (ii) making the case with donors to move to flexible funding. However, some support can continue on a remote basis, and surge capacity can be provided, as circumstances warrant.

- Provide targeted assistance to national security councils and inter-ministerial committees with regards to crisis preparedness and response, with an emphasis on assessments of:
  - COVID-19 related threats and risks across the security-development nexus;
  - Adequacy of existing policy frameworks as well as legal frameworks outlining the roles and responsibilities, as well as governance, accountability and financial management mechanisms for the engagement of the security sector in public health emergencies;
  - Security-sector capability to respond effectively to the COVID-19 crisis, including adequate protective measures for their own personnel, who may be highly exposed in the conduct of their tasks, and resources (e.g., PPE, disinfection of vehicles, military hospitals).
  - Human rights and protection of civilian responsibilities of security forces, including non-discrimination, right to health, protection of vulnerable populations, such as children.
- Provide technical and logistic assistance to national authorities in:
  - The development of nationally-owned, integrated, multidimensional strategies at inter-ministerial level on the use of national security institutions to address public-health emergencies;
  - Addressing of potential side effects of COVID-19 prevention measures, such as impaired food security and the reduced availability of prevention and treatment options for major public health threats such as HIV, malaria and tuberculosis;
  - Elaboration of outreach initiatives and context-specific sensitization tools targeting local populations in remote areas;

BOX 6. PERSPECTIVES FROM THE FIELD

- In conflict-affected settings, such as Libya and Yemen, the pandemic may lead to an increase of violence and stigmatization on clusters of the society that were vulnerable even before the outbreak of COVID-19, including internally displaced people, detained children, refugees and migrants.

- Notwithstanding the positive role that non-state armed groups could possibly play, there is also a risk that non-statutory armed groups could make use of the pandemic to weaponize the public-health sector to further their political and social influence due to their ability to perform as security providers in areas with weak state institutions, which also allows them to channel financial revenues to their benefit.

- A shift of public security priorities to health has benefitted some non-state armed groups directly. Prior to the COVID-19 outbreak, multilateral military efforts in the Lake Chad Region between Niger, Chad, Nigeria and Cameroon to eliminate Boko Haram were making serious and credible headway. Since the outbreak, given the domestic challenges it poses to each of these countries, Boko Haram attacks have escalated, while its splinter group, Islamic State West Afica has openly stated that the virus is an opportunity to contest otherwise distracted governments.

See also:

- United Nations Secretary-General's call for a global ceasefire
- United Nations Rule of Law support in the context of COVID-19 pandemic
- United Nations Office of Rule of Law and Security Institutions (OROLSI) operational guidance to support mitigating the spread of COVID-19:
  - The Operational Toolbox: COVID-19 Preparedness & Response in Places of DetentionThe Operational Toolbox: COVID-19 Preparedness & Response in Places of Detention, developed by the Justice and Corrections Service of the Department of Peace Operations jointly with UNITAR and the Swedish Prison and Probation Service;
  - UN Police (UNPOL) has outlined procedures to be followed by personnel in their daily operations during or in anticipation of the COVID-19 pandemic in their host communities.
  - UNPOL has also provided a synopsis of the factors that a police agency must consider when writing plans to address operations during the COVID-19 pandemic (jointly with UNDP).
  - Prison Decongestion Measures: Information for National Criminal Jutice Authorities to Combat the Spread of COVID-19 in Mission and other Fragile Settings developed by the Justice and Corrections Service
  - Remote court hearings and judicial proceedings in response to COVID-19 in Missions and other fragile settings, developed by the Justice and Corrections Service
- UNSDG Policy Brief, COVID-19 and Human Rights, We are all in this together, April 2020
- Policy brief: The impact of COVID-19 on children
- DCAF-ISSAT Thematics in Practice on:
  - States of Emergency and Disaster Responses to Covid-19 in Practice: Emerging Trends for SSG/R
  - Security and Justice Reform Response to Covid-19 Crisis
  - Disaster Risk Reduction, Preparedness and Relief & the Security Sector

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