

COVID-19 and Human Rights

We are all in
this together

APRIL 2020

Human rights are critical – for the response and the recovery

They put people at the centre and produce better outcomes

Human rights are key in shaping the pandemic response, both for the public health emergency and the broader impact on people's lives and livelihoods. Human rights put people centre-stage. Responses that are shaped by and respect human rights result in better outcomes in beating the pandemic, ensuring healthcare for everyone and preserving human dignity. But they also focus our attention on who is suffering most, why, and what can be done about it. They prepare the ground now for emerging from this crisis with more equitable and sustainable societies, development and peace.

Why are human rights so important to the COVID-19 response?

The world is facing an unprecedented crisis. At its core is a global public health emergency on a scale not seen for a century, requiring a global response with far-reaching consequences for our economic, social and political lives. The priority is to save lives.

In view of the exceptional situation and to preserve life, countries have no choice but to adopt extraordinary measures. Extensive lockdowns, adopted to slow transmission of the virus, restrict by necessity freedom of movement and, in the process, freedom to enjoy many other human rights. Such measures can inadvertently affect people's livelihoods and security, their access to health care (not only for COVID-19), to food, water and sanitation, work, education – as well as to leisure. Measures need to be taken to mitigate any such unintended consequences.

The United Nations has available a powerful set of tools, in the form of human rights, that

equip States and whole societies to respond to threats and crises in a way that puts people at the centre. Observing the crisis and its impact through a human rights lens puts a focus on how it is affecting people on the ground, particularly the most vulnerable among us, and what can be done about it now, and in the long term. Although this paper presents recommendations, it is worth underlining that human rights are obligations which States must abide by.

Guaranteeing human rights for everyone poses a challenge for every country around the world to a differing degree. The public health crisis is fast becoming an economic and social crisis and a protection and human rights crisis rolled into one. In some, ongoing crises, especially armed conflict, put human rights and other international legal protections under extra pressure. The COVID-19 crisis has exacerbated the vulnerability of the least protected in society. It is highlighting deep economic and social inequalities and inadequate health and social protection systems that require urgent attention as part of the public health response. Women and men, children, youth and older persons, refugees and migrants, the poor, people with disabilities, persons in

detention, minorities, LGBTI people, among others, are all being affected differently. **We have an obligation to ensure everyone is protected and included in the response to this crisis.**

State authorities are having to deploy maximum resources to combat the spread of the disease and protect lives. Decisions are being made at speed and, even though well-intended, some can inadvertently have adverse consequences. Responses must be proportionate to the pandemic to preserve the trust that needs to exist between people and their government, especially during a crisis.

Human rights guide States on how to exercise their power so that it is used for the benefit of the people and not to do harm. In the current crisis, human rights can help States to recalibrate their response measures to maximize their effectiveness in combating the disease and minimise the negative consequences. The centrality of protection, which underpins the response in humanitarian settings, ensures that we collectively preserve our common humanity and dignity.

Human rights law recognizes that national emergencies may require limits to be placed on the exercise of certain human rights. The scale and severity of COVID-19 reaches a level where restrictions are justified on public health grounds. Nothing in this paper seeks to tie the hands of States in shaping an effective response to the pandemic. Rather it aims to signal to States possible pitfalls in the response to the crisis and to suggest ways in which attention to human rights can shape better responses.

The aim is threefold: to strengthen the effectiveness of the response to the immediate global health threat; mitigate the broader impact of the crisis on people's lives; and avoid creating new or exacerbating existing problems. All three elements will position us to build back better for everyone.

Against a backdrop of rising ethno-nationalism, populism, authoritarianism and pushback against human rights in some countries, the

crisis can provide a pretext to adopt repressive measures for purposes unrelated to the pandemic. The instability and fear that the pandemic engenders is exacerbating existing human rights concerns, such as discrimination against certain groups, hate speech, xenophobia, attacks and forced returns of refugees and asylum-seekers, mistreatment of migrants, and sexual and gender-based violence, as well as limited access to sexual and reproductive health and rights.

This is not a time to neglect human rights; it is a time when, more than ever, human rights are needed to navigate this crisis in a way that will allow us, as soon as possible, to focus again on achieving equitable sustainable development and sustaining peace.

In his recent [Call to Action for Human Rights](#) to put human rights at the heart of UN actions, including in times of crisis, the Secretary-General underlined that:

our shared human condition and values must be a source of unity, not division. We must give people hope and a vision of what the future can hold. The human rights system helps us to meet the challenges, opportunities and needs of the 21st century; to reconstruct relations between people and leaders; and to achieve the global stability, solidarity, pluralism and inclusion on which we all depend. It points to the ways in which we can transform hope into concrete action with real impact on people's lives. It must never be a pretext for power or politics; it is above both .

This paper aims to translate this Call into concrete action to assist with the response to the pandemic. It presents six key messages that must be central to an effective response to the COVID-19 pandemic.

1 The Highest Aspiration: A Call to Action for Human Rights

SPOTLIGHT: HUMAN RIGHTS AT THE FRONTLINE IN THE FIGHT AGAINST COVID-19

Three rights are at the frontline in the current pandemic:

Right to life and duty to protect life

We are combating COVID-19 to protect the lives of all human beings. Invoking the right to life reminds us that **all States have a duty to protect human life, including by addressing the general conditions in society that give rise to direct threats to life.** States are making extraordinary efforts to do this, and it must remain the primary focus.

The right to health and access to health care

The right to health is inherent to the right to life. COVID-19 is testing to the limit States' ability to protect the right to health. **Every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity. Everyone, regardless of their social or economic status, should have access to the health care they need.**

Historic underinvestment in health systems has weakened the ability to respond to this pandemic as well as provide other essential health services. COVID-19 is showing that [universal health coverage \(UHC\) must become an imperative.](#) Those States with strong and resilient health-care systems are better equipped to respond to crises. Health-care systems all around the world are being stretched, with some at risk of collapse. UHC promotes strong and resilient health systems, reaching those who are vulnerable and promoting pandemic preparedness and prevention. [SDG 3](#) includes a target of achieving UHC.

Universal, affordable health-care systems assist with combating the pandemic by ensuring

access for everyone, without discrimination, to basic measures that contain the spread of the virus. This includes testing, specialist care for the most vulnerable, intensive care for those in need and vaccination, when available, regardless of ability to pay. In response to the pandemic, some countries have extended health cover to everyone in their country; others have reached agreements with private sector health-care providers to make their facilities available to the pandemic response.

The central challenge to freedom of movement

Controlling the virus, and protecting the right to life, means breaking the chain of infection: people must stop moving and interacting with each other. The most common public health measure taken by States against COVID-19 has been restricting freedom of movement: the lockdown or stay-at-home instruction. This measure is a practical and necessary method to stop virus transmission, prevent health-care services becoming overwhelmed, and thus save lives.

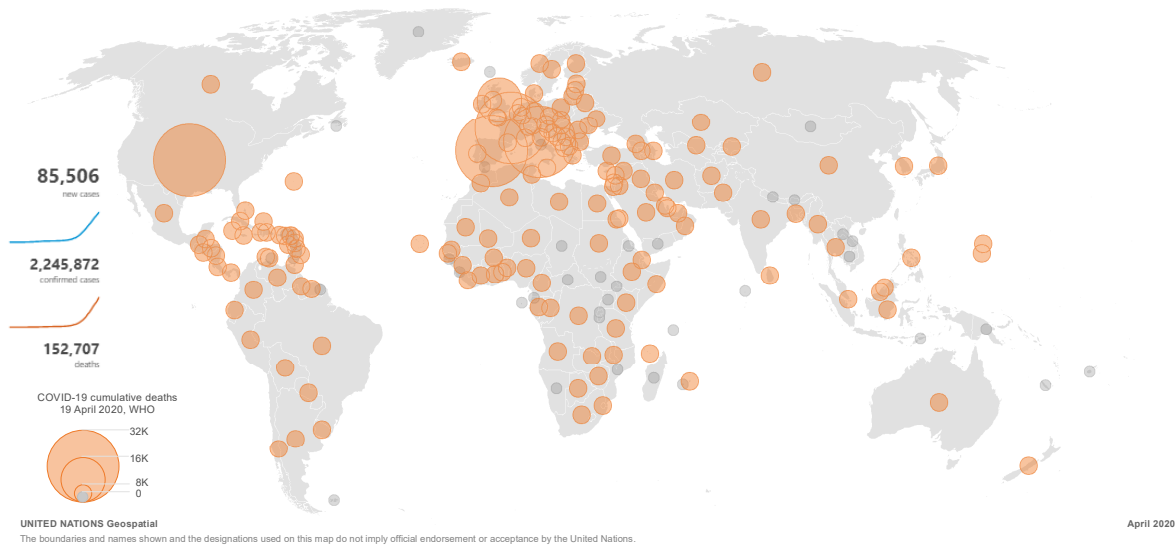
However, the impact of lockdowns on jobs, livelihoods, access to services, including health care, food, water, education and social services, safety at home, adequate standards of living and family life can be severe. As the world is discovering, freedom of movement is a crucial right that facilitates the enjoyment of many other rights.

While international law permits certain restrictions on freedom of movement, including for reasons of security and national emergency like health emergencies, **restrictions on free movement should be strictly necessary for that purpose, proportionate and non-discriminatory. The availability of effective and generalised testing and tracing, and targeted quarantine measures, can mitigate the need for more indiscriminate restrictions.**

COVID-19 is affecting human rights and protection in all continents

LIFE

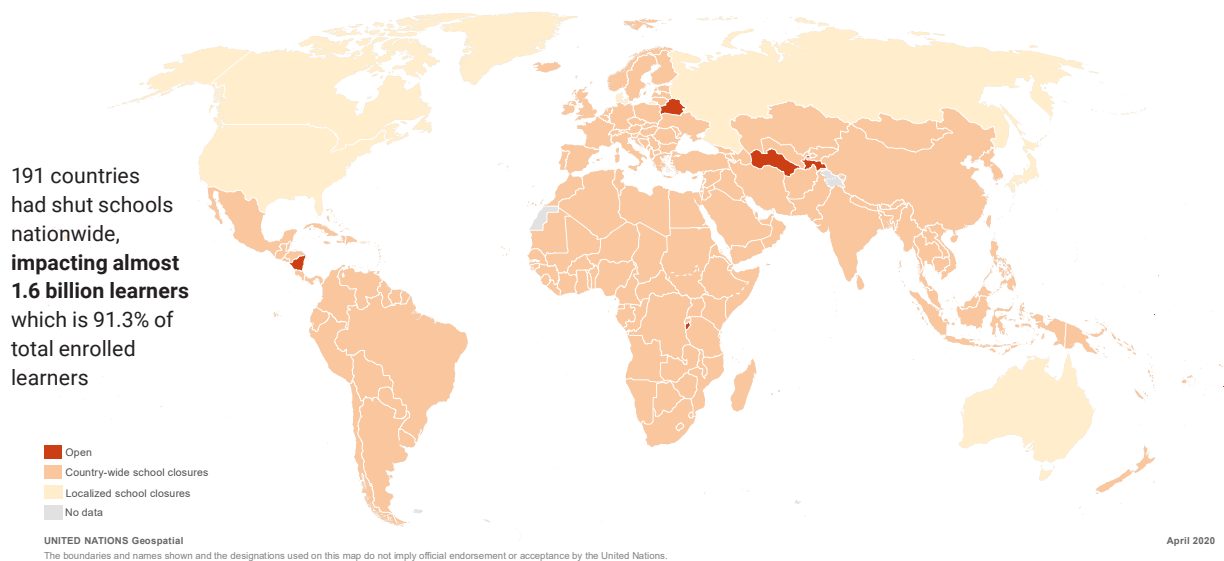
Global deaths from COVID-19 pandemic (as of 19 April 2020)



Source: WHO dashboard map as of 19 March 2020 7pm (CEST)

EDUCATION

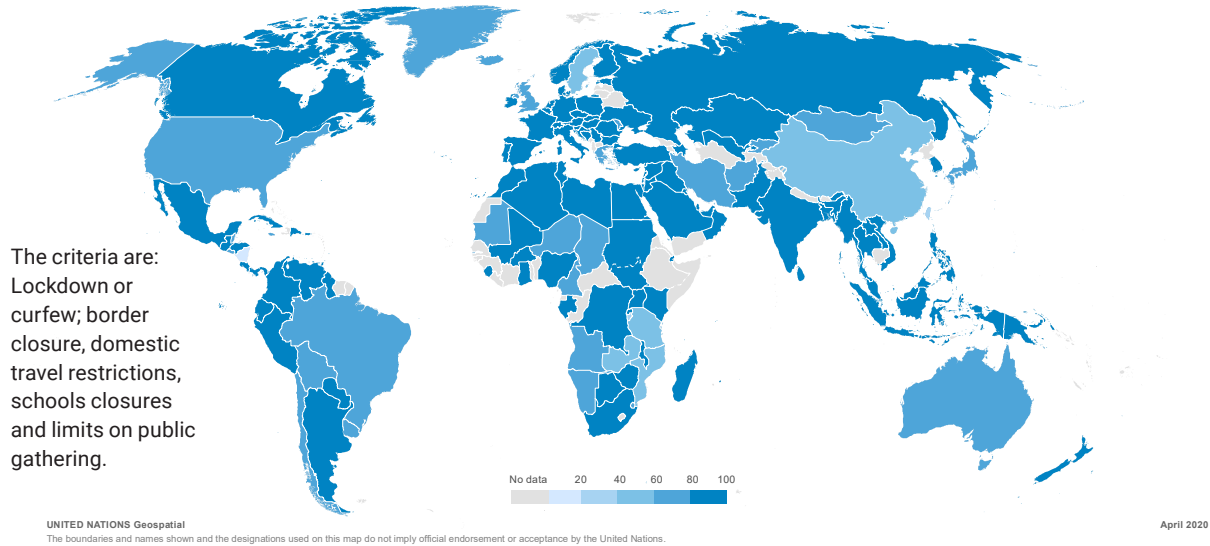
Global school closures (as of 19 April 2020)



Source: UNESCO

FREEDOM OF MOVEMENT

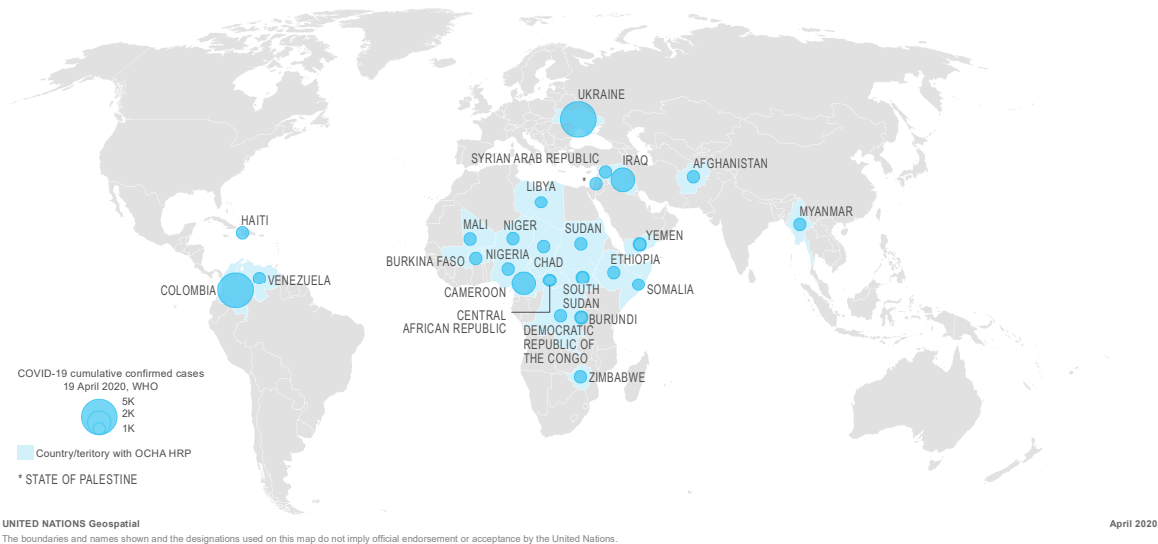
Stringency of government containment measures (as of 18 April 2020)



Source: <https://covidtracker.bsg.ox.ac.uk/stringency-map>

FREEDOM OF MOVEMENT

COVID-19 pandemic in locations with a humanitarian response plan



Source: OCHA & WHO (as of 19 April 2020)

Six key human rights messages

I. Protecting people's lives is the priority; protecting livelihoods helps us do it

We must deal with the economic and social impact alongside the public health response

We are all in this together. The focus is rightly on saving lives, for which universal access to health care is imperative. But the health crisis has triggered an economic and social crisis that is hitting individuals, families and communities hard. This impact comes from the disease itself but also from the measures necessary to combat it coming up against underlying factors like inequalities and weak protection systems. It falls disproportionately on some people, often those least able to protect themselves. Effective action to mitigate the worst impacts, on jobs, livelihoods, access to basic services and family life, protect people's lives, enable people to comply with public health measures and ease recovery once these measures can be lifted.

Whom is COVID-19 harming, how and why?

Many of the people most severely impacted by the crisis are those who already face enormous challenges in a daily struggle to survive. For more than 2.2 billion people in the world, washing their hands regularly is not an option because they have inadequate access to water. For 1.8 billion who are homeless or have inadequate, overcrowded housing, physical distancing is a pipe dream. Poverty itself is an enormous risk factor.

Yet the poor and the vulnerable in our societies are not only at greater risk from the

virus itself, they are most severely affected by the negative impacts of measures to control it. Those employed in the informal sector, disproportionately women, have little recourse to social protection or unemployment assistance, for example.

Governments are rightly focused on controlling the spread of the virus and saving lives – the rates of infection, hospitalization and deaths are shocking. The measures required, on the advice of public health experts, to save lives are proving effective. At the same time, they are affecting people's jobs, livelihoods and standards of living, communities and families.

Lockdowns are limiting access to food, school, work and basic services. Support to older persons, children and people with disabilities is weakened. Women are shouldering a disproportionate burden of the care work that has resulted, with knock-on impacts on their own rights to health. In other words, **the restrictions are directly impacting people's enjoyment of the full range of human rights.**

Emerging human rights challenges in the impact of the crisis on lives and livelihoods

This analysis suggests that **it is important to prioritise measures to guarantee basic economic and social rights** – and many countries are doing so. Yet the impact of the crisis on these rights is real²:

- Unemployment and food insecurity have risen to unprecedented levels in many countries within a very short space of time.
- Widespread closure of schools has interrupted the education of more than 1 billion children.
- Reduction of care and protection services for children, including abrupt closure of care institutions and health services serving children, has increased children's vulnerability to violence, exploitation and abuse.
- COVID-19 is already sweeping through detention facilities, where distancing measures are almost impossible, and detainees are more vulnerable to the disease.
- Women confined at home with abusers, without access to harm reduction services and shelters, are at greater

risk of domestic violence, and rates of violence in the home are escalating.

- Strategies to contain the virus are difficult for those without good quality safe housing; physical distancing, self-isolation and handwashing are impossible for the homeless or residents of slums where lack of access to clean water and sanitation is a fundamental issue.
- COVID-19 is sweeping through populous, high-density informal settlements and to refugee, IDP and migrant camps, where physical distancing is challenging, access of health services limited and populations especially vulnerable to disease.

Around the world, millions of people already live hand to mouth. Before this crisis, street protests against inequalities and falling living standards were common. People were frustrated and angry. Against this backdrop, **the pandemic is creating further hardship that, if not mitigated, will raise tension and could provoke civil unrest.** This could in turn generate the kind of security response, as argued later, must be avoided, undermining the effectiveness of the response to the pandemic. There is an opportunity to 'build back better' on the basis of new economic and social thinking, building on States' human rights commitments and learning, for example, from mistakes in the economic responses to the 2008 global financial crisis.

COVID-19 is undermining sustainable development at a time in which efforts need to be accelerated to implement the Sustainable Development Goals. The 2030 Agenda, underpinned by human rights, provides a comprehensive blueprint for sustainable recovery from the pandemic.

² For more details see Policy Briefs on Shared Responsibility, Global Solidarity: Responding to the socio-economic impacts of COVID-19; Impact of COVID-19 on Women; and Impact of COVID-19 on Children

SPOTLIGHT: THE LONGER-TERM IMPORTANCE OF ECONOMIC AND SOCIAL RIGHTS IN CREATING RESILIENCE TO CRISIS

The COVID-19 crisis has placed a spotlight on the crucial role that protecting and promoting economic and social rights has as part of the urgent crisis response. **Never before has the importance of the responsibility of governments to protect people, by guaranteeing their economic and social rights, been so clearly demonstrated.**

Yet there is an important lesson that will need to be learned when this is over. **Countries that have invested in protecting economic and social rights are likely to be more resilient.** UHC systems strengthen a country's ability to contain a threat to public health, but so do: effective food distribution systems; social security and protection systems; gender equality; protecting people and jobs through labour rights, minimum wages and paid sick leave, as well as health and safety in the workplace standards (including Personal protective equipment during this crisis); the provision of affordable quality housing; well-resourced education systems able to quickly switch to distance learning; and access to the Internet. These rights need to be seen as an essential part of a prevention and preparedness strategy.

Examples of good practice where responses are being shaped by human rights

Many countries have adopted, within their available resources, fiscal, financial and economic measures to mitigate the negative impact of COVID-19 on their populations. Examples include:

- > Provision of emergency water supplies to slum areas;
- > Suspension of housing evictions for unpaid rent during the crisis;
- > Preserving jobs and wages through targeted economic measures, in some cases close to providing universal income, and support to employers and businesses;
- > Providing or extending paid sick leave to workers or unemployment benefits;
- > Securing emergency shelter for the homeless.
- > Expanding domestic violence responses for victims of abuse.
- > Providing child care for essential service workers.

But not all States have the resources to provide sufficient protection to everyone.

II. The virus does not discriminate; but its impacts do

Inclusive responses to a global threat to ensure no one is left behind

We are all in this together. Responses need to be inclusive, equitable and universal -- otherwise they will not beat a virus that affects everyone regardless of status. If the virus persists in one community, it remains a threat to all communities, so discriminatory practices place us all at risk. There are indications that the virus, and its impact, are disproportionately affecting certain communities, highlighting underlying structural inequalities and pervasive discrimination that need to be addressed in the response and aftermath of this crisis.

Why are equality and non-discrimination important to the COVID-19 response?

The coronavirus can infect and kill the young, as well as the old, the rich, the poor, or those with underlying health conditions. It does not respect race, colour, sex, language, religion, sexual orientation or gender identity, political or other opinion, national, ethnic or social origin, property, disability, birth or any other status. The virus does not discriminate; **and discrimination must have no place in our response to the threat it poses.**

Discriminatory practices exclude people from the protection against the virus that States are seeking to provide to their populations. If one person is excluded, the virus has an opportunity to persist in society and all of our efforts will be undermined. **Inclusion is the approach that best protects us all.**

COVID-19 is creating a vicious cycle whereby high levels of inequalities fuel its spread, which in turn deepens inequalities. Evidence already shows how long-standing inequalities and unequal underlying determinants of health are leaving particular individuals and groups disproportionately impacted by the virus – both in loss of lives and livelihoods.

States have a responsibility to ensure that everyone is protected from this virus and its impact. This may require special measures and protection for particular groups most at risk or disproportionately impacted. The response to the crisis needs to take into account multiple and intersecting forms of discrimination and inequalities, including pervasive gender inequality. But we need also to commit to preventing them persisting when the crisis is over.

Emerging human rights challenges relating to inequality, discrimination and exclusion³

Unfortunately, discrimination is rearing its ugly head in this crisis. All regions have seen incidents of **discrimination, xenophobia, racism and attacks** against people scapegoated for spreading the virus. In some countries, leaders have used labels like “foreigner’s disease” to describe COVID-19. There is mounting stigmatization of those infected by the virus. **Member States have the primary responsibility to counter discrimination and [hate speech](#) but all actors, including social media companies, must play their part.**

In some countries, **health workers** – those risking their lives on the frontline to combat the disease – have been ostracised or even attacked. They are predominantly women, in lower paid, part-time and sometimes precarious working conditions, exposed to abuse and gender-based violence. Strengthening gender equality within health systems provides more sustainable models of care.

For [women](#), entrenched gender discrimination, higher socio-economic vulnerability, exacerbated domestic violence in lock downs, and frontline roles as caregivers and medical workers has all meant higher exposure and more precarity. And [children](#) everywhere are seeing their right to education interrupted while also experiencing forced separation from parents and guardians and risk violence and crisis-related trauma.

The crisis raises particular concerns for the **marginalized and most vulnerable** in society. Marginalization creates vulnerability. The crisis is revealing how certain groups are disproportionately affected -- for instance, through overrepresentation in figures on infections and deaths. Containment measures themselves have a disproportionate impact on the poorest populations who cannot work from home and live at subsistence levels.

The pandemic has been most devastating for the lives, health and well-being of older persons, people with underlying medical conditions, and those with lower socio-economic status – a category that tracks closely with minority status in most countries.

Older persons have faced higher infection and mortality rates, while at the same time being subjected to ageism in public discourse, age discrimination in health care and triage decisions, neglect and domestic abuse at home, isolation without access to essential services, and greater exposure and poor treatment in care institutions.

Racial, ethnic and religious minorities, often relegated to lower socio-economic status and subjected to entrenched discrimination, have been rendered particularly vulnerable by these factors to higher rates of infection and mortality, to harsh treatment by law enforcement in the context of emergency measures, and to unequal access to adequate medical care.

[Migrants, refugees and IDPs](#) are particularly vulnerable to stigma, xenophobia, [hate speech](#) and related intolerance. Migrants across the world face loss of jobs, discrimination and difficulty returning to home countries due to border closures. Some 167 countries have closed their borders. **At least 57 States are making no exception for people seeking asylum.** Thousands have been pushed back or deported to dangerous environments since the crisis began. Refugees, IDPs and migrants live in overcrowded conditions with limited access to sanitation and health care and are particularly vulnerable to infection. Migrants, stateless, refugees and IDPs may be excluded from social protection measures adopted to address the impact of COVID-19. Undocumented migrants may not seek health care because they fear being detained or deported. Migrants returning home may face stigma as a supposed COVID-19 health risk.

³ See also specific UN policy briefs on Shared Responsibility, Global Solidarity: Responding to the socio-economic impacts of COVID-19; Impact of COVID-19 on Women; and Impact of COVID-19 on Children

The already-critical situation for many **indigenous peoples**, who face entrenched inequalities, stigmatization and discrimination, including poor access to health care and other essential services, is exacerbated by the pandemic. It presents particular existential and cultural threats to indigenous people, and indigenous elders and indigenous peoples in voluntary isolation are especially vulnerable.

The situation of [persons with disabilities](#), especially those with underlying health conditions or in institutions, is particularly grave. It may be harder for persons with disabilities to take prudent steps to protect themselves. The outbreak threatens the independence of persons with disabilities who live in their own homes but depend on outside support. They may face difficulty accessing basic necessities, food and medication. **Continuity of support throughout the crisis must be guaranteed.**

[Prisoners, detainees and those deprived of their liberty](#), both adults and [children](#), are highly vulnerable to the rapid spread of the virus. The pandemic is exacerbating tensions in overcrowded penitentiaries, with mass escapes and riots reported. Resort to non-custodial sanctions and release of selected categories of prisoners is needed. Reducing numbers in pretrial detention, those detained for minor or political offences, near the end of their sentences, or detained unlawfully should be expedited. **Those who cannot be released must have adequate health care.**

The crisis is exacerbating difficulties for [LGBTI people](#), many of whom face discrimination and stigma when seeking health care and are more vulnerable to violence and other human rights abuses. There are reports of COVID-19 directives being misused by police to target LGBTI individuals and organizations.

People living with HIV may have reduced access to life-saving antiretroviral medications. **People who use drugs** may lose access to harm reduction programmes, including needles and syringes.

SPOTLIGHT: EQUALITY, NON-DISCRIMINATION AND INCLUSION ARE AT THE CENTRE OF THIS CRISIS

Equality and non-discrimination are core human rights that apply at all times, but this pandemic shows clearly why inequality and discriminatory practices are unacceptable and ultimately hurt everyone. We cannot afford to leave anyone behind in fighting the pandemic.

Inequality already affects the enjoyment of human rights by certain marginalized communities. The pandemic is revealing underlying structural inequalities that are causing certain groups to be disproportionately affected. The way the pandemic is hitting certain communities, especially the marginalized, demonstrates this forcefully.

Examples of good practice where responses are being shaped by human rights

Many countries, where resources allow, have taken targeted measures to mitigate the economic and social impact of the crisis on the most vulnerable. Some countries have temporarily granted residency rights to all migrants and asylum-seekers in an irregular situation to give them full access to the country's health care as the outbreak escalates, thereby reducing the risks for wider public health. Others have made all coronavirus treatment free to all.

Measures have been adopted in some countries to protect vulnerable groups, including persons with disabilities, homeless people and young people living in institutions. Others suspended arrests of irregular migrants.

All regions have seen some governments adopt measures to mitigate the impact of COVID on prison populations, with some release or furloughing of inmates.

III. Involve everyone in your response

Participation in open, transparent and accountable responses

We are all in this together. To effectively combat the pandemic, we all need to be part of the response. Effective participation in the response requires people to be informed, involved in decisions that affect them and to see that any measures taken are necessary, reasonable and proportionate to combat the virus and save lives. We all have a role to play but the most effective way to maximize participation is through evidence, persuasion and collective ownership. People need agency and voice in a crisis. This is a time when, more than ever, governments need to be open and transparent, responsive and accountable to the people they are seeking to protect. Civil society organizations (CSOs), as well as the private sector and business, have contributions to make that need to be facilitated.

Why is it important that people are involved in the COVID-19 response?

People are being asked to comply with extraordinary measures, many severely restricting their human rights. So far, globally, people have shown a remarkable willingness to cooperate, despite the very real consequences these measures are having on their lives. Cooperation may become harder to maintain if the virus continues to spread and measures need to be extended in time and scope. **The best way to maintain public support for the measures is for governments to be open and transparent and involve people in making the decisions that affect them. It is important to be honest about the extent of the threat posed by the virus, demonstrate that measures are reasonable, likely to be effective and will not last longer than needed. Securing compliance depends on building trust, and trust depends on transparency and participation.**

Participation is not just about garnering public support; it is also to make sure any

measures implemented will actually work and any unintended consequences prevented or addressed. Evidence across sectors, including economic planning and emergency response, proves that when women are not consulted or included in decision-making, policies are simply less effective, and can even do harm.

Authorities need to be open and transparent in their decision-making and willing to listen to and respond to criticism. The free flow of timely, accurate, factual information and disaggregated data, including by sex, is essential, so those seeking to scrutinize or critique the effectiveness of government actions must be able to play their part.

Governments need to be accountable to the people they are seeking to protect. A free press and civil society organizations operating within an open civic space are vital components of the pandemic response and need to be nurtured.

Many CSOs are contributing to the front-line response, stepping in to fill gaps in essential services to assist those most severely affected. The

media and CSOs also assist with disseminating life-saving advice and information about the pandemic and the national response. Business and the private sector can – and are – also contributing to the collective effort against the pandemic in many ways, for instance by converting manufacturing capacity to produce personal protective equipment for front-line workers.

Democratic oversight of the pandemic response, especially the use of emergency powers, must be maintained. Elections involve people gathering in polling places, counter to the public health advice to keep a distance, so postponement of some elections may be necessary in some situations, while maintaining democratic institutions is vital. Elections due in many countries have already been postponed.

This crisis has highlighted as never before the importance of access to the Internet. With more than half the world's population lacking Internet access, **steps need to be taken urgently to expand Internet services for the poor and those at most risk, whilst avoiding Internet shut-downs. Internet service providers should not cut off service to those who may be unable to pay.**

Emerging human rights challenges regarding participation and civic space

This analysis suggests that **States need to be respecting and protecting, among other rights, freedom of expression and of the press, freedom of information, freedom of association and of assembly.** Practice in many countries in the context of COVID-19 suggest that this is not necessarily the case. Concerns include:

- Measures to control the flow of information and crackdown on freedom of expression and press freedom against an existing background of shrinking civic space.
- Arrest, detention, prosecution or persecution of political opponents, journalists, doctors

and healthcare workers, activists and others for allegedly spreading “fake news”.

- Aggressive cyber-policing and increased online surveillance.
- Postponement of elections is raising serious constitutional issues in some cases and may lead to rising tensions.

The crisis raises the question how best to **counter harmful speech while protecting freedom of expression.** Sweeping efforts to eliminate misinformation or disinformation can result in purposeful or unintentional censorship, which undermines trust. **The most effective response is accurate, clear and evidence-based information from sources people trust.** While flags and takedowns of misinformation are welcome, giving greater prominence to reliable information needs to be the first line of defence.

Examples of good practice where responses are being shaped by human rights

Many countries have instituted daily press briefings to inform the population about the situation and the response. These fora present an important part of the national response, building and maintaining national support for measures taken and ensuring that accurate public health information and advice is disseminated, and people know where to seek assistance.

Some Governments have empowered or created an independent or opposition-led parliamentary committee, which meets publicly online, to scrutinize executive action during the crisis.

Civil society and business have been highly creative in countless ways to try to alleviate the impact and enhance protection, including allocating specific opening hours for older persons in stores, organizing community support networks for the vulnerable or postponing collection of rent for those without income.

IV. The threat is the virus, not the people

Emergency and security measures, if needed, must be temporary, proportional and aimed at protecting people

We are all in this together. The pandemic poses a serious public health threat with wide-ranging implications for peace and security. Law enforcement has a role to support the fight against the disease and protect people. Emergency powers may be needed but broad executive powers, swiftly granted with minimal oversight, carry risks. Heavy-handed security responses undermine the health response and can exacerbate existing threats to peace and security or create new ones. The best response is one that aims to respond proportionately to immediate threats whilst protecting human rights under the rule of law. This is a time for peace, to focus on beating the virus.

Why justice, restraint and respect for the rule of law are essential to the COVID-19 response?

The pandemic has led to countries imposing **emergency and security measures**. While in most cases these are needed to fight the virus, they can also be politically driven and may be easily abused. The pandemic could provide a pretext to undermine democratic institutions, quash legitimate dissent or disfavoured people or groups, with far-reaching consequences that we will live with far beyond the immediate crisis.

Although **coercive measures may be justified in certain situations, they can backfire if applied in a heavy-handed, disproportionate way, undermining the whole pandemic response itself.**

The type of instability created by this public health emergency requires peace and stability to

be maintained. Fairness, justice and respect for the rule of law are needed to strengthen and support the national effort on the public health front. Courts and the administration of justice must continue to function despite the constraints imposed by the crisis. **States must continue to ensure that law enforcement is maintained. They must protect women, older people, people living with disabilities as well as children, among others, from violence and abuse and ensure continuity of support services to gender-based violence survivors during the crisis.**

At this time, we need to push back against those who seek opportunistically to use the crisis to further their position or steal through corruption resources intended for the pandemic response.

New technologies offer enormous potential to help with the fight against COVID-19, including finding a cure or vaccine and analysing the

spread of the disease. However, **use of technologies**, including artificial intelligence and big data, to enforce emergency and security restrictions or for surveillance and tracking of impacted populations raise concerns. The potential for abuse is high: what is justified during an emergency now may become normalized once the crisis has passed. Without adequate safeguards, these powerful technologies may cause discrimination, be intrusive and infringe on privacy, or may be deployed against people or groups for purposes going far beyond the pandemic response. **All measures must incorporate meaningful data protection safeguards, be lawful, necessary, and proportionate, time-bound and justified by legitimate public health objectives.**

The pandemic is impacting every country, but some countries face existing peace and security challenges that make their response even more difficult. Combined with existing instability, the pandemic poses a real threat to peace and security, can undermine peacebuilding gains and heighten conflict risks over time. Some countries have delicate peace processes that could be undermined by the crisis, especially if the international community is distracted. Other actors may seek to take advantage of the crisis for political ends. **An [immediate global ceasefire](#), as called for by the Secretary-General, will allow us to focus on the true fight of our lives.**

In their COVID-19 response, some States may seek to use counter-terrorism legislation and security measures in ways that infringe on human rights. Such abuses could fuel the conditions conducive to the spread of terrorism.

Those wishing to roll back human rights protections to take advantage of the crisis should think twice; it can only undermine the effectiveness of the global and national pandemic response.

PROTECTION FOCUS: PROTECTING THE MOST VULNERABLE IN HUMANITARIAN CRISES

The outbreak is exacerbating protection concerns and exposing vulnerable populations to new threats in pre-existing [humanitarian crises](#). There is a risk that parties to conflict will take advantage of the pandemic to create or aggravate insecurity and impede medical care and other life-saving assistance and services.

In situations of armed conflict, international humanitarian law protects medical workers and facilities, and requires the provision of medical care and facilitation of humanitarian assistance for those who need it. Respect for this body of law ultimately contributes to ongoing efforts to respond to the pandemic and save lives. **Parties to conflict must facilitate rapid, safe and unimpeded access of humanitarian assistance, including for IDPs, refugees and other vulnerable groups, and allow humanitarian personnel to cross borders to provide essential support in a conflict situation.**

Countries under sanctions have faced difficulties in accessing medicines, medical assistance, and personal protective equipment. It is important to recognize the exceptional circumstances and to waive those sanctions that can undermine the country's capacity to respond to the pandemic.

Emerging human rights challenges regarding peace and security and the rule of law

This analysis suggests that States should be guaranteeing, in their crisis response, rights related to the use of force, arrest and detention, fair trial and access to justice and privacy, among others. Basic principles of legality and the rule of law must be observed. Yet practice in some countries raise concerns, including:

- “States of emergency” declared granting extensive executive powers with minimal oversight, no time limitations, but derogating from rights.
- Emergency legislation purportedly to respond specifically to COVID-19 but vulnerable to abuse, including powers to legislate by decree, criminal penalties for those “spreading false information” with a potential chilling effect on freedom of expression.
- Cases of excessive use of force to enforce measures to restrict movement, including arrests and detention.
- Using of surveillance technology to track and gather information on people in ways that are open to abuse.

Many States have imposed **time limits on the validity of special emergency powers or provided for a period of review as to whether they should be extended, in line with human rights law.**

SPOTLIGHT: EMERGENCY MEASURES

International human rights law permits, in an emergency that threatens the life of the nation, that certain rights can be derogated. The emergency must be officially proclaimed, and such measures must:

- only be taken to the extent strictly required by the exigencies of the situation;
- not be inconsistent with other obligations under international law;
- be time-limited; and
- not discriminate.

No derogation is permitted from certain specified rights, including the right to life.

Other States have not formally declared a state of emergency but have adopted emergency measures to combat the virus. Where these measures impact human rights, they must not discriminate, be provided for by law and necessary and proportionate to meet the public health crisis.

V. No country can beat this alone

Global threats require global responses

We are all in this together. International solidarity is essential in the global response – no one country can beat this alone and some countries are better equipped to respond than others. Just as no country can afford for individuals to be left behind, the world cannot afford for one country to be left behind if the virus is to be beaten.

Why is global solidarity essential for the COVID-19 response?

COVID-19 is threatening the whole of humanity – and the whole of humanity must fight back. Yet many States simply do not have the resources to respond to the crisis as others do. Disparities in public health responses are exposing poorer countries to higher risks than elsewhere. Just as combating COVID-19 requires governments to extend protection to the whole population, especially those least able to protect themselves, **we need to ensure that all countries are equally effective in their responses.** The coronavirus has shown itself to be no respecter of national boundaries. If one country fails in its efforts to control the spread of the virus, all countries are at risk. The world is only as strong as the weakest health system.

If this paper has succeeded in making the case that human rights need to be at the centre of national strategies to combat COVID-19, those strategies must be reinforced by international cooperation and assistance. The virus will only

be beaten through cross-border cooperation and collective action. As the Committee on Economic, Social and Cultural Rights says:

given that some diseases are easily transmissible beyond the frontiers of a State, the international community has a collective responsibility to address this problem. The economically developed States parties have a special responsibility and interest to assist the poorer developing States in this regard⁴.

If and when a vaccine becomes available, we must ensure that it is accessible to everyone, everywhere.

Richer States need to assist low-income States with realizing human rights. The pandemic is reminding us of the importance of multilateralism and international cooperation to face the challenges facing the world today. The United Nations exists for precisely this reason.

⁴ E/C.12/2000/4, para. 40

International cooperation, as well as flexible policies on intellectual property, to access the latest technology and research on potential treatments, including any future vaccine, are necessary to defeat this threat on a global scale. Treatment and vaccines must be considered a global public good. Similarly, the international response to COVID-19 needs global and national statistical systems to collaborate to provide the data and statistical evidence to understand the scope of the pandemic, including disaggregated data to monitor disproportional impacts.

Yet, this crisis comes at a time when there has been a considerable pushback by some against multilateralism and international approaches, including against international human rights norms. As the Secretary-General reiterated in his [Call to Action](#),

collective action is the only answer for the multiple crises that humanity is facing.

VI. When we recover, we must be better than we were before

The crisis has revealed weaknesses that human rights can help to fix

We are all in this together. In what world do we want to live when this is all over? The way in which we respond now can help to shape that future – for better or for worse. We must ensure that we do not do harm while we focus on the immediate crisis. It is critical to consider the long term whilst planning our short-term responses. The crisis is revealing weaknesses in the way public services are delivered and inequalities that impede access to them. Human rights help us to respond to the immediate priorities and develop prevention strategies for the future, including our responsibilities to future generations.

Why think about the long-term in the middle of the COVID-19 crisis?

This paper, while suggesting a positive course of action informed by human rights, has also highlighted negative practices that have emerged in the response to the COVID-19 pandemic. The crisis presents enormous challenges to all countries, and some difficult human rights dilemmas. Right now, the focus is rightly on the immediate public health emergency. But the crisis risks backsliding on many **development and human rights achievements. Eventually lessons will need to be learned from the crisis, including on how to prevent a recurrence of the challenges currently being faced by building protection systems and resilience. Our ability to learn from this pandemic will determine not only our success in responding to future pandemics but also other global challenges, of which the most pressing is undoubtedly climate change.**

In his [Call to Action](#), the Secretary-General set out the backdrop against which the current pandemic crisis is playing out:

The cause of human rights faces major challenges, and no country is immune. Disregard for human rights is widespread. People are being left behind. They are afraid. Leaders are too often turning one against another for political gain. Trust between people and some of their leaders has eroded.

At the same time, we live in a world of unprecedented opportunity. Extraordinary technological progress and global economic developments have lifted millions out of poverty, and we have an agreed framework of action for the way forward in the form of the 2030 Agenda for Sustainable Development⁵.

The crisis is highlighting shortcomings in respect for human rights that have fundamentally weakened the global and national response.

⁵ The Highest Aspiration: A Call to Action for Human Rights

Nevertheless, we need to keep an eye to the future as we develop our short-term responses.

The lessons from this human crisis can lead to more peaceful, just, inclusive and resilient societies and deliver on the promise of the 2030 Agenda through the SDGs. **How we respond today, therefore, presents a unique opportunity to course-correct and begin to tackle long-standing public policies and practices that have been harmful for people and their human rights.**

When this crisis is over and the coronavirus has been tamed, the international community will need to redouble its efforts to guarantee the right to health and the achievement of SDG 3, including the targets of universal health coverage and strengthening the capacity of all countries, for early warning, risk reduction and management of national and global health risks. It will need to tackle the widespread inequalities and discrimination that has made some people more vulnerable both to the disease and to the economic and social impact of the response. It will need to address weaknesses in the way public services are being delivered, including health, education, justice and many other relevant areas. The recovery must also respect the rights of future generations, enhancing climate action aiming at carbon neutrality by 2050 and protecting biodiversity. We will need to “build back better” and maintain the momentum of international cooperation, with human rights at the centre.

In the words of the Secretary-General’s [Call to Action](#):

At such a critical juncture, our shared human condition and values must be a source of unity, not division. We must give people hope and a vision of what the future can hold.

Recommendations

It is important that all actors, especially governments, ensure that international human rights, humanitarian and refugee law and standards are at the centre of all COVID-19 responses. The United Nations system, including [OHCHR](#) and many [special rapporteurs](#), has produced advice and guidance for this purpose.

It is important to:

- **Use maximum available resources at national and international levels to ensure availability, accessibility and quality of health care as a human right to all without discrimination, including for conditions other than COVID-19 infection; and ensure that the right to life is protected throughout.**
- **Ensure that stimulus packages and other responses to mitigate the economic impacts of the pandemic are people-centred and adequately support groups most affected by the loss of their livelihoods, such as informal and independent workers without access to unemployment benefits, and more generally people and groups without access to social safety nets.**
- **Ensure income security and targeted social assistance for the most marginalized or vulnerable. Ensure availability of food, water and sanitation, and adequate housing.**
- **Ensure that national and local response and recovery plans identify and put in place targeted measures to address the disproportionate impact of the virus on certain groups and individuals, including migrants, displaced persons and refugees, people living in poverty, those without access to water and sanitation or adequate housing, persons with disabilities, women, older persons, LGBTI people, children, and people in detention or institutions.**

- Encourage political leaders and other actors, including religious leaders, to speak out and take action against discrimination, hate speech, ageism, xenophobia, racism or violence arising from this pandemic, and promote inclusion and unity.
- Guarantee meaningful participation of all sectors of society and diverse civil society actors in decision-making processes on COVID-19 response.
- Ensure reliable, accurate information reaches all, by making it available in readily understandable formats and languages, including indigenous languages and those of minorities, adapting information for people with specific needs, including the visually and hearing impaired, and reaching those with limited or no ability to read, or who lack access to the Internet and usual media sources.
- Guarantee freedom of expression, including freedom of the press, so that information can be disseminated without suppression. Governments, as well as media and technology companies, need to counter misinformation with accurate, clear and evidence-based information, and avoid overbroad efforts that could result in censorship of protected speech.
- Ensure that any emergency measures, including states of emergency, are legal, proportionate, necessary and non-discriminatory, have a specific focus and duration, and take the least intrusive approach possible to protect public health.
- Ensure that emergency powers are not used as a basis to quash dissent, silence human rights defenders or journalists, or any other steps taken that are not strictly necessary to address the health situation.
- Ensure that safeguards are in place where new technologies are used for surveillance in response to COVID-19, including purpose limitations and adequate privacy and data protections.
- Mitigate the impact of the crisis on women and girls, including on their access to sexual and reproductive health/rights, and protection from domestic and other forms of gender-based violence and ensure their full and equal representation in all decision-making on short-term mitigation and long-term recovery.
- Strengthen international cooperation and take steps towards the provision of universal health care, collaborate in developing a vaccine and treatment for the pandemic, expedite trade and transfer of essential medical supplies and equipment, including personal protective equipment for health-care and other front-line workers, and address intellectual property issues, to ensure that COVID-19 treatments are available and affordable to all.
- Take measures to alleviate the situation of vulnerable groups, including migrants and refugees, outside their country of origin, in particular by granting temporary residence to migrants, imposing a moratorium on deportations and other forced returns, and ensuring that individuals are able to return home voluntarily in safety and dignity.
- Take the lessons learned from this pandemic to refocus action on ending poverty and inequalities and addressing the underlying human rights concerns that have left us vulnerable to the pandemic and greatly exacerbated its effects with a view to building a more inclusive and sustainable world including for future generations.