

A photograph of a man with curly hair and a beard, wearing a blue and white plaid shirt, and a young girl with a straw hat and a white t-shirt, both looking down at something in the forest. The background is a lush green forest.

# Protecting human rights in the context of COVID-19 pandemic

## A RIGHTS-BASED APPROACH TO PUBLIC HEALTH

4 June 2020





Secretary-General António Guterres (second from left) attending the opening of the forty-third regular session of the Human Rights Council, where he launched his Call for Action for Human Rights. UN Photo/Violaine Martin

BY ANTÓNIO GUTERRES

## We are all in this Together: Human Rights and COVID-19 Response and Recovery

**“The COVID-19 pandemic is a public health emergency — but it is far more.**

**It is an economic crisis. A social crisis. And a human crisis that is fast becoming a human rights crisis.”**

António Guterres, UN Secretary General  
23 April 2020

# Human rights and COVID-19

“All countries must strike a fine balance between protecting health, minimizing economic and social disruption, and respecting human rights”

Tedros Adhanom Ghebreyesus, WHO Director General, 11 March 2020

Stigma and discrimination

Gender equality and prevention of violence against women

Support for vulnerable populations

Quarantine and restrictive measures

Shortages of supply and equipment

Obligations of international assistance and cooperation



21 April 2020

## Addressing Human Rights as Key to the COVID-19 Response

### Introduction

The World Health Organization (WHO) Director General's recent remarks on COVID-19 emphasized that “All countries must strike a fine balance between protecting health, minimizing economic and social disruption, and respecting human rights”.<sup>1</sup> Human rights frameworks provide a crucial structure that can strengthen the effectiveness of global efforts to address the pandemic.

The current COVID-19 outbreak has been described as a pandemic.<sup>2</sup> The global and national COVID-19 responses have presented unique and rapidly-shifting challenges to the promotion and protection of health and of human rights of people

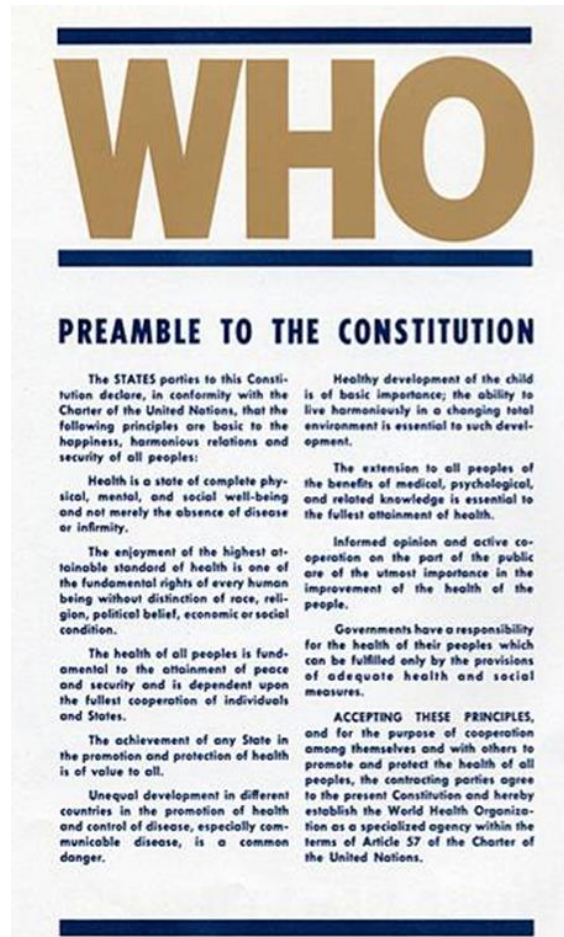
them.<sup>5</sup> Protecting human rights can help address these public health concerns, by requiring, for example, that proactive measures such as ensuring accurate information is made available and that stigmatizing and discriminatory behavior and practices are identified and stopped.<sup>6</sup>

### Gender equality and prevention of violence against women:

Existing gender and social inequalities are exacerbated by COVID-19 and are impacting girls and women in different ways to men and boys. Women's and girls' exposure is likely to be affected by social norms and expectations around their caregiving roles, both in terms of caring for sick in the homes as well as in the health work force

<https://www.who.int/publications-detail/addressing-human-rights-as-key-to-the-covid-19-response>

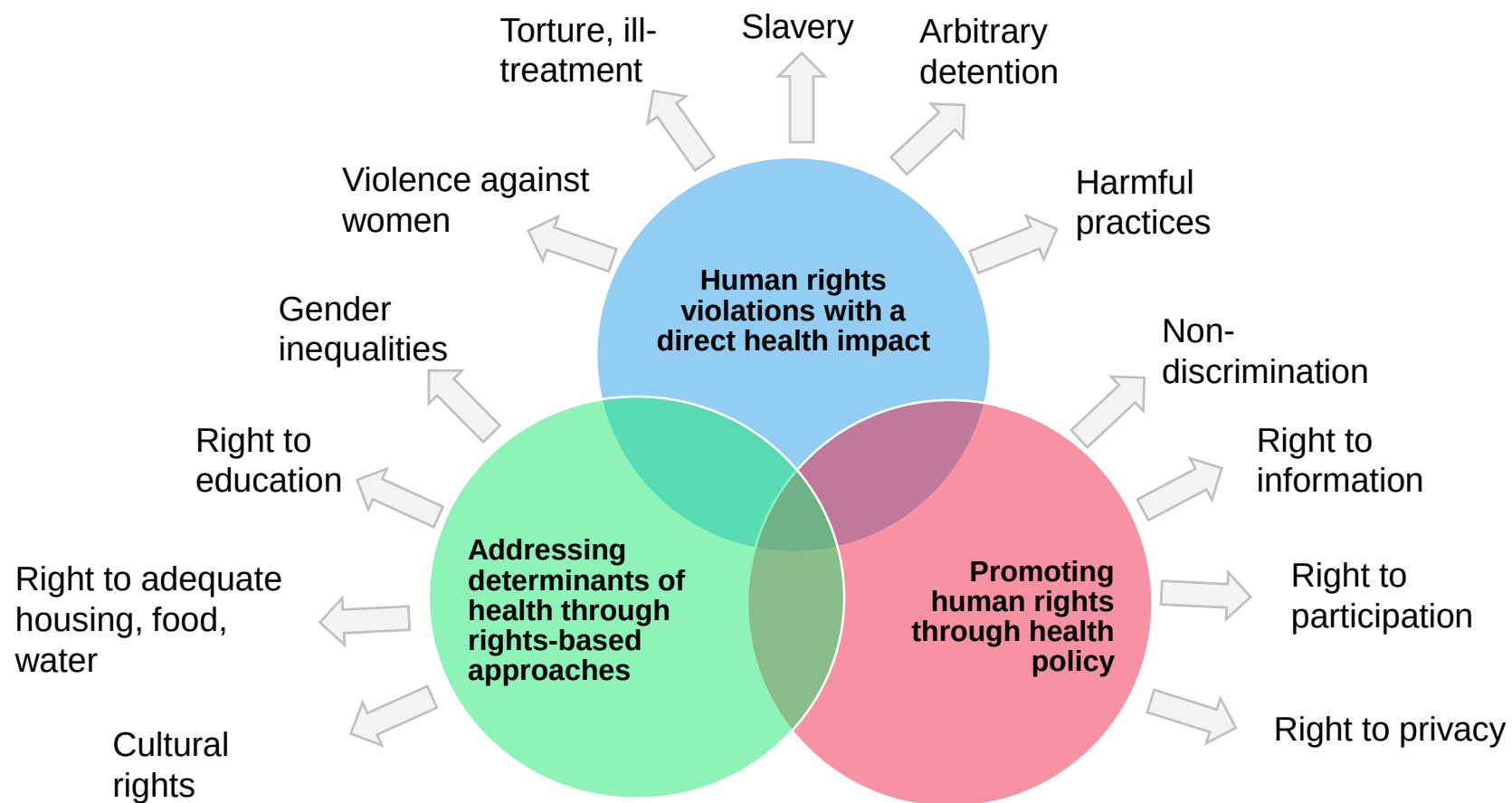
# WHO and human rights



Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition

# Health & human rights



# States have human rights obligations



Respect



- Not violate rights on the basis of status
- Not violate rights through the design of the health system
- Not violate rights that have a health impact

Protect



- Protect the right to health of all people
- Protect individuals from human rights violations

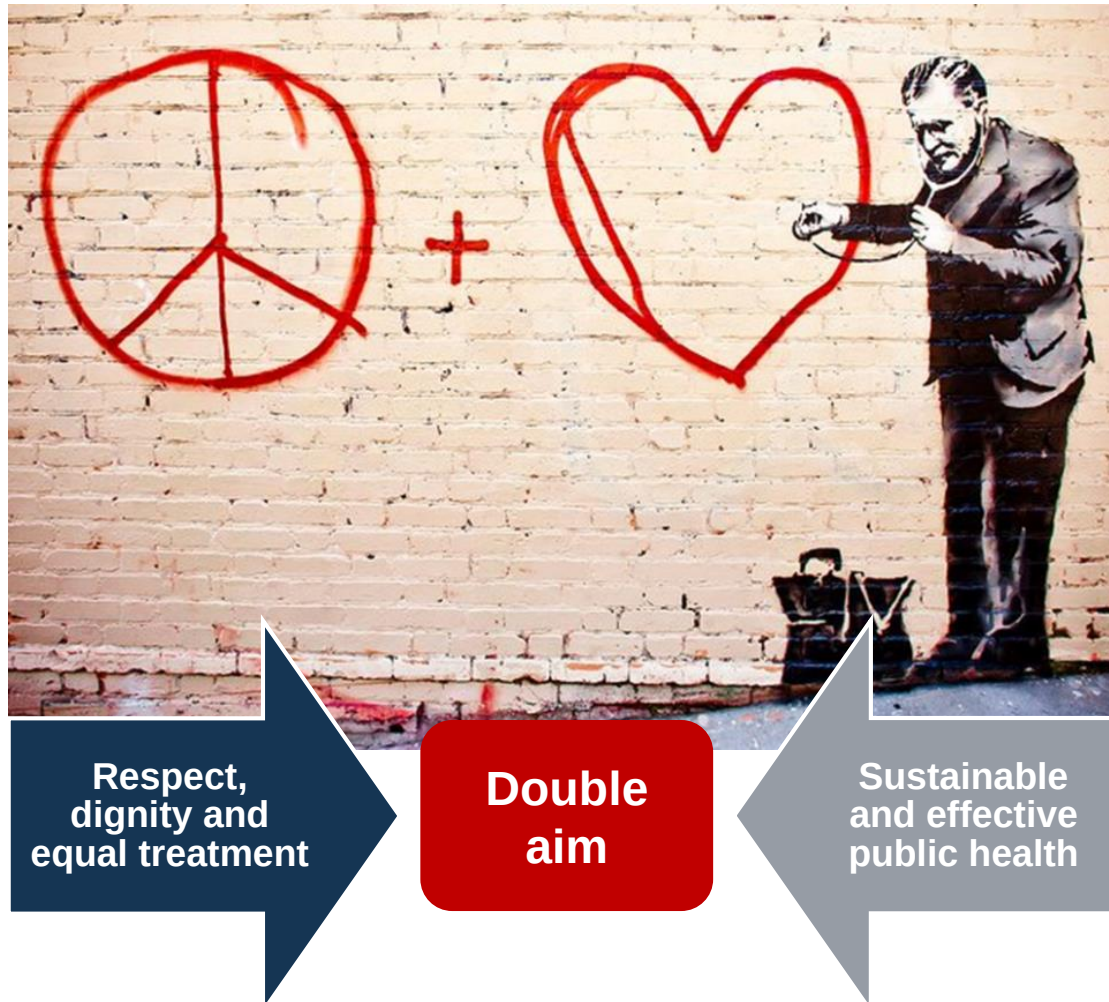
Fulfil



- Ensure right to health through law and policy to the maximum of available resources



# What is a human rights based approach to public health?



Inclusive and people-centred

Non-discrimination

Informed consent, privacy, confidentiality

Voluntary health care continuum

Referral and continuity

Transparency and accountability

Empowerment of health workforce

# WHO and a human rights based approach to health

## GOAL

All policies, programmes and technical assistance should further the realisation of human rights.

## PROCESS

Human rights standards guide all collaboration and programming.

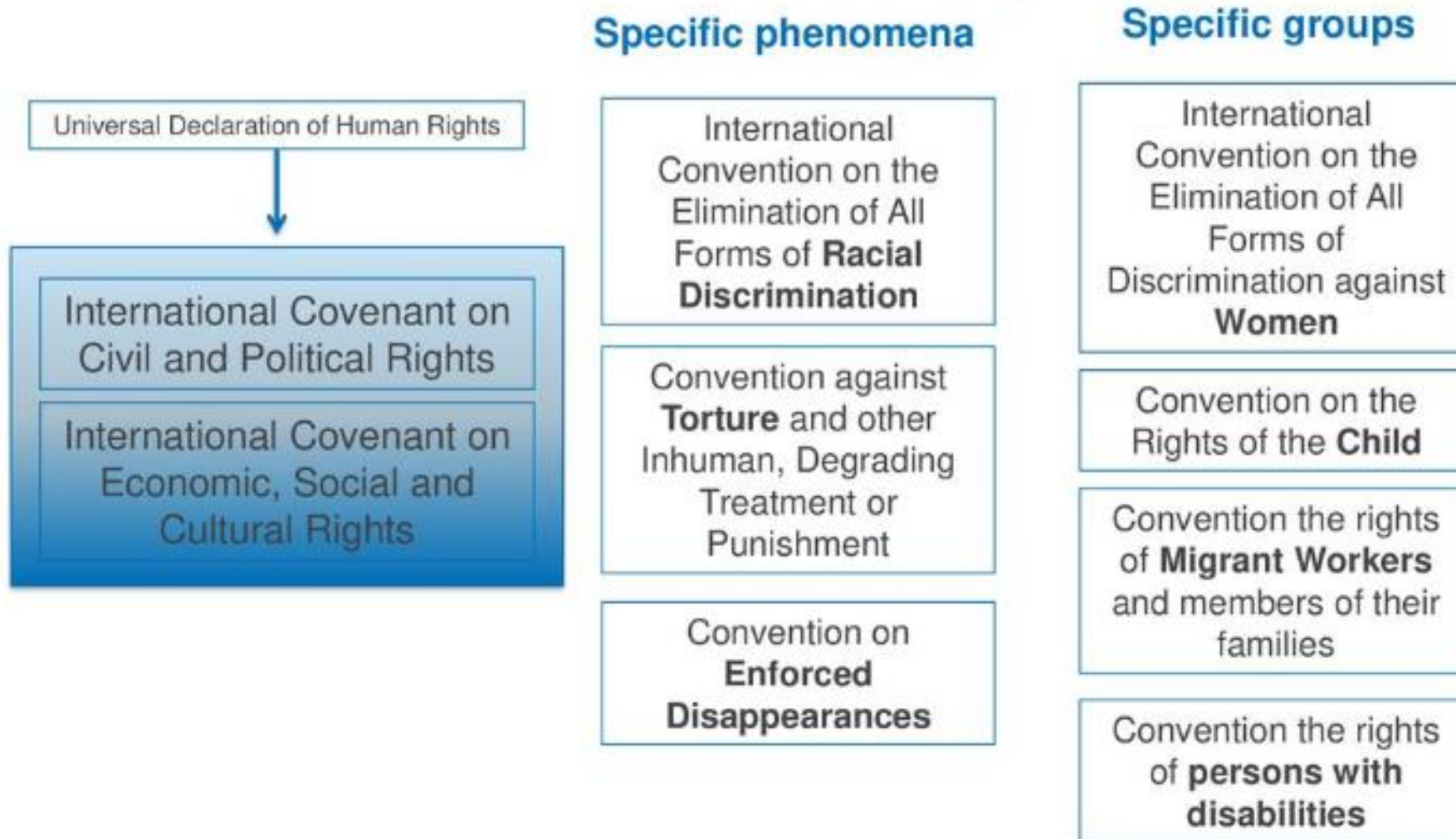
## OUTCOME

All cooperation contributes to the development of the capacities of States to meet their human rights obligations and people to claim their rights.





# Overview of international human rights treaties



# Human rights and mental health

## Convention on the Rights of People with Disabilities (CRPD, 2006)

### Article 1

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

### Article 17

Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

### Article 12

Persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. Governments should provide the support that persons with disabilities may require in exercising their legal capacity.

### Article 14

Persons with disabilities should 'enjoy the right to liberty' and that 'if persons with disabilities are deprived of their liberty through any process, they are on an equal basis with others'.

## Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984)

# *Example:*

## CRPD recommendations for Albania (2019)

In line with its general comment No. 5 (2017) on **living independently and being included in the community** and recalling the report of the Commissioner for Human Rights of the Council of Europe following her visit to Albania from 21 to 25 May 2018, the Committee recommends that the State party:

Develop and implement an effective **deinstitutionalization plan**, with a clear time frame and benchmarks, allocating sufficient funds for its implementation, particularly at the local level;

Promote **independent living schemes and roll out programmes and services**, including personal assistance for persons with disabilities who require it, to ensure that persons with disabilities may exercise their right to live independently and be included in their community;

Collect **disaggregated data** on the number of persons with disabilities still living in institutions;

Take all necessary measures to develop **community support services** for persons with disabilities to ensure that they have the right to choose where, including in rural areas, and with whom to live, on an equal basis with others;

Ensure the **involvement of organizations of persons with disabilities** in the development of independent living strategies and schemes that provide for accessible community services, supports and facilities, especially at the local level, including accessible and affordable housing.

**Access full report here:**

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/ALB/CO/1&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/ALB/CO/1&Lang=En)



## *Example:* CRPD recommendations for Albania (2019)

The Committee recommends that the State party **take all necessary steps to prevent exploitation, violence and abuse against persons with disabilities, both inside and outside institutions**. The Committee also recommends that the State party:

Revise the current **procedures for monitoring and inspecting social care homes and psychiatric institutions** to prevent violence against and abuse of persons with disabilities, particularly children and women with disabilities;

Ensure that persons deprived of their liberty have **access to independent complaints mechanisms** and that appropriate remedies are provided to victims of abuse, such as redress and adequate compensation, including rehabilitation;

Ensure that the law on measures against **violence in family relations** is implemented with a view to including a disability perspective and addressing the specific risks of gender-based violence and the barriers to protection faced by women and girls with disabilities.

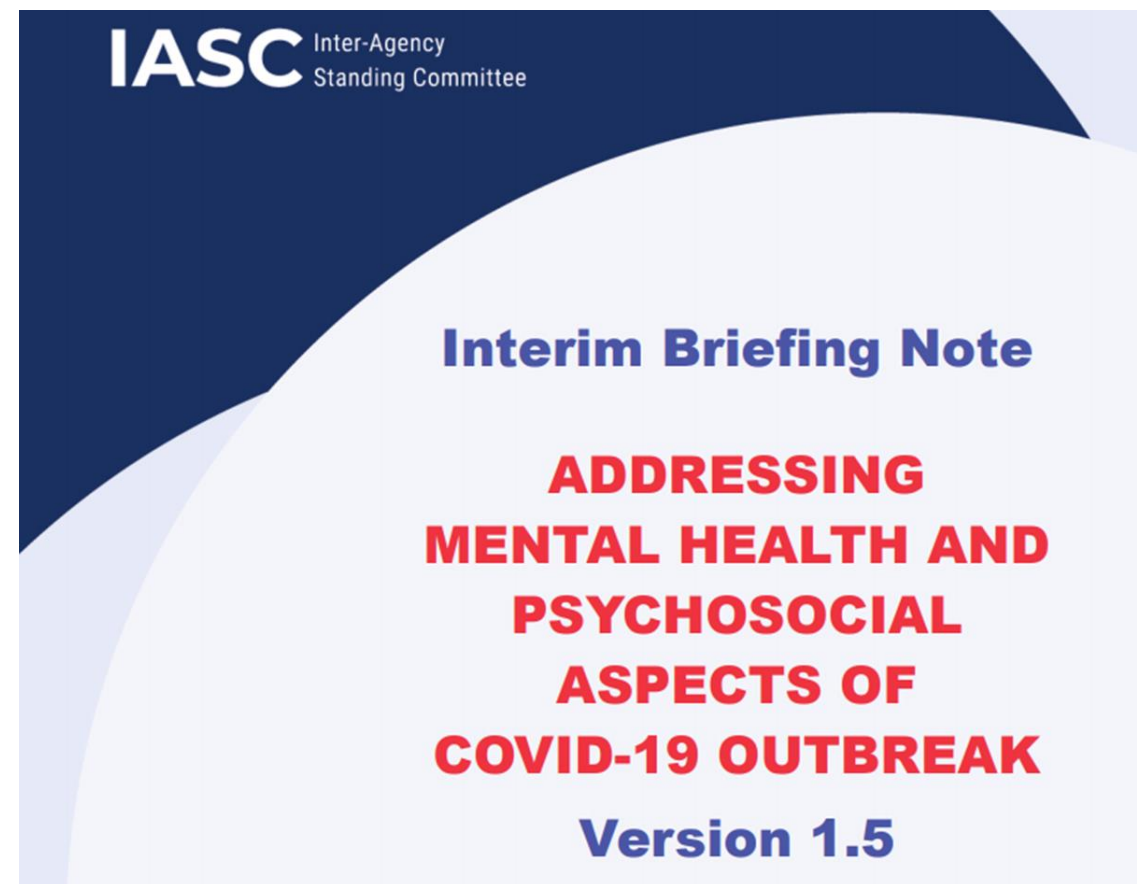
**Access full report here:**

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# Human rights and emergencies

Increased attention to human rights  
due to vulnerabilities and specific  
protection needs

Opportunity to “build back better”





# Thanks!



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