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PROBING PAPER

COVID-19 RESPONSE AND RECOVERY MUST BUILD ON HUMAN RIGHTS AND SDGS



The global COVID-19 crisis is exposing and exacerbating existing human rights violations and inequalities with a devastating effect on vulnerable groups and societies.

Human rights standards and the 2030 Agenda for Sustainable Development together provide substantial guidance for immediate crisis response and for long-term recovery strategies towards fair, resilient and sustainable societies that leave no one behind.

International human rights mechanisms and national human rights institutions are well placed to guide these efforts and to enhance the trust and legitimacy that are needed to ‘build back better’.

In practice, placing human rights standards and the 17 Sustainable Development Goals (SDGs) at the core of immediate responses to COVID-19 and of long-term recovery strategies implies:

- ◆ Building on the human rights principles of accountability, participation and non-discrimination, which will strengthen the trust, legitimacy and democratic ownership that will be essential to overcoming the crisis.
- ◆ Using human rights standards and the SDGs to systematically assess the differentiated impacts of response measures on specific groups of rights-holders. This will guide the development of special measures to address vulnerabilities and enhance resilience.
- ◆ Using the rich body of country-specific recommendations already available from international human rights monitoring bodies that are immediately relevant for specific groups and with regard to particular

themes and sectors, including in the context of the pandemic. For example:



The human rights monitoring bodies have already produced 6,344 recommendations that are directly relevant for guiding implementation of SDG 3 on health and well-being, including guidance relevant to pandemics and communicable diseases.

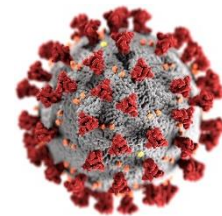


There are 791 recommendations readily available under SDG target 6.2 to guide efforts to ensure equitable and adequate sanitation and hygiene for all.

- ◆ According particular importance to SDG 16 on peace, justice and strong institutions, and to SDG 17 on partnerships as enablers of sustainable and just strategies for COVID-19 responses and recovery.
- ◆ Acknowledging the key role that independent national human rights institutions can play in guiding and monitoring COVID-19 response and recovery as recognised by [the UN High Commissioner for Human Rights](#).
- ◆ Focusing on the finance targets under SDG 17 and ensuring alignment of development objectives and adherence to human rights in the financial rescue packages to the private sector, to make sure we 'build back better', including through conditionalities related to company compliance with taxation laws and with the [UN Guiding Principles on Business and Human Rights](#).

WHY: COVID-19 exposes patterns of neglect and inequality

The COVID-19 virus is an unprecedented pandemic that truly affects everybody and all societies in our globalised world. However, the impact is highly differentiated within and between countries. For example, infection and death rates have reportedly been higher among [ethnic minorities](#) and [poorer and marginalised groups](#). [Migrants and trafficked persons](#), [people of African descent](#), the [homeless](#), [prisoners](#) and [LGBTI people](#) all face particular risks. An estimated three billion people do not have [basic handwashing facilities](#).



The measures that states take to address the crisis can exacerbate these inequalities. Under lockdown measures the privileged can work or study from home and have access to healthcare in the event of

disease, while millions are losing [jobs](#) and livelihoods without access to social protection, and are struggling just to feed their families. The World Food Programme is warning of an emerging '[hunger pandemic](#)'. Calls have also been made to mitigate the alarming increase of [violence against children](#) and [women and girls](#).

The COVID-19 pandemic serves as a magnifying glass, revealing and exacerbating existing patterns of vulnerability, inequality and discrimination. However, while exposed during the pandemic, these are not new challenges; these patterns are exactly the barriers to human dignity and development that international human rights – and by extension the 2030 Agenda – seek to address.



Hence, the patterns of vulnerability, inequality and neglect that the pandemic exposes reflect long overdue obligations of states under international human rights law, as well as pending commitments under the 2030 Agenda. While we cannot undo the past, we can at least realise that timely and efficient implementation of these obligations and commitments would have increased our collective resilience to shocks and disasters, including the COVID-19 pandemic. Moreover, we can insist that human rights and sustainable development are put at the core of immediate responses to COVID-19 and long-term recovery strategies.

HOW: Human rights and SDGs mutually reinforce a sustainable recovery

This vision of ‘building back better’ is emphasised in the landmark report by the UN Secretary-General, [‘Human Rights and COVID-19: we are all in this together’](#) which highlights that:

‘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.’

As stated in the [report](#) by the UN Secretary-General, ‘the 2030 Agenda, underpinned by human rights, provides a comprehensive blueprint for sustainable recovery from the pandemic’. And later in the report, ‘there is an opportunity to “build back better” on the basis of new economic and social thinking, building on States’ human rights commitments and learnings, for example, from mistakes in the economic responses to the 2008 global financial crisis’. Building back better starts with [transparency and trust](#).

Prominently, the 2030 Agenda pledges to leave no one behind, which mirrors the fundamental and cross-cutting principle and right of non-discrimination embedded in all human rights instruments. Respecting these fundamental and analogous principles can not only help to limit the disproportionate effects on specific vulnerable groups in society now, but also help to mitigate longer-term impacts that could push them even further behind.



The most obvious starting point for exploring the relevance of the combined SDG–human rights framework in the context of COVID-19 are the targets under [SDG 3](#) on good health and well-being. Of particular and direct importance are targets regarding **epidemics and communicable diseases** (target 3.5); **universal health-care** (target 3.8); **research and development of vaccines and medicines** (target 3.b); **health financing and health workforce in developing countries** (target 3.c), and; **strengthening early warning, risk reduction, and management of national and global health risks** (target 3.d).

All of these targets are underpinned by human rights standards which are relevant for mitigating and addressing the impacts of COVID-19 and other pandemics, for the general population as well as for particular groups.

The links between target 3.8 and the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) serve as an example of the relevance of such links:



SDG TARGET 3.8: Achieve universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all

International Covenant on Economic, Social and Cultural Rights

Article 12:

1. The States Parties to the present Covenant recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realisation of this right shall include those necessary for:

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.




International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families



Article 28:


Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused them by reason of any irregularity with regard to stay or employment.


You can find more connections between SDG targets and human rights instruments at the [Human Rights Guide to the SDGs](#).

The impact of the COVID-19 pandemic on individuals and societies is profound and goes far beyond health, thereby implicating the entire range of interrelated and interdependent human rights and SDGs, including:


   **The right to an adequate standard of living:** SDG 1 (no poverty), SDG 6 (clean water and sanitation), SDG 11 (housing).


  **Equality and non-discrimination:** SDG 5 (gender equality) SDG 10 (reduced inequalities).

 **The right to food:** SDG 2 (zero hunger).

 **The right to work, fundamental labour rights and occupational safety and health:** SDG 8 (decent work and economic growth).


 **The right to education:** SDG 4 (quality education).

 **The right to life, liberty and security; freedom of movement; freedom of assembly, participation in decision-making:** SDG 16.

 **The right to the highest attainable standard of health:** SDG 3 (good health and well-being).

This also means that the full range of human rights and SDGs are relevant and need to be addressed in COVID-19 responses and recovery, as illustrated by a few examples below on social protection systems and sanitation facilities:

| SDG target | Selected human rights instruments |
|---|---|
|  <p>1.3 Implement nationally appropriate social protection systems and measures for all, including floors, and by 2030 achieve substantial coverage of the poor and the vulnerable.</p> | <p>International Covenant on Economic, Social and Cultural Rights</p> <p>Article 9:</p> <p>The States Parties to the present Covenant recognise the right of everyone to social security, including social insurance.</p> |

| SDG target | Selected human rights instruments |
|---|---|
|  <p>6.2. By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations.</p> | <p>Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)</p> <p>Article 14.2:</p> <p>States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.</p> |

WHAT: Human rights and SDGs provide the framework for analysis and action

Human rights provide a framework for analysing and for mitigation trade-offs. For example, as the scale and severity of the COVID-19 pandemic reaches a level where the right to life is at stake for vulnerable groups, emergency and security measures are justified on public health grounds. However, in accordance with human rights law, such measures must be necessary and proportionate, temporary and be applied in a non-discriminatory manner. Numerous international, regional and national human rights bodies have already produced guidance on the [use of emergency powers](#), highlighting that these should [‘only be used for legitimate public health goals, not used as basis to quash dissent, or silence the work of human rights defenders or journalists, or take any other steps that are not strictly necessary to address the health situation’](#).

Furthermore, emergency measures affect different groups of rights-holders in a differentiated way. Lockdown measures will severely affect those in precarious job situations without access to social protection schemes. Home

schooling may not be an option for children of illiterate parents or those who have no access to electricity and information technology. States may

therefore need to adopt special measures to mitigate the impact of generally applied measures on particular population groups.

In this regard, human rights and the SDGs provide a comprehensive and universal framework for undertaking systematic impact assessments of COVID-19 responses, including by assessing and mitigating impacts on specific groups of rights-holders (children, women, migrants, indigenous peoples, persons with disabilities, minorities, refugees etc).

The rich body of information and guidance already available from international human rights monitoring bodies – such as the UN [Treaty Bodies](#), the [Universal Periodic Review](#) and the [Special Procedures](#) – provide country-specific, high quality

recommendations that are immediately relevant for realising human rights and the SDGs in specific countries, for specific groups and with regard to particular themes and sectors, including in the context of the pandemic.

6,344
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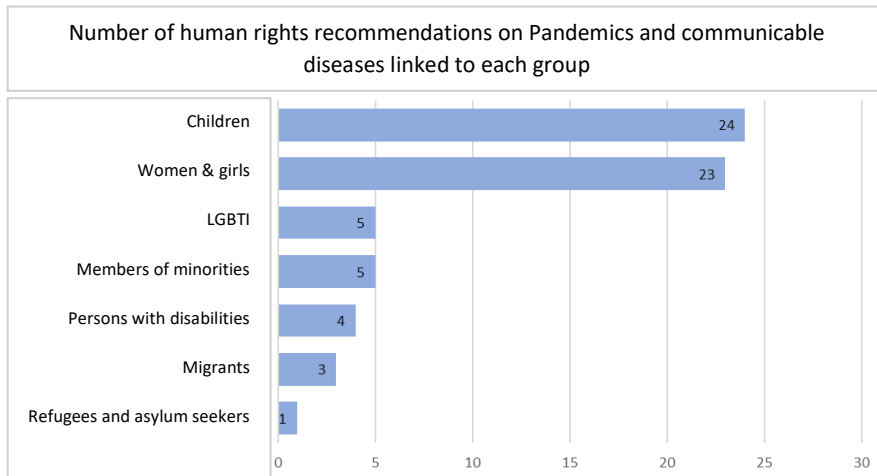
provide guidance for building healthcare systems that are equipped to deal with pandemics, and which leave no one behind.



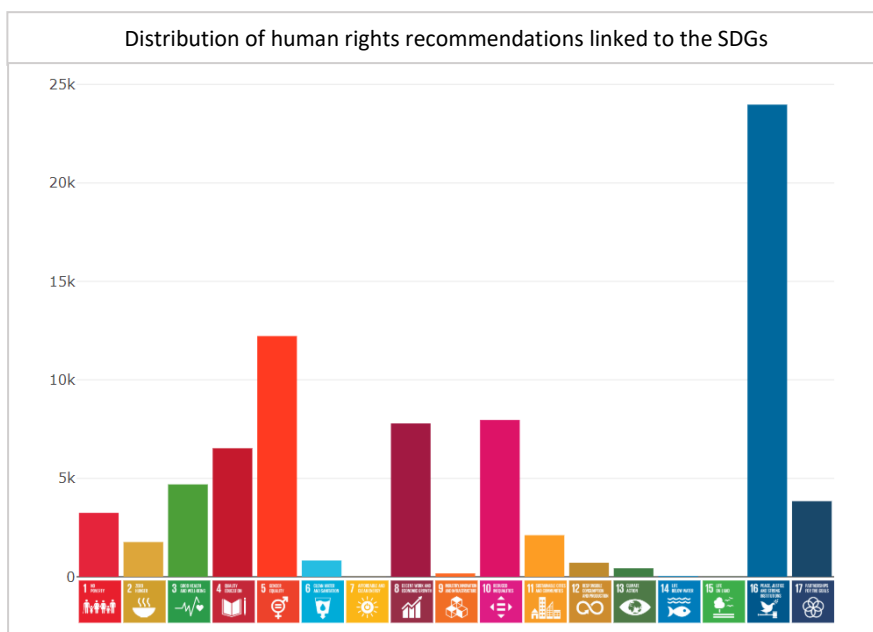
SDG – Human Rights Data Explorer enables exploration of 150,000 recommendations and observations from 67 monitoring mechanisms of the international human rights system – many of direct relevance for COVID-19 responses and recovery. The information can be filtered by country, affected group, SDG target and other relevant parameters. Available at <http://sdgdata.humanrights.dk/>

The system has already produced 6,344 recommendations that are directly relevant for guiding implementation of SDG 3 on health and well-being. Of these, more than 60 recommendations address issues relevant to pandemics and communicable diseases. Many of these

The recommendations also provide guidance regarding which groups are particularly vulnerable to the effects of pandemics and communicable diseases. The graph below shows the number of recommendations per group:



In the broader sense, the full body of recommendations to realise human rights and the SDGs provides an invaluable resource for building more sustainable and resilient societies in the aftermath of Covid-19. For example, there are 791 recommendations readily available under SDG target 6.2 to guide efforts to ensure equitable and adequate sanitation and hygiene for all. The human rights system has produced recommendations across all 17 SDGs, as illustrated below:



Building on human rights standards as well as comments and recommendations from human rights monitoring bodies in all sectors and phases of development cooperation and programming is an essential element of the [Human Rights-Based Approach \(HRBA\)](#) to development, adopted by the UN in 2003.

Building on the core principles of accountability, participation and non-discrimination, a human rights-based approach will help to strengthen the trust, legitimacy and democratic ownership that are essential both for immediate crisis responses and for long-term recovery strategies to be successful.

The particular importance of SDGs 16 and 17



The full range of human rights and the entire 2030 Agenda are indispensable for guiding Covid-19 responses and recovery. However, it is worth highlighting the crucial importance of SDGs 16 and 17 as enablers of sustainable and just strategies to overcome some of the risks related to the pandemic.

There is, for example, a high risk that human rights violations such as discrimination, hate speech and hate crimes and violence against women may be exacerbated during the crisis. Likewise, unjustified limitations to civil and political rights and closing of civic spaces under the disguise of COVID-19-related measures may increase, while the financial rescue packages risk exacerbating inequality and there is also a risk of misuse of data collection if the right to privacy is not protected.

[SDG 16 on peace, justice and strong institutions](#) reflects core civil and political rights and fundamental freedoms such as rule of law, access to justice and to information, participation, freedom of expression and of assembly. It aims to reduce conflict and violence, and to eliminate discriminatory laws and policies. It focuses on development of effective, accountable and transparent institutions, which are essential for countries' ability to respond adequately to shocks and crises like the current pandemic. The existence of an independent national human rights institution is

Acknowledging the devastating effect the pandemic will have in conflict areas, UN Secretary-General Antonio Guterres has called for a [global ceasefire](#): 'It is time to put armed conflict on lockdown and focus together on the true fight of our lives'.

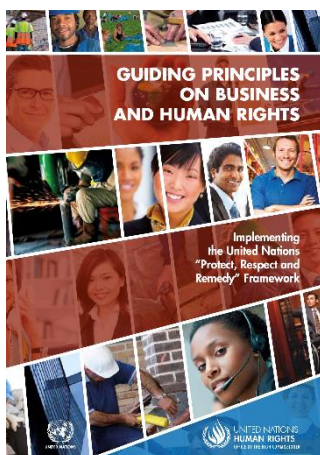
specifically mentioned as an indicator under [target 16.a](#). As recognised by [the UN High Commissioner for Human Rights](#), such institutions can play a key role in guiding and monitoring COVID-19 response and recovery.

[SDG 17](#) addresses the means of implementation as well as the global partnership that is necessary to realise the entire 2030 Agenda. It comprises targets relating to finance, information and communication technology, capacity-building, multi-stakeholder partnerships and data, monitoring and accountability. All these components are indispensable for adequate COVID-19 responses and, not the least, recovery.



The targets under SDG 17 reflect states' human rights obligation under the (ICESCR) to dedicate the maximum of their available resources to realise economic and social rights, including through international assistance and co-operation. However, they also reflect the need for private sector to contribute to sustainable development, through payment of taxes, investments and finance.

As the COVID-19 crisis has triggered economic shockwaves on a global scale, the finance targets under SDG 17 become of paramount importance. Measures such as food/relief packages, livelihood support and cash transfer are positive steps taken by states and should, in line with human rights and the 2030 Agenda, reach those furthest behind first. There is a need to ensure public oversight and transparency to avoid corruption, elite capture or other irregularities.



Moreover, as the crisis has required governments to play a central role in providing financial rescue packages to the private sector, it highlights the importance of ensuring alignment of development objectives and adherence to human rights across the public and private sectors.

One way of doing this is to condition support upon companies' compliance with international agreements and national rules on taxation, and with the [UN Guiding Principles on Business and Human Rights](#) (UNGPs). Under the UNGPs,

businesses have a responsibility to respect human rights and international labour standards in their operations. This implies operating with due diligence to avoid infringing on the human rights of others, and addressing adverse human rights impacts if they occur. Compliance with the UNGPs is a [cornerstone of sustainable development](#), and a direct contribution to achieving SDG targets to combat child and forced labour, promote gender equality and protect human rights defenders, among others.

In the context of a global pandemic, high quality data on the socioeconomic characteristics of the population is essential to help decision makers navigate their responses. Without reliable and disaggregated data it is practically impossible to assess and mitigate the differentiated impacts both of the virus and of the measures taken to address it. This is particularly critical for the protection of vulnerable groups as they are severely impacted by the effects of the pandemic and also typically invisible or underrepresented in official data, where statistical offices do not have the capacity or mandates to disaggregate data based on, for example, ethnicity, disability or migratory status.



A [human rights-based approach to data collection](#) protects the right to privacy. Furthermore, it builds on the principles of participation and non-discrimination and will therefore enforce a more [pluralistic eco-system of data by](#) including information from the human rights system and citizen-generated data. To make sure that vulnerable groups are better represented in data and thereby addressed in responses to future crises, the recovery from COVID-19 must be guided by target [17.18](#) that explicitly calls for capacity support to significantly increase the availability of high quality data.

Finally, it is worth highlighting target [17.16](#) which aims to enhance ‘multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries’.

The COVID-19 pandemic has taught us that we are all in this together and need each other to overcome the crisis. Across the globe populations have shown their enormous willingness to contribute and endure hardship to minimise the health risks for vulnerable groups. Governments, businesses, the scientific community, the UN, artists, traditional leaders, women, NGOs, indigenous peoples and youth across the globe have all assumed responsibility within their spheres of influence to help combat a common threat. This unprecedented collective effort – a purpose-driven global partnership – will hopefully guide and inspire long-term recovery strategies that are truly fair, sustainable and which leave no one behind.



The SDG wheel with a blue dove in the center is often used as a symbol to reflect the interface between the 2030 Agenda and Human Rights. The dove is the international human rights logo and in combination with the SDG wheel it represents the aspiration to have the human rights-based approach at the heart of sustainable development processes.