



PUSHING THE FRONTIERS

#2 | Will the pandemic force the shift?

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The COVID-19 pandemic and its impact on economic, social and cultural rights - Opportunities and avenues out of the crisis

This publication summarises, by theme, a total of 32 thought-provoking articles by 45 authors, advocates, practitioners, policy makers and academics, mostly women from the Global South, published in 2020 through [GI-ESCR's blog series](#) to reflect on and assess the effects of the COVID-19 pandemic on the enjoyment of ESC rights. The various contributions all converge on the importance of putting economic, social and cultural rights, climate change and gender equality at the centre of policy responses to the pandemic.

It is part of our **'Pushing the frontiers of economic, social and cultural rights'** series, which aims to foster collective reflection among activists, practitioners, organisations and communities on how we can, together, further develop the human rights framework as an axis and tool for transformative change to tackle imbalances of power, social and economic injustices, and environmental destruction.

Introduction

The COVID-19 outbreak has led to an unprecedented health and social crisis. Both the virus itself and the measures taken to contain its spread have substantially undermined the enjoyment of economic and social rights. The pandemic has overwhelmed public health systems,¹ and disrupted people's access to health care for other health problems (physical and mental).² Movement restrictions and lock down measures have undermined livelihoods, preventing farmers from selling goods at markets, resulted in businesses closing and increased unemployment. Loss of income is also leaving many people at an increased risk of living in poor and overcrowded conditions, evictions and homelessness. School closures have led to increased online distance learning that has exacerbated inequality, with many of those living in poverty lacking the necessary access to the internet and computers.³

Nonetheless, the pandemic also represents an opportunity for change, by exposing the need for more equal societies and the importance of strong

public services, particularly education, health care and social protection, to help protect lives and livelihoods. The United Nations Research Institute for Social Development (UNRISD) for instance has found that, since the pandemic, the general public has a more positive understanding of social protection and there is reduced stigma associated with it.⁴ Further, we saw States respond with measures to protect peoples' economic and social rights, such as the extension of social protection systems to undocumented migrants and removing fees for essential health care services, which only months before were considered idealistic. The pandemic can thus also be seen as provoking positive change in the protection and fulfilment of economic and social rights. Indian writer and activist Arundhati Roy reminds society that "historically, pandemics have forced humans to break with the past and imagine their world anew. This one is no different. It is a portal, a gateway between one world and the next."⁵

It is in this vein that, in April 2020, the Global Initiative of Economic, Social and Cultural Rights (GI-

ESCR) launched a blog space for advocates, practitioners, policy-makers and academics to identify the potential new openings, and the lessons that could be learnt, to ensure future resilience to new crises through the realisation of economic and social rights. Between April and October 2020, GI-ESCR published a total of 32 thought-provoking articles,⁶ penned by 45 different authors ranging from civil society organisations in Kenya and Nigeria, academics from Europe and Latin America, members of human rights mechanisms - including the Committee on Economic, Social and Cultural Rights - and ILO representatives. The articles covered an array of issues often using country examples to illustrate particular points. They addressed: the vulnerability of different groups such as migrants in Ireland, women in Nigeria, children in South Africa, and Indigenous people worldwide; how previous policies of austerity have exacerbated the impact of COVID-19 in Brazil and the UK; weaknesses in economic systems at national and global levels; and the importance of civil society in both pushing for and shaping necessary change.

These blogs all clearly represent a **call for action** at all levels, including making systemic structural change at the international levels during both the recovery and re-building phases. They argue that there is a need for a clear departure from the past approach and for action to be built around economic and social rights and the redistribution of resources. In this regard, all authors explain that, although unprecedented, this crisis has not been entirely unexpected nor inevitable, and has roots in the previous systems of economic governance that have exacerbated vulnerability to the COVID-19 crisis - including both the virus and the measures taken to contain its spread. Increased austerity policies and privatisation of health, education and social protection systems, especially following the 2007 - 2008 global financial crisis, significantly reduced the capacity of public services to cope and governments to respond effectively.⁷ The authors outline how this virus has not impacted everyone equally, and has particularly impacted those communities that have been discriminated against, marginalised and ignored by public policy decisions for decades. This in turn has increased communities' vulnerability to COVID-19, which in turn will increase inequality and, unless remedied, further reduce future resilience to crises.

Most authors also highlight how **the pandemic is not happening in isolation but is 'intertwin(ed)'⁸ with the climate and environmental crisis**. In fact, these crises are interdependent and converging. A significant contributor to the increased frequency of zoonosis pandemics is the "large-scale human destruction of nature, driven by an extractivist, growth-obsessed economic system."⁹ That same

system is the main driver of climate change, which also hits hardest people who are already marginalised or living in poverty, thereby exacerbating inequality and rendering them more vulnerable to other crises.¹⁰ Further, we have seen how escaping from the impacts of climate change have hampered the ability to protect oneself from COVID-19 infection. Climatic events such as cyclone Harold in the Pacific islands, force people in need of emergency shelter to seek refuge in groups, putting them at increased risk of infection.

The relationship between the environment and the enjoyment of human rights, especially the right to life, has increasingly been recognised by human rights experts and mechanisms as interdependent and mutually reinforcing. The Human Rights Committee in updating its General Comment on the right to life (International Covenant on Civil and Political Rights, art. 6) explained that '*Environmental degradation, climate change and unsustainable development constitute some of the most pressing and serious threats to the ability of present and future generations to enjoy the right to life*'. **Social movements**, including children and youth, women's rights groups and Indigenous peoples, amongst others, are also increasingly highlighting that human rights and environmental protection go hand-in-hand, and in the context of the pandemic, demanding that recovery policies must prioritise 'green', sustainable and equitable measures.

The need for a strong new direction is essential given that there will be no clear line or demarcation between the pandemic and 'after' the pandemic. Instead, there may be a gradual easing with a patchwork of continuing effects and measures across the globe. Such a patchwork can result in reactive fragmented approaches rather than proactive and coordinated strategies. This makes creating a strong framework for change even more vital to prevent any entrenchment of negative practices happening during the crisis. While many States are taking the opportunity to implement many positive measures including extending social protection programmes, implementing moratoria on evictions, and restricting price increases of food and other essential goods (such as sanitiser), there are also examples of regressive measures. This includes the continued forced eviction of people from their homes in Kenya. Already a violation of human rights law, such forced evictions during the pandemic have catastrophic consequences, increasing exposure to the virus without any possibility of alternative accommodation that will allow them to isolate.¹¹ As many countries are experiencing a second and third wave of the virus, there is also a danger that they may not implement the same degree of protection for vulnerable groups as they did in the initial response to the pandemic.

The blogs contained in this series are incredibly valuable in demonstrating how **countries, international actors and civil society can take advantage of the opportunity for transformative changes** that address the underlying root causes of the pandemic, inequality and environmental degradation and of the new opening for ESC rights-respecting policies. They detail the range of actions needed including solid examples of how economic and social rights should both guide policy making to ensure that everyone is reached and ensure accountability for governments. Several also go further and illustrate how COVID-19 is an opportunity to challenge existing governance structures **and remedy the fragility of current economic systems at national and international levels that are exacerbating inequality and environmental destruction.**¹²

Inequality and protecting marginalised groups

A strong, consistent theme of the blogs is inequality. As many of the authors note, COVID-19 has both “illuminate(d) the fragmentation and social inequalities within and between our societies”¹³ and shown the **importance of an equal society**. It has laid bare the danger of inequality, and how it can fuel the spread of the virus and exacerbate the inevitable economic downturn prompted by the measures taken to control the virus.

Those in poverty are more likely to be working under insecure contracts, have dangerous or unhealthy working conditions, low wages, and experience inadequate housing conditions and a lack of water and sanitation, all of which makes it very difficult for them to protect themselves against the virus and to isolate properly.¹⁴ For example, in relation to the right to education, school closures, distance learning and unequal access to computers and the internet are also exacerbating inequality through generations and vulnerability to other inevitable crises.

To illustrate how COVID-19 is affecting those in **poverty**, many articles draw attention to particular-country situations. **Anita Nyanjong**, for instance, outlines how in Kenya many of those living in slums and informal settlements are at risk of being forcibly evicted from their homes, which without any possibility of alternative accommodation, will increase their risk of contracting the virus.¹⁵ **Victoria Ibezim-Ohaeri** and **Emem Okon** discuss the situation in Nigeria, and how those living in poverty in resource extraction areas, such as the Niger delta, have already had their health undermined by decades of pollution, and are thus especially likely to suffer severe complications from the virus.¹⁶ Regarding the UK, **Imogen Richmond-Bishop** and **Sara Bailey** refer to official statistics¹⁷ showing “that the residents of the poorest parts of England and Wales are dying at twice as

much as residents of the richest”, and have attributed this to decades of austerity reducing access to adequate housing and social protection that has exacerbated health problems and impaired peoples’ ability to work from home.¹⁸

Many of the blogs also elaborate on the situation of particular population groups who, because of **systemic discrimination** on the grounds of ethnicity, race, migration status, sex, gender, disability, minority or indigenous status, are more likely to live in extreme poverty and be disproportionately affected by the virus. **As Joshua Castellino explains, the situation of minorities is also** exacerbated by the “politics of hate”, and increasing **stigmatisation**, which has prevented many from accessing decent work, housing and healthcare.¹⁹ Such politics has been driven by inequality and increasing poverty that results in people being “easily goaded into hate by powerful interests”. He thus recognises COVID-19 as an opportunity to end “the hate game”, to recognise and remedy the situation of those minorities and protect them against stigmatisation and discrimination. Castellino regards this as “the only route to success”, noting the possibility of “systemic economic and social breakdown” if such communities continue to be “scapegoated”.

Several blogs highlight the situation of **temporary and undocumented migrants** who are already likely experiencing high levels of poverty, limited employment options, overcrowded accommodation and restricted access to health care and social protection (due to their legal status), making them both at an increased risk of contracting the virus and of being affected by the global economic contraction. **Alejandra Ancheita** draws attention to temporary labour migration programmes that recruit migrants to work across borders with often very little pay and few labour protections.²⁰ In the UK, **Imogen Richmond-Bishop and Sara Bailey** note that some migrants are ineligible for government help and are at a further risk of poverty and exposure to COVID-19 through inadequate housing and unsafe working practices. Moreover, as observed by **Stefano Angeleri**, even when government support is offered to migrants - such as in Ireland, where the government has allowed irregular migrants to be tested for COVID-19 and receive treatment, and made the “Covid-19 pandemic unemployment payment” and other one-off payments (regardless of migration status) available - such measures are temporary and often fall short of human rights legal requirements.²¹

With regards to indigenous persons and peoples, Sharifah Sekalala and Belinda Rawson²² outline their specific vulnerability to COVID-19 infection due to the historical denial of their rights that has resulted in poor housing, and insufficient access to health care and

essential services.²³ However, governments are yet to take specific responses that address the structural impediments to the enjoyment of their rights. The authors thus call on governments to ensure that their human rights obligations are at the core of the response to the crisis and address entrenched inequalities and resulting disparities - including through preserving traditions, addressing institutionalised discriminatory practices, and improving conditions which underlie the social determinants of health.

Many authors also draw attention to how **women** have been impacted by the pandemic, including having their already disproportionate care burden increased due to school closures and overstretched health systems (**Kavita Naidu** and **Misun Woo**²⁴). **Victoria Ibezim-Ohaeri** and **Emem Okon**²⁵ also outline how in Nigeria traditional roles for women such as fetching water and firewood, going to markets and caring for the sick have prevented them from adhering to recommended safety protocols to stay at home. **Alejandra Ancheita** specifically highlights how lockdowns and enforced social isolation have exacerbated violence against women in many regions of the world, including in Europe and Latin America.²⁶

By exposing the **unfair care system** in many societies and its link with women's disenfranchisement and increased vulnerability to domestic violence, COVID-19 is also however creating space for change. **Laura Pautassi** highlights the importance of both valuing *care* as intense work and recognising it as a human right (the right to care, to be cared for and to self-care) that would then lead to the implementation of "universal and transversal", gender-focused policies, with "regular budgets", at the governmental, business, and social levels.²⁷

A number of the blogs also highlight the **catastrophic effects of the pandemic on children**. **Aoife Nolan** and **Judith Bueno de Mesquita** draw attention to the devastating effects on children of both the virus and state responses to the pandemic that limit or regress children's rights.²⁸ This includes the impact of lockdown on mental health, the ability to play, parent incomes and access to food, and the effect of school closures on the right to education and its exacerbation of inequality. This is not just confined to developing countries. According to **Imogen Richmond-Bishop** and **Sara Bailey**, in the UK many children are also being denied their right to education due to a lack of IT equipment such as laptops and broadband.²⁹ However, like in many other situations, this can open up space for re-examining and remedying the situation of the most marginalised. With specific regards to school closures, **Ann Skelton**³⁰ focuses on how COVID-19 can help reset priorities to ensure that those who are the most

disadvantaged receive the most assistance. It is clear that not all schools can open at the same time, and a staggered approach could also increase inequality since those children in the schools least likely to be COVID-19 ready for re-opening are most likely to be receiving poor quality education and have very limited access to online resources. Given this reality, **Anne Skelton** argues that governments must realise their immediate obligation to plan for the full reinstatement of schools with particular attention on those most likely to be left behind, and use equitable and innovative re-entry strategies to address the needs of all students.

The UN Committee on Economic, Social and Cultural Rights, in its guidance to States in responding to the pandemic, also underlines the importance of the **principles of equality and non-discrimination** both in addressing the crises and in making sure that society maintains resilience to future crises. As **Rodrigo Uprimny Yepes** (member of the CESCR) highlights in his blog, these include making sure that the mobilisation of resources does not fall on the most vulnerable and should be "based on criteria of progressive taxation and distributive justice"; it is also necessary to take appropriate special measures targeting those in poverty and population groups who experience discrimination such as women and migrants, who may be disproportionately impacted by the crises.³¹

Legal frameworks protecting economic, social and cultural rights

International Many authors recognised that a **strong legal framework** at the international and national levels protecting all rights - including economic, social and cultural rights - and ensuring access to remedies for non-compliance can assist States in responding to their health and economic crises, including **identifying and balancing competing rights**. It is also crucial in holding governments accountable, making sure they implement policies and programmes that meet the needs of the most marginalised and ensure the enjoyment of their rights, to guarantee long term change that ensures economic and social rights for all, and addresses the root causes of such crises. This remains especially vital in the current pandemic, which has thrived worldwide due to previous policies that have exacerbated inequality and denied people their economic and social rights. Moreover, without a legal framework, there is a risk that measures taken to control the virus can threaten human rights.

Several authors draw attention to the role of international human rights mechanisms in clarifying **States' legal obligations** during the crisis in accordance with human rights law. For instance, at

the regional level, **Soledad García Muñoz**³² discusses the resolution adopted by the *Inter-American Commission on Human Rights* on Pandemic and Human Rights calling on States to guarantee “the human right to health and its basic social determinants”.³³ This includes fully protecting health workers both from the virus and any discrimination and harassment. **Uprimny Yepes** notes how the CESCR through its statement on the COVID-19 pandemic and its General Comment No. 25 on “science and economic, social, and cultural rights” have clarified States’ obligations during the crisis, highlighting that States must not sacrifice civil and political rights in its protection of health.³⁴

International, regional and national legal frameworks provide guidance to States on ensuring that policies taken to stem the spread of the virus do not violate human rights and create more problems that can prompt future crises. **Aoife Nolan and Judith Bueno de Mesquita**, for instance, write specifically about how the statement of the UN Committee on the Rights of the Child on COVID-19 establishes the extent to which States can limit or restrict **children’s enjoyment of their human rights**, asserting that such restrictions must be imposed “only when necessary, be proportionate and kept to an absolute minimum”, and reflect the principle of the best interests of the child.³⁵ **They** also emphasised that these provisions cannot be taken in isolation and must be considered together with other key obligations including ensuring non-discrimination, children’s survival and development, and their right to be heard in decision making. **Ann Skelton and Nicole Breen**³⁶ **similarly demonstrate how the South African Constitution can help judge the permissibility of the four-week nation-wide school closure. Under** South African law, any limitation of rights under the constitution must be reasonable and justified, and there must not be a “less restrictive means to achieve the purpose” available.³⁷ In that regard, they discuss the evidence regarding children’s risk of contracting the virus, the period of closures and whether a country-wide measure was needed. They conclude that the measure does not pass “Constitutional muster” since the decision was not informed by scientific advice, and there were less restrictive means available.

With regards to **ensuring long-term change**, **Imogen Richmond-Bishop** and **Sara Bailey** highlight how NGOs in the UK are being hampered by the lack of an appropriate legislative framework protecting economic and social rights.³⁸ For instance, NGOs could only use the possibility of judicial review to challenge the government’s decision to limit free school meals to term-time while schools were closed. While this decision was eventually overturned, the

response remained at best a band-aid policy that just covered the cracks, with civil society organizations unable to use domestic law to resolve the root cause of inequality in the UK - including the ten years of “draconian” austerity measures.³⁹

In his blog⁴⁰, **Stefano Angeleri** argues that a legal framework must guarantee economic, social and cultural rights for all, including undocumented migrants. For instance, **Ireland’s failure to legally guarantee economic and social rights for all** means undocumented migrants cannot enjoy their rights to health and social protection, and are particularly vulnerable in times of crisis. Even when positive measures are introduced in response to the pandemic, they are only temporary and do not meet the human rights standards of ensuring “a minimum essential level of benefits to *all*.”⁴¹

Several blogs also clarify that the international community could take advantage of COVID-19’s role in exposing key i⁴²ssues by **pushing for the further development of the international legal human rights framework**. Recognising how COVID-19 has unveiled women’s disproportionate care burden, Laura Pautassi calls for the introduction and codification of **a new human right**, namely: the **right to care, to be cared for and to self-care**.⁴³ **Elizabeth Manganje and Timothy Fish Hodgson** explain how the proposed **binding treaty on business and human rights**⁴⁴ can increase accountability for non-State actors by requiring corporations to respect human rights.⁴⁵ The need for such a treaty has been demonstrated by the pandemic and businesses’ excessive pricing of personal protective equipment (“PPE”) and sanitiser.

[Essential services, privatisation and business actors](#)

Under human rights law, **States must ensure access for all to quality, well-funded health care, education and social security** especially for those that are most vulnerable or marginalised. COVID-19 has shown that this is best achieved and guaranteed through **universal public services**. The policies of the last decade, including reduced social spending and privatisation, have rendered many such services incapable of dealing with the pandemic and responding to climate-induced disasters that are further exacerbating inequality.⁴⁶ This has been most obvious in relation to health systems. The Special Rapporteur on extreme poverty and human rights notes the deterioration in public health systems since the early 2000s and observes that many systems are “weak and underfunded”.⁴⁷ Similarly, weakened social protection systems have reduced coverage and adequacy, and forced people into unsafe and unregulated employment to survive.⁴⁸

The COVID-19 pandemic has also demonstrated that well-funded universal public services are a necessary

component of resilient societies and economies, in addition to being a human rights obligation. In this regard, **Juan Pablo Bohoslavsky** asserts that there is no trade-off between ensuring a strong economy and health.⁴⁹ While the economy is vital for securing access to livelihoods, this does not mean that the focus should be on ‘big-business’ and economic elites, but rather combatting inequality, facilitating robust public health policies, and serving the public good.

In reference to the situation in South Africa, **Sandra Liebenberg**⁵⁰ explains how budget cuts have increased inequality and necessitated many short-term mitigating measures to be taken during the crisis, such as tanked water supplies and disinfecting programmes. She thus regards COVID-19 as an opportunity to make sure that such measures are translated “into long-term public and private resource mobilisation for securing accessible, affordable and quality public goods and services for all”.⁵¹ **Thiago A. Feital**⁵² similarly discusses how Brazil’s austerity programme, facilitated by Constitutional Amendment 95/2016 (EC 95), eroded public services and healthcare in particular, which has led to their possible collapse following COVID-19. Positively, the author notes that COVID-19 has reignited discussions about the importance of economic and social rights in redistributing the resources necessary for human rights and has resulted in a draft bill being put forward to tax large fortunes (which was adopted by the Brazilian Chamber of Deputies on 10 December 2020).

Taking advantage of this renewed momentum, many articles reiterated the importance and value of public services, and how to move forward and strengthen them and avoid the mistakes of the past. For instance, given the **growing corporatisation of education**, the **Privatisation in Education and Human Rights Consortium** highlights how increased on-line distance learning, thanks to COVID-19-induced school closures, can create increased space for large technology companies such as Google and Microsoft to enter the education market-place. In addition to undermining democratic control of education, this can increase the exclusion of those who do not have access to computers and the internet. In short, the authors emphasise “the importance of stable, well-funded, free public and inclusive education systems that meet human rights standards.”⁵³ Regarding **health**, **Alicia Ely Yamin** outlines how public health care is a core social institution that redresses discrimination rather than exacerbates it. This includes ensuring equality and social inclusion in financing decisions, “priority-setting”, and “organization and delivery of care”, and addressing the social determinants of health.⁵⁴

Isabel Ortiz and **Walden Bello** call on governments to implement “**universal social protection floors** in accordance with international conventions and recommendations endorsed by all countries.”⁵⁵ This was also highlighted by **Alexandra Barrantes**, who **gave recommendations on how to ensure everyone in need was covered**.⁵⁶ She underscores the importance of avoiding a piecemeal, fragmented approach that can exclude many in need. Such approaches are often facilitated by language such as ensuring “efficient allocation of scarce resources by targeting the ‘poorest of the poor’”⁵⁷, which is very difficult, and can exacerbate exclusion errors. **Barrantes** emphasises that instead the emphasis should be on States’ obligations to use “the maximum resources available and for a progressive realization of the right to social protection for all” rather than a “palliative poverty-targeted approach.”⁵⁸

In the interim, while the private sector is still providing essential services and there are possibilities of increased **privatisation** (such as in education) following the pandemic,⁵⁹ the proposed binding treaty on business and human rights can increase accountability for non-State actors by requiring corporations to respect human rights.⁶⁰ **In this regard, Elizabeth Mangenje and Timothy Fish Hodgson**⁶¹ explain how the proposed treaty could cover the regulatory gap regarding health services and those companies providing crucial goods, which is demonstrated by the excessive pricing of PPE and sanitiser.⁶² Particularly relevant provisions include: **businesses’ responsibility to respect human rights**, which includes preventive and remedial action to ensure the right to health is respected and its wide scope that applies to “all business enterprises”; the specific provision for “class actions”, which would allow those living in poverty to pool resources for potential litigation and advocacy; and the guarantee of “access to appropriate diplomatic and consular means to facilitate access to effective remedy”. This is especially relevant when private actors are registered, domiciled or operating outside of the jurisdiction in which the abuses occurred. Nonetheless, as the blogs have shown, this can only be a temporary solution. COVID-19 has demonstrated that private actors cannot be relied upon to guarantee access to essential services, and instead well-funded public services are needed to meet the needs of those in poverty.

Equitable economic systems

Equitable economic governance systems are vital to secure the resources necessary to realise human rights, address inequality and make communities, societies and countries resilient to crises. Yet, under the guise of pursuing economic growth, the benefits of which will reportedly ‘trickle down’ to all, economic policies over

the last decade have focused on **reducing the role of the State, deregulation** and strengthening the private sector, fiscal consolidation and reducing spending on social issues, and **reduced taxation**.

This was recognised in most blogs. They detailed how economic systems have directly exacerbated inequality and undermined the ability of **less developed countries** to use their maximum available resources to create and maintain strong public social services systems to cope with and mitigate the impacts of the pandemic. **Alicia Yamin**, for instance, highlights how decades of neoliberal policies at both national and international levels have “hollowed out fiscal space and capacity in governmental institutions to meet health and other rights”.⁶³ Moreover, despite this, many governments and international structures are continuing with the status quo. **Juan Pablo Bohoslavsky** observes how many countries are responding to the pandemic by prioritising saving the economy - and in particular meeting the needs of big corporations - while ignoring inequality and the health and wellbeing of the people.⁶⁴ At a more global level, **Kavita Naidu** and **Misun Woo**⁶⁵ observed that despite COVID-19 revealing the “interconnected systems of oppressions”⁶⁶ that have contributed to massive inequalities within and between countries, “neo liberal forces”⁶⁷ are continuing to capture **political and economic spaces**. For instance, the assistance provided to developing States is in the form of loans that could increase their debt burden and makes them even more vulnerable to having their social and economic policies dictated by wealthier countries.

In that vein, the authors call for long-term change, a break with the past, and to reform economic and trade structures to ensure an enabling environment for all States, and that all have the necessary “material resources”⁶⁸ to implement human rights and “serve the public good”.⁶⁹ In particular, **Amani Ponnaganti** and **Lucy McKernan** note that “this is a moment to reflect on the current economic model of growth and development, and to look to transformative alternatives” that centre human rights and the need to value and protect nature.⁷⁰ **Isabel Ortiz and Hernán Cortes**⁷¹ call on governments to anchor economic policy-making on the *Guiding Principles for Human Rights Impact Assessments for Economic Reform Policies*, including austerity reforms or fiscal adjustment.

Francisco-José Quintana highlights how the increased appreciation of the role of governments and its dependence on necessary resources can be used to fuel **global economic reform**.⁷² More specifically, **Alicia Yamin** underscores the need to **tax** wealthy individuals and companies that have so far avoided paying their fair share, in order to increase government capacity.⁷³

Alejandra Ancheita similarly calls for a radical change in the global economic model and an end to giving tax breaks to the rich.⁷⁴ **Isabel Ortiz** and **Walden Bello** urge countries to ensure that fiscal stimuluses benefit those in need and not large corporations who have historically avoided paying tax or the untaxed financial sector.⁷⁵ Any bailout of public companies must be accompanied by strict conditions that they pay their full share of tax and pay workers living wages.⁷⁶ Already there are some positive examples. **Denmark**, for instance, has stated that those corporations registered in “non-cooperative tax regimes” cannot receive State COVID-19 related assistance.⁷⁷

Several blogs also underscored how COVID-19 has questioned the underlying theoretical models underpinning economic policy, in particular the pursuit of **economic growth as a measure of progress** and resilience to shocks, and has opened the door to renewed discussion about how human progress should really be measured and promoted. **Juan Pablo Bohoslavsky**,⁷⁸ for instance, observes how the COVID-19-induced drop in consumption and production has demonstrated that economic growth is an arbitrary measure of welfare and that the current practices of “relying on speculation, high private debt, unregulated consumption and degradation of natural resources”⁷⁹ to stimulate growth is only increasing societies’ vulnerabilities. **Margaretha Wewerinke** similarly highlights that the root causes of both the climate crisis and the pandemic include a global economic model “based on the myth of indefinite growth”, which is exacerbating fossil fuel extraction and combustion and the destruction of biodiversity through, notably, deforestation.⁸⁰ **Alicia Ely Yamin** also argues that “the narrative of infinite economic growth has been abruptly shattered”⁸¹ and that this crisis provides a window for civil society to push through substantial redistribution at national and international levels that supports the realisation of human rights.⁸²

This is certainly possible. In 2019, before COVID-19 had so publicly demonstrated the failings of current economic systems, New Zealand introduced a budget that prioritised people’s wellbeing over economic growth.⁸³ In 2020, at the city level, Amsterdam adopted a ‘Doughnut Economy’ model to help direct the development of the city.⁸⁴ The model focuses on ensuring a circular economy that fulfils the social priorities of the UN Sustainable Development Goals and the premise to leave no-one behind, and ensures the survival of “Earth’s critical life-supporting systems”.⁸⁵

COVID-19 has illuminated the **interdependence of a healthy environment, biodiversity and human survival**. This has already been made clear in human rights law, and is now being brought home to the wider public. Society has seen how taking actions that reduce biodiversity can ignite worldwide pandemics that are cutting short peoples' lives. Moreover, by exacerbating existing inequalities, climate change increases the number of those vulnerable to pandemics and hence the risk to all.

By exposing the extent to which human beings depend on the environment, COVID-19 undoubtedly offers a unique opportunity for States to heed the calls of the UN Secretary General to "*respect the rights of future generations, enhancing climate action aiming at carbon neutrality by 2050 and protecting biodiversity*."⁸⁶ This is recognised by all authors, many of whom warn that unless this opportunity is fulfilled, there will not be any long-term resilience to future inevitable crises. As **Kavita Naidu** and **Misun Woo** explain, oil and gas companies are already making use of the pandemic to push for bailouts and to advocate for the recovery to include less regulation.⁸⁷

Demonstrating the interdependence of these different crises, many authors have identified particular **measures** that have already been discussed under other headings such as dismantling the neoliberal economy (**Kavita Naidu** and **Misun Woo**⁸⁸); moving away from an "extractivist, growth-obsessed economic system"; increasing the regulation of corporations and the financial sector; ^{and} investing in public services such as health, housing and social protection that reduces inequality and improves resilience to climate induced disasters (**Amani Ponnaganti** and **Lucy McKernan**).⁸⁹

Amani Ponnaganti and **Lucy McKernan**⁹⁰ also urge States to start transitioning to a low-carbon, regenerative economy. More specifically, **Margaretha Wewerinke** calls on them to ensure that public spending, including bailouts and tax policies, are "brought in line with the Paris Agreement's stated goal of 'making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development'".⁹¹ **Juan Pablo Bohoslavsky** similarly specifies that subsidies including bailouts should not benefit sectors that are exacerbating climate change and operating "in direct contradiction the Paris Agreement".⁹² As **Alejandra Ancheita** notes, the growing movement for the realisation of the right to a clean and healthy environment can help drive such initiatives.⁹³

COVID-19 has underlined the importance of multilateral cooperation and countries working together. The pandemic is affecting all countries and, in this interdependent world, it is impossible to combat the virus's spread without an integrated approach. In this vein, **Kathryn Sikkink** calls for better global governance that recognises the interdependence of different actors, and for States to move away from a nationalistic approach that adopts unilateral measures without considering its relationships with other actors. She argues that our biggest challenge is to "convert this crisis into a step forward for global governance rather than a step away from it".⁹⁴

Other authors argue that the international community must address many of the international structural factors that are preventing countries from investing in public services - especially health and addressing inequality. Amongst those put forward are:

Debt relief: **Isabel Ortiz** and **Walden Bello** highlight the need for financial institutions to move against the grain of previous structural adjustment programmes and support universal public health systems, jobs and social protection floors in developing countries.⁹⁵ A key element of this would be restructuring or even cancelling their external debt. Many authors recognised how developing countries' external debt restricts many from having the necessary fiscal space to finance strong public services like healthcare. **Iolanda Fresnillo** and **María José Romero** observe how debt payments are preventing many developing countries from investing in public healthcare, and are in fact encouraging private actors to meet the shortfall.⁹⁶ Recommendations ranged from calling on the IMF to implement a moratorium on debt payments for at least six months (**Jayati Ghosh**⁹⁷) to the permanent cancellation of all external debt payments in 2020 and the creation of a UN systematic, comprehensive, and enforceable process for sovereign debt restructuring (**Francisco-José Quintana**⁹⁸, **Kavita Naidu** and **Misun Woo**⁹⁹ and **Isabel Ortiz** and **Walden Bello**¹⁰⁰).

Ensuring liquidity for developing countries: Several authors also discuss how the international community must help ensure critical liquidity for developing countries, who often cannot afford to implement stimulus programmes to protect people from the economic downturn caused by the virus and the measures taken to contain its spread. **Isabel Ortiz** and **Walden Bello**¹⁰¹ suggested that the international community issue fiat money to developing countries¹⁰² that can help ensure the necessary liquidity for preventing a global depression. Likewise, **Jayati Ghosh's**

recommendations to the IMF included issuing Special Drawing Rights¹⁰³ for developing countries. While international actors at a recent G20 meeting proposed creating and distributing an additional 500 billion worth of SDRs, it was vetoed by India and the USA. Ghosh regards this as a “costly denial of a chance for the world economy to revive after this extraordinary shutdown”.¹⁰⁴ This also demonstrates the need to reform the economic governance system as previously discussed.

Increasing international assistance: In 1970, at the UN General Assembly, wealthy States pledged to annually commit, at a minimum, to provide 0.7% of Gross National Income in assisting less developed countries.¹⁰⁵

However, despite the “massive scale of human rights violations” caused by both the virus and the measures taken to contain its spread, and the climate change crisis that is increasing existing inequalities, **Margaretha Wewerinke**¹⁰⁶ observes that the international community’s current measures to help developing countries have not even met this minimal threshold. One example given is the UN’s proposed \$2.5 trillion package for developing countries to mitigate economic damage from the COVID-19 crisis. She also argues that “the human rights impact of both the climate crisis and the global pandemic demands international solidarity above and beyond the minimum thresholds for humanitarian assistance and ODA”, which States must recognise and act upon.¹⁰⁷

Importance of participation, consultation and civil society

There can be no change without a **strong functioning civil society built on the enjoyment of civil and political rights** - including the right to participation, access to information, and freedom of expression and association.¹⁰⁸ Civil society is vital. Civil society actors initiate movements that hold governments accountable and push for change. It is also key to ensuring that marginalised groups are not ignored by policy makers, and that policy decisions reflect and remedy their particular situations.

This is crucial for creating real and sustainable change during and after the COVID-19 pandemic. While many positive measures have been implemented by States, many of the blogs have detailed how authorities and businesses are taking advantage of the current situation - such as through rolling back environmental protections, conducting forcible evictions, bailing-out big polluters and land grabbing.¹⁰⁹ There is also a risk of **increased austerity and privatisation** as countries will have become more indebted following the stimulus programmes created to deal with the initial economic fallout of the virus.

As Isabel Ortiz and Hernán Cortes¹¹⁰ explain, civil society has been incredibly active over the last decade with **increasing protests** worldwide on issues related to inequality, corruption, food shortages, IMF supported austerity, lack of jobs, working conditions, racism and police brutality - which had all been ignited by the financial crisis of 2008 and commodity price spikes. This must continue during the pandemic and beyond. In this regard, **Isabel Ortiz** and **Walden Bello**¹¹¹ underscore citizens’ critical role in ensuring that governments fulfil their obligations to protect lives, jobs and human rights. Given the role international structures have played in creating a world vulnerable to pandemics, **Alejandra Ancheita** calls for renewed coordination and collaboration between organisations in the Global North and the Global South.¹¹² This can help both identify structural failures, establish effective corporate accountability measures and reduce the power imbalance between economic elites and the most impoverished sectors of society.¹¹³

It is not just about ensuring accountability. Civil society is crucial for **setting the new agenda**. There cannot be a vacuum in new thinking that could be filled by regressive policies. In this regard, **César Rodríguez-Garavito** specifically calls on civil society to embrace “a forward-looking, proposal-oriented response to the current context”.¹¹⁴ **Kathryn Sikkink** similarly recognises the collective forward-looking and integrated responsibilities of all actors from State and municipal governments, health care institutions, the media, non-profits, and universities to the individual in shaping the new agenda.¹¹⁵

If any new agenda is to be legitimate and effectively address the needs of the world’s most marginalised populations, actors at all levels must be involved in its formulation. This is especially true for those at the local level. **Lorenzo Cotula** and **Elaine Webster** similarly emphasise that the human rights community must learn from **local actors** that have immeasurable experience in understanding the needs of those living in poverty, and making human rights relevant to them - including when addressing global trade and economic structures that sustain deprivation and vulnerability to crises.

To guarantee that civil society can fulfil its role and provoke change, governments cannot suspend civil and political rights. This was particularly underscored by **Rodrigo Uprimny Yepes** in his discussion of CESCR’s recommendations to States on the COVID-19 pandemic.¹¹⁶ He asserted that the enjoyment of civil and political rights is as important as the realisation of economic, social and cultural rights and includes judicial independence, access to justice, and the right to information.

Conclusion

The COVID-19 pandemic has reignited momentum for change by exposing the **failings of current economic structures**, renewing appreciation for the **role of the government** and the necessity of **strong public services** funded through **progressive taxation**. It has also underlined the importance of **multilateralism** and countries working together to combat the main challenges facing societies - especially climate change and health emergencies. In light of this, the pandemic is creating new opportunities and openings for efforts to advance the structural changes necessary to ensure the respect, protection and fulfilment of rights. As the blogs highlight, this goes beyond incorporating human rights into domestic policies but also a **restructuring of trade and economic systems** that puts ensuring equality at the core.

It is thus clear that an integrated approach is necessary for ensuring a **solid legal framework**, the protection of the rights of all, the enactment of policy decisions that guarantee equality and protect vulnerable groups, and the creation and maintenance of strong public services. This cannot be done in isolation. COVID-19 has shown how international collaboration and economic reform is key in ensuring that every country has the capacity to secure the health and wellbeing of those under their jurisdiction.

These are not new ideas but have been advanced by advocates of economic and social rights, and have gained acceptance at the international level through the adoption of the International Covenant on Economic, Social and Cultural Rights, and the work of its monitoring

body (Committee on Economic, Social and Cultural Rights). Other **human rights mechanisms** have also played a key role, such as the United Nations Independent Expert on the effects of foreign debt and other related international financial obligations of States, who developed the Guiding Principles for Human Rights Impact Assessments for Economic Reform Policies, including austerity reforms or fiscal adjustment.

International human rights law, however, needs to evolve further. There is a growing recognition, accelerated by the COVID-19 pandemic, that the realisation of economic and social rights and a more equitable society is not achievable without addressing environmental, biodiversity and climate challenges. This must prompt a **'greening' of human rights standards** and principles to generate a new set of tools to guide policies and legislation, including regarding international cooperation, economic governance and resource mobilisation. As evidenced by the articles, civil society, academics and human rights mechanisms are beginning this process. However, unless it is fully incorporated into national and global governance, society will not be resilient to any of the inevitable crises heading our way in the future.

Nonetheless, change is not impossible. There are tools in place and there is momentum, and already some changes are being made. As one author argued, the "concerted action taken in the face of the COVID-19 crisis" shows what is possible.¹¹⁷

Endnotes

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About GI-ESCR

The Global Initiative for Economic, Social and Cultural Rights (GI-ESCR) is an international non-governmental human rights advocacy organisation. Together with partners around the world, GI-ESCR works to end social, economic and gender injustice using a human rights approach.

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