

## COVID-19's impact on human rights outside the EU

In their attempt to contain the COVID-19 pandemic, many countries around the world have imposed limitations on freedom of movement and other related freedoms within their territories, thereby severely curtailing certain fundamental rights. In the event of a public emergency, international human rights norms do allow for the imposition of limitations under strict conditions. Moreover, so far no other approach has been as effective in slowing down the outbreak, while also upholding the right of the most vulnerable to health and life. However, some governments may be abusing the situation to suppress human rights and wield undue power.

### International human rights norms and COVID-19

The UN Universal Declaration of Human Rights (UDHR) – the universal instrument covering individual and civil liberties and socio-economic rights – provides in its [Article 29](#) for proportionate limitations in times of emergency on the grounds of 'morality, public order and the general welfare in a democratic society'. Yet, although universal in nature, the UDHR is not legally binding. The [International Covenant on Civil and Political Rights](#) (ICCPR), which is legally binding on all [173 states parties](#) that have ratified it (China not being one of them), allows in its [Article 4](#) for a state party unilaterally to derogate temporarily from a part of its obligations, but only subject to several safeguards. More specifically, the measures taken must be limited to the extent strictly required by the circumstances, the situation must amount to a 'public emergency which threatens the life of the nation' and a state of emergency must be declared. Limitations of rights cannot have a discriminatory effect on any particular group. [Article 12](#) of the ICCPR allows states parties to restrict freedom of movement for protection of public health. A [UN human rights expert group](#) has underlined the need for all measures to fight COVID-19 to be 'proportionate, necessary and non-discriminatory'.

In the current circumstances, internationally recognised socio-economic rights, such as the right to health but also those related to employment, food, education under the UDHR and the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR), take on a new significance. The ICESCR is binding on the [170 states parties](#) that have ratified it; the US is not among those. According to the ICESCR, everyone has the right to 'the highest attainable standard of physical and mental health'. Governments are required to take steps for the 'prevention, treatment and control of epidemic, endemic, occupational and other diseases' and 'the creation of conditions which would assure to all medical service and medical attention in the event of sickness'. The UN High Commissioner for Human Rights, Michelle Bachelet, has [stressed](#) the need for governments to 'to mitigate the impact [of the pandemic] on people's economic and social rights'.

### Restrictions on movement and travel bans across the world

Most countries with a high number of COVID-19 cases have imposed far-reaching restrictions on movement and banned travel. [South Korea](#) and [Japan](#) have so far abstained from doing so. The World Health Organization initially [opposed](#) such measures, considering them both ineffective in the longer term and economically and socially disruptive. Instead, it advocated identifying cases, tracking contacts and isolating them. Whether drastic restrictions on movement, particularly those imposed by China, have been necessary and proportionate to fight the disease, remains a matter of [controversy](#) among medical specialists.

### Limitations on freedom of expression

[Disinformation](#) can seriously undermine public authorities' efforts, especially in times of emergency, and erode public trust in them. To counteract this risk, [South Africa's](#) government, among others, has imposed fines or criminal penalties for spreading COVID-19 fake news. Yet, criminalising information on the pandemic may be detrimental to efforts to fight it, for instance, by stifling freedom of expression. It is precisely the suppression of freedom of expression that is generally seen as the [reason](#) for the extent of the initial outbreak in China. The free flow of information is [vital](#) to containing the pandemic and is a [major advantage](#) of free societies in the face of the crisis. The COVID-19 outbreak makes the situation worse where freedom of expression was already under strain, as in China, Russia and [certain Middle Eastern](#) countries.

## Risk of erosion of democracy in the world

Numerous governments have declared a state of emergency empowering them to take swift, radical measures. This is in line with the ICCPR requirement that governments must declare a state of emergency publicly to derogate from certain human rights obligations under the Covenant. Measures adopted in a state of emergency are legitimate if they are necessary for the attainment of the objective pursued, but also proportionate and temporary. Yet, there is a risk that they will remain in place even when they are no longer needed, as did some of the [measures](#) adopted by the US following 9/11. Governments whose democratic credentials were already doubtful when the COVID-19 crisis occurred may use the situation to grab more power, as is the case with the [Philippines](#). Additionally, restrictions to contain the pandemic have severely limited the right to assembly and to peaceful protest. By contrast, the pandemic has also brought relief to some: to stop the spread of the disease in prisons, [Iran](#) has temporarily freed 75 000 inmates and pardoned another 10 000, among them political prisoners. Yet again, there is a [global battle of narratives](#) spearheaded by [China](#), which praises its own authoritarian approach to the crisis, while labelling democracies as disorganised and inefficient. [Commentators](#) have responded by pointing out that democracies, such as South Korea, Taiwan and Japan, have so far been quite successful at containing the disease. [Doubts](#) have also emerged about the accuracy of China's reports of its success in fighting the pandemic.

## Rise of xenophobia

Verbal attacks and harassment of persons perceived to originate from countries with widespread contagion have been a worrying development related to the pandemic. While initially Asians living in different parts of the world were the target, recently it has been Europeans, amidst [accusations](#) by locals of having brought the virus, for example, to some African and Asian countries.

## Limitations on the right to privacy

Fighting COVID-19 requires finding out everything related to its nature, to how it spreads, whom it infects and whom it makes severely sick. This involves obtaining data that are personal and subject to protection under international human rights norms (UDHR Article 12; [ICCPR Article 17](#)). For example, [South Korea](#) has pioneered a location-tracking system of those infected, making it possible to create a public map showing the concentration of cases. Numerous other [governments](#), including Singapore and Israel, have started using digital surveillance tools to check whether quarantines and lockdowns are being respected.

## State of social and economic rights requires an urgent response

The strict confinement imposed by many governments is causing an [economic downturn](#) that could disproportionately affect societies' most vulnerable people. Particularly in low-income countries where informal employment is widespread (such as [India](#)), confinement puts vulnerable people at risk of not being able to provide for food for themselves. The massive loss of jobs also requires an appropriate response from governments all over the world, as well as international [coordination](#) and [solidarity](#) to tackle the crisis. In many countries, including wealthy ones such as the [US](#), there is no adequate access to medical care.

The EU is particularly concerned about populations in countries with a fragile health system or those affected by humanitarian crises. It has provided [€276 million](#) to support international efforts to fight the coronavirus outbreak.

## COVID-19 in humanitarian situations

There are serious concerns about the virus spreading across war zones (such as in war-ravaged [Syria](#), Gaza or [Yemen](#)), where populations are particularly vulnerable and health systems under extreme strain. In the face of the pandemic, the UN Secretary-General, Antonio Guterres, has [called](#) for a global ceasefire in all war zones. Crowded camps for refugees and internally displaced persons could provide a very favourable environment for the virus to spread, particularly in areas where there have been massive displacements recently, as in the north-west of Syria and [Burkina Faso](#). The closure of borders significantly limits the possibilities for displaced persons to ask for asylum. The [UN High Commissioner for Refugees](#) has urged countries not to close their borders to asylum-seekers or suspend the treatment of asylum requests. Under the [Geneva Refugee Convention](#), countries' obligation not to return refugees and asylum-seekers at risk of persecution does not allow for [any derogation](#). However, the Convention confers no obligation on countries to keep their borders open for asylum-seekers in situations of emergency.

