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Promotion and protection of all human rights, civil
political, economic, social and cultural rights,
including the right to development

Question of the realization of economic, social and cultural rights in all countries: the impact of the coronavirus disease (COVID-19) on the realization of economic, social and cultural rights

Report of the Secretary-General*

Summary

The present report is submitted to the Human Rights Council pursuant to its resolution 4/1, in which the Council requested the Secretary-General to submit to the Council an annual report on the question of the realization in all countries of economic, social and cultural rights.

In the report, the Secretary-General highlights the impact of the coronavirus disease (COVID-19) pandemic on the realization of economic, social and cultural rights. He then focuses on the opportunity to recover better following the crisis, and to create more resilient, more equitable and more sustainable societies. In particular, he highlights that addressing inequalities, renewing the social contract to strengthen universal health coverage, social protection and education, anchoring human rights in economic policies and respecting planetary boundaries will be vital to such efforts. He concludes with recommendations to States and other stakeholders to guide them in ensuring that human rights are at the centre of efforts to recover better.

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I. Introduction

1. The ongoing coronavirus disease (COVID-19) pandemic has revealed, magnified and exacerbated existing social and economic inequalities. The public health crisis was swiftly accompanied by parallel economic, social, and human rights crises. Too often, those already left behind have fallen even further behind. A human rights-based approach to these combined crises focuses our attention on those who suffer most, why and what can be done about it. Human rights hold the key to shaping the pandemic response and, when the immediate public health emergency has passed, to helping Governments and societies to identify innovative and inclusive ways to recover better. The Secretary-General's Call to Action for Human Rights¹ spells out the central role of human rights in crisis response, gender equality, public participation, climate justice and sustainable development. Responses grounded in human rights result in better and more sustainable long-term outcomes, in accordance with the Sustainable Development Goals.²

2. The present report highlights how an approach explicitly grounded in human rights, and in particular economic, social and cultural rights, can contribute to recovering better from the pandemic, and demonstrates that, when States prioritize economic, social and cultural rights, they are more resilient in the context of crisis. This requires the adoption of socioeconomic measures anchored in participation, accountability, equality, non-discrimination and empowerment, with a specific focus on those most at risk or disproportionately affected by the pandemic.

3. The focus of the present report is aligned to the theme of the 2021 high-level political forum on sustainable development, pursuant to General Assembly resolution 74/298, namely on sustainable and resilient recovery from the COVID-19 pandemic that promotes the economic, social and environmental dimensions of sustainable development: building an inclusive and effective path for the achievement of the 2030 Agenda for Sustainable Development in the context of the decade of action and delivery for sustainable development. For that reason, the present report also has the aim of contributing to the high-level political forum by introducing human rights-based perspectives to its discussions.

II. Impact of the coronavirus disease (COVID-19) pandemic on the realization of economic, social and cultural rights

A. Impact on key economic, social and cultural rights

4. The COVID-19 pandemic constitutes an unprecedented threat to societies worldwide. The health emergency has triggered an economic and social crisis severely affecting individuals, families and communities alike, especially those least able to cope. The necessary measures taken by States to control and combat the epidemic are having an impact on a wide range of human rights, particularly economic, social and cultural rights, such as the rights to health, food, housing, water and sanitation, social security, education and work.

1. Right to health

5. The pandemic has demonstrated the structural weaknesses of many health systems across the world, in which more than half of the global population already lacked access to adequate essential health care.³ The pandemic is worsening the already scarce availability of essential health-care services, goods and supplies, including those for testing and treating COVID-19 infections. Overwhelmed public health care systems have led to a disruption in people's access to health care for other existing health problems, both physical and mental,

¹ www.un.org/sg/sites/www.un.org.sg/files/atoms/files/The_Highest_Aspiration_A_Call_To_Action_For_Human_Right_English.pdf.

² See United Nations, COVID-19 and Human Rights: We are all in this together, April 2020.

³ World Health Organization (WHO) and International Bank for Reconstruction and Development / World Bank, *Tracking Universal Health Coverage: 2017 Global Monitoring Report*, 2017.

including women's access to sexual and reproductive health services. Shortages of trained health personnel and medical equipment and supplies, such as personal protective equipment, diagnostics and ventilators, are undermining the enjoyment of the right to health, especially in those countries with poor health infrastructure.

6. The mental health and well-being of whole societies have been affected by the crisis, with millions facing particularly severe effects. Lack of investment in mental health promotion, prevention and care before the pandemic is endangering effective responses to meet the mental health needs of a large population who are distressed by the impact on health, loss of family members and friends, isolation, fear and uncertainty caused by the pandemic and the accompanying loss of livelihood, education and other opportunities.⁴

2. Right to food

7. The pandemic and response measures to it have disrupted food production and supply chains, undermining the right to food and exacerbating the already high level of food insecurity. According to the United Nations Food and Agriculture Organization (FAO), almost 690 million people in the world already suffered from hunger in 2019, up by 10 million from the previous year. A preliminary assessment suggests that the COVID-19 pandemic may add between 83 and 132 million people to the total number of undernourished in the world in 2020.⁵ Two billion people in the world have no access to adequate food, defined as having physical and economic access at all times to sufficient, adequate and culturally acceptable food. These people face a greater risk of malnutrition and poor health, making them more vulnerable to health complications associated with COVID-19.

3. Right to an adequate standard of living

8. The importance of the rights to adequate housing, water and sanitation, and to live a healthy and secure life has become much more evident during the COVID-19 pandemic. Having a secure home with adequate basic services, such as water, sanitation and electricity, is critical for protecting the individual from the virus and for complying with government lockdown measures, social distancing and movement restrictions. Poor quality housing and living conditions with inadequate access to safely managed drinking water and sanitation facilities – for example in many informal settlements, overcrowded prisons and migrant worker housing – increase the risk of infection and spread of the virus, creating a vicious cycle of serious health outcomes and further impoverishment. The pandemic has also laid bare the pre-existing and vast structural inequalities in housing systems all over the world, characterized globally by a growing shortage in affordable housing and by homelessness. State response measures to restrict people's movement and economic and cultural activities have also had a significant impact on the right to adequate housing, since people have no longer been able to make rental or mortgage payments due to loss of income, thereby risking eviction, homelessness and displacement.

4. Right to education

9. The pandemic has created the greatest disruption to education systems in history. Large-scale school closures have affected nearly 1.6 billion learners in more than 190 countries worldwide.⁶ For those without supportive and well-resourced home environments, the impact has been catastrophic, and many might never be able to make up this period of lost education (see A/HRC/44/39). The United Nations Educational, Scientific and Cultural Organization (UNESCO) estimated that, in 2020, 24 million students, from pre-primary to tertiary education, were at risk of not returning to education institutions, including care centres, schools, universities or other training institutions, of which 10.9 million were in primary and secondary levels.⁷ School closures make girls and young women more

⁴ United Nations, Policy Brief: COVID-19 and the Need for Action on Mental Health, May 2020.

⁵ Food and Agriculture Organization of the United Nations (FAO), *The State of Food Security and Nutrition in the World* (Rome, FAO, 2020).

⁶ United Nations, Policy Brief: Education during COVID-19 and beyond, August 2020.

⁷ UNESCO, COVID-19 Education Response, "How many students are at risk of not returning to school?", advocacy paper, 30 July 2020.

vulnerable to child marriage, early pregnancy, and gender-based violence – all of which decrease their likelihood of continuing their education. Such a situation could contribute to deepening inequality further, in particular given the digital divide between those who have access to online educational facilities to continue their education and those who do not.

5. Right to work

10. The pandemic and its economic impact have severely affected the right to work, with far-reaching consequences for the realization of economic, social and cultural rights. The pandemic has resulted in an unprecedented level of job losses at a global level. According to the International Labour Organization (ILO), between April and June 2020 alone, 495 million full-time jobs were lost, with nearly half of the global workforce placed at risk of losing their livelihoods.⁸ More than one in six young people have stopped working since the beginning of the pandemic.⁹ Following decades of austerity measures and cuts to public services in many parts of the world leaving workers reliant on their wage to have access to essential goods and services, the resulting loss of income has been devastating for millions of people (see E/C.12/2020/1). Those who were in a situation of vulnerability prior to the pandemic have borne the brunt of its impact.

11. Workers in the informal economy, which include more than three quarters of young workers in the world, have suffered significantly from lockdowns and are overrepresented in many of the sectors that have been hit hardest by the pandemic, such as hospitality and food services.¹⁰ Those in the so-called “gig economy” or on precarious contracts (such as “zero-hour contracts”) have lost their income source and been left out of many government furlough schemes. Women account for a disproportionate share of the workforce in the informal economy and in high-risk sectors, while also facing growing expectations that they forgo paid work in order to fulfil increasing care burdens. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) has warned that the pandemic could wipe out 25 years of progress towards gender equality.¹¹

12. For many of those who have been able to continue working, COVID-19 has transformed their work environment into a space where they are at risk of contracting the virus.¹² Many front-line health-care workers have also been exposed to COVID-19 as a result of shortages in basic protective equipment (see A/HRC/45/12).¹³

6. Impact of emergency measures

13. The measures taken by States to control the spread of COVID-19 also have had an impact on economic, social and cultural rights. Article 4 of the International Covenant on Economic, Social and Cultural Rights provides that the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting general welfare in a democratic society. Protection of life and public health is clearly a legitimate aim, and in many national contexts measures such as national or local lockdowns have been necessary to prevent the spread of the virus. In such contexts, States have an obligation to take measures to prevent, or at least mitigate, the impact on other human rights. Furthermore, such emergency measures and powers should be lifted as soon as they are no longer necessary to protect public health (E/C.12/2020/1, para. 11).

14. Where schools and other education facilities are closed, online learning thanks to reliable access to the Internet, a connected device available for their use, and a home situation that permits a safe and calm learning environment, can mitigate the impact on the right to education of learners. Such measures have, however, often deepened inequalities between

⁸ UN News, “Impact on workers of COVID-19 is ‘catastrophic’: ILO”, press release, 23 September 2020.

⁹ ILO, ILO Monitor: “COVID-19 and the world of work”, Fourth edition, 27 May 2020.

¹⁰ Ibid., Third edition, 29 April 2020.

¹¹ UN-Women, “Whose time to care?: Unpaid care and domestic work during COVID-19”, 25 November 2020.

¹² ILO, In the face of a pandemic: Ensuring safety and health at work, 2020.

¹³ See also E/C.12/2020/1.

rich and poor households. The pandemic has demonstrated the increasing importance of Internet access for the realization of the right to education, as well as other rights, such as the right to information as part of the right to freedom of opinion and expression.

15. Many children receive their only nutritious meal through school feeding schemes. For some children, attending school can provide some respite from physical or psychological violence at home, and contact with trusted adults to whom such violence may be reported. Lockdowns and school closures should therefore, in all cases, be accompanied by enhanced measures to monitor the well-being of children who may be at risk, and to strengthen remote reporting and referral systems, as well as remote sensitization and awareness-raising activities.

16. A reported increase in gender-based violence by intimate partners and family members in States that have ordered lockdowns demonstrates once again that the home may be unsafe for women, children and others at risk of domestic and gender-based violence.¹⁴ Access to justice and effective legal remedies is not a luxury, but an essential element to protect economic, social and cultural rights, including during a pandemic (E/C.12/2020/1, para. 12). States have to ensure that law enforcement responds to cases of domestic violence, hotlines are operational, access to justice for victims is available and effective, protection orders are enforced, and that shelters or other emergency temporary housing measures for persons fleeing abuse remain accessible and safe.

B. Impact on marginalized and vulnerable populations

17. The COVID-19 pandemic has had a disproportionate impact on the poor and the most marginalized, including the more than 2 billion people who live in informal settlements or are homeless. Without adequate housing, isolation as a protective measure becomes impossible, and access to water and sanitation is often difficult. States should provide homeless people with access to safe, adequate housing during the pandemic, which may include repurposing hotels or other private businesses. To avoid increasing housing insecurity, States should also prohibit evictions during the pandemic, while private landlords should be encouraged to offer rent reductions to people who may have seen their income lost or reduced as a result of the pandemic. Access to basic shelter, housing and sanitation forms part of the minimum core obligations under the International Covenant on Economic, Social and Cultural Rights, must be implemented immediately, and are not subject to progressive realization in line with the level of development of the State.

18. COVID-19 has had a disproportionate impact on older persons, who face higher infection and mortality rates. The impact has often been compounded by ageism and age discrimination, resulting in some cases in denial of access to potentially life-saving medical equipment and care. Older persons and persons with disabilities have been disproportionately affected by suspensions of certain non-COVID-19-related health-care and social programmes. Physical distancing, self-isolation and other emergency measures should take into account the needs of older persons and persons with disabilities, who rely on support networks, which may be impeded by restrictions on movement.

19. Migrants, refugees, internally displaced persons and stateless persons often live in overcrowded conditions with limited access to sanitation and health care. Undocumented migrants in particular may not seek health care because of concerns that they might risk being detained or deported. States should consider measures to regularize the migration status of undocumented migrants to ensure that all persons have access to appropriate health care and that no one is excluded from social protection measures taken to address the impact of the pandemic.

20. People deprived of their liberty are particularly vulnerable to the rapid spread of the virus in detention facilities owing to the high concentration of people kept in confined spaces and, in some contexts, the restricted access to hygiene and health care. States should take immediate steps to address prison overcrowding and urgently explore options for release and

¹⁴ See UN-Women, *The Shadow Pandemic: Violence against women during COVID-19*, Policy Brief No. 17, 2020.

alternatives to detention to mitigate the risk, including for persons who have committed minor offences, those with imminent release dates, those in immigration detention and those detained because of their migration status, people with underlying health conditions, and those in pretrial or administrative detention. People detained without legal basis should be released, as should those in compulsory drug detention and rehabilitation centres. A moratorium should be introduced for children entering detention, and States should release all children from detention if it is safe to do so.¹⁵

21. Many of the disparities revealed during the COVID-19 pandemic have stemmed from or been exacerbated by entrenched, structural discrimination against racial, ethnic and religious minorities and indigenous peoples. Minority populations and indigenous peoples frequently have a lower socioeconomic status due to discrimination, with inadequate living conditions and limited access to essential services, such as health care, water and sanitation, social security and social services, which renders them vulnerable to higher rates of infection and mortality. Indigenous peoples often live in communities located in remote regions with limited or no access to health care or medical support. People of African descent across regions have faced higher mortality levels from COVID-19 due to a variety of socioeconomic factors, such as housing conditions and access to health care, and their disproportionate representation in high-risk service industries, including front-line jobs. Fear of discrimination, stigma and increasing xenophobia may deter marginalized communities from seeking social assistance to which they are entitled during the pandemic.

22. Persons living in zones of conflict or humanitarian crisis, such as in countries under sanctions, are perhaps the group most at risk. All parties to conflict should immediately declare a ceasefire so that assistance necessary to fight the pandemic can reach populations in need. The right to health applies at all times, and international humanitarian law specifically protects medical workers and facilities, and requires the provision of medical treatment and facilitation of humanitarian assistance for those who need it. Parties to conflict must ensure that these provisions are respected in full, and that humanitarian personnel are permitted to cross borders to deliver assistance.

III. Recovering better

23. The COVID-19 crisis has demonstrated the wide gap between the human rights commitments of States and the effective fulfilment of economic, social and cultural rights for all: inadequate health-care systems; gaps in social protection; structural inequalities; environmental degradation; and the urgent climate crisis. Before the pandemic hit, every region of the world had seen street protests against rising inequalities and falling living standards. Many special procedure mandate holders had sounded the alarm that the underfunding of public health and social services was reducing both short-term and long-term resilience and sustainability.¹⁶ Multiple crises and hardship created by the pandemic, if unaddressed swiftly and decisively, may lead to increased social tension, instability, violence and conflict, as was observed in the wave of global protests held in recent years before the COVID-19 pandemic.¹⁷

24. In recovering better, renewed attention to ensure full respect for and effective enjoyment of economic, social and cultural rights would contribute to building strong and resilient societies that can withstand and mitigate the impact of the pandemic and other crises and disasters.¹⁸ This requires States to fulfil their obligations to ensure the enjoyment of minimum essential levels of these rights (“minimum core obligations”) and to use their maximum available resources, including through international cooperation.¹⁹ Human rights principles and norms could effectively guide States’ policymaking in the immediate response to ensure

¹⁵ See Inter-Agency Standing Committee (IASC), IASC, Interim Guidance on COVID-19: Focus on Persons Deprived of their Liberty (developed by OHCHR and WHO), 27 March 2020.

¹⁶ See for example A/71/304.

¹⁷ See E/2016/58.

¹⁸ See A/HRC/37/30.

¹⁹ See Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) and E/2017/70.

that everyone is protected from the negative impact of the pandemic and in the long-term response to lay out the pillars of inclusive and fair societies and economies.

A. Addressing inequality

25. States have human rights obligations to ensure that rights protected in the international human rights treaties can be enjoyed without discrimination both in law and in practice.²⁰ This requires States to adopt comprehensive legislation prohibiting discrimination, and to take measures and implement policies that address the practical obstacles and challenges that some people face in enjoying their rights. The principles of equality and non-discrimination are enshrined in the International Covenant on Economic, Social and Cultural Rights, and have been further developed in subsequent international instruments addressing the specific situation of particular groups.

26. Mobilizing and allocating maximum available resources to combat the impact of the COVID-19 pandemic in the most equitable manner would avoid any further economic burden on already marginalized or vulnerable populations. States that have not yet done so should immediately take special, targeted measures to protect and mitigate the impact of the pandemic on such populations, such as providing water, soap and sanitizer to communities that lack them; targeted programmes to protect jobs, wages and benefits, including of undocumented workers; a moratorium on evictions or foreclosures; the provision of social relief and income support to ensure food and income security to all in need; the protection of health and livelihoods of minority groups, including Roma and travelling communities, and indigenous peoples; and ensuring equitable Internet access for educational purposes (E/C.12/2020/1, para. 15). As people can experience discrimination on multiple grounds that further entrench their marginalization and exclusion, an inter-sectional approach that takes into account the historical, social and political context and the multiple grounds of discrimination that a person may be facing is essential.

27. The COVID-19 pandemic has generated a wide-ranging disruption to women's economic, social and physical security, jeopardizing hard-fought gains in women's equal rights. While an array of programmes has been implemented in response to the pandemic, a recent study conducted by UN-Women and the United Nations Development Programme (UNDP) in 206 countries and territories found that 42 countries (20 per cent) had no gender-sensitive measures in place to address the COVID-19 crisis. The vast majority of the measures that integrate a gender approach are focused on combating the rise of domestic violence. Only 12 per cent of the countries studied by UN-Women and UNDP have implemented comprehensive measures to support and redistribute care work, strengthen women's economic security and address the increasing rates of gender-based violence.²¹

28. The impact of the COVID-19 pandemic has not been felt by all groups of women equally. Stark inequalities between women on the bases of ethnicity, age, class, gender identity, sexual orientation and disability have been revealed in the impact and the spread of the virus. Gender-sensitive measures should incorporate an intersectional approach to be able to reach all women in their full diversity. This requires States to consider the different effects of the pandemic and response measures for different groups of women, such as women with disabilities, migrant women or indigenous women. Effective national responses to the pandemic should place women and girls at their centre by, inter alia, including women and women's organizations at the heart of the COVID-19 response; transforming the inequities of unpaid care work into a new, inclusive care economy that works for everyone; and designing socioeconomic plans with an intentional focus on the lives and futures of women and girls.²²

29. The inclusion of marginalized or vulnerable populations in decision-making processes is an essential element of any remedy to the disparities and discrimination caused by COVID-

²⁰ Committee on Economic, Social and Cultural Rights, general comment No. 9 (2009).

²¹ UNDP and UN-Women, COVID-19 Global Gender Response Tracker (available at <https://data.undp.org/gendertracker/>).

²² United Nations, Policy Brief: The Impact of COVID-19 on Women, 9 April 2020.

19is. In addition to substantive rights (discussed above), international human rights law includes a number of procedural rights based on the core principles of equality and non-discrimination, participation, empowerment and accountability. Together, these form the basis of a human rights-based approach, which is also at the heart of the 2030 Agenda for Sustainable Development.

30. Securing public support for and compliance with extraordinary measures, such as lockdowns, which severely restrict human rights, depends on building trust, which in turn depends on transparency and participation. Access to reliable information is a vital element of freedom of opinion and expression, and is particularly vital in pandemic response, where accurate information based on the latest scientific evidence can save lives. A free press, democratic oversight and enforceable legislation on freedom of information are essential to the full exercise of the right to freedom of opinion and expression, which in turn enables the exercise of economic, social and cultural rights.

31. Inclusion and empowerment of previously excluded groups in policy formation and monitoring requires genuine, legally enforceable accountability. Where a policy directly or indirectly discriminates, or otherwise violates economic, social and cultural rights, both the individuals affected and civil society organizations should have standing to apply for judicial review, or full redress in cases where violations of rights have already been committed.

B. Creating a new social contract

32. In addressing the deep structural inequalities worldwide, the Secretary-General has called for a new social contract and a global new deal that creates equal opportunities for all and respects the rights and freedoms of all.²³ In recovering better, structural deficiencies in social protection, health and education systems have to be addressed to ensure that they are equipped to deliver an adequate standard of living for all and to ensure that societies and economies are more resilient to future crises. The key to building such systems is long-term investment in public health, education and social protection in accordance with States' obligations to use their maximum available resources for the realization of economic, social and cultural rights.

1. Universal health coverage

33. The obligations of States to ensure the right to health requires them to create health systems that are available, accessible and acceptable to all. The most comprehensive way for States to progress towards the universal realization of the right to health is by establishing a robust system of universal, affordable health care. Human rights demand that health services must not exclude certain sectors of society either by being unaffordable, difficult to access or formally discriminating against groups such as migrants and refugees. States are therefore required to proactively assess the barriers that might prevent people from having access to the services they need, including sexual and reproductive health services.

34. As part of their response to the COVID-19 pandemic, some States have been able to make health care more accessible by, inter alia, using mobile units to extend COVID-19 testing to remote areas, removing barriers to women seeking access to abortions, placing price caps on medicines and health services, and helping certain groups with insurance payments. These measures will, however, have to be extended into the long term if States are to address fully the deficiencies revealed by the pandemic, build resilience to future crises and comply with their human rights commitments.

35. Universal health coverage is not merely a financial, economic or development concern; it is a matter of social justice and equality, and of realizing all health-related human rights, the enjoyment of which is essential to human dignity and the right to life (E/2019/52, para. 48). Recovery from the COVID-19 pandemic represents an opportunity to demonstrate political leadership, including at the highest levels, to bring about the changes that must

²³ See *Official Records of the General Assembly, Seventy-fifth Session, Supplement No. 1 (A/75/1)*, paras. 14 and 21.

precede the reorientation of public health policy towards human rights-compliant models of universal health coverage.

2. Social protection

36. The right to social protection is a fundamental human right and should be an indispensable part of any coordinated policy response to crises, including the current pandemic. As people lose their jobs, income or livelihoods, the crisis is having a more significant impact on those who have no access to social protection, the overwhelming majority of which are women and children. Despite the importance of this right, according to ILO estimates made in 2017, only 29 per cent of the world's population have adequate social security coverage, and more than half lack any coverage at all.²⁴

37. Adequate social protection increases resilience, contributes to preventing poverty, unemployment and informality, acts as a powerful economic and social stabilizer, while stimulating aggregate demand for the economy in times of crisis and beyond. Many States have recognized the importance of increasing coverage during the pandemic. According to ILO data on global social protection responses, by April 2020, 82 States and territories had committed to implementing a total of 194 social protection measures that included expanding coverage, making social security easier to access, and increasing the level of benefits.²⁵

38. Substantial investments will be required by all States to ensure at least minimum levels of enjoyment of the right to social security. The financial gap to ensure social protection has increased since the onset of the COVID-19 crisis as a result of the increased need for health-care services, income security for workers who have lost their income because of lockdown measures, and the reduction of gross domestic product (GDP) caused by the crisis. ILO has stressed that options to increase fiscal space for social protection exist even in low-income countries, including increased taxation; a larger social security contribution base; reduced illicit financial flows; reallocation of public expenditure; or a more accommodating macroeconomic framework. In some cases, particularly in low-income States, domestic resource mobilization efforts should also be complemented by international assistance and cooperation.

39. Social protection measures should be gender-sensitive and take into account women's unequal burden of unpaid care work. Older women are especially at risk. The unpaid care work they perform throughout their life effectively prevents their access to formal employment and therefore contributory social security or decent wages, endangering their right to an adequate standard of living throughout their life cycle. In the context of the COVID-19 crisis, women's unpaid care work has increased with the closure of schools and the impact of the health crisis as the care of children, the sick and older persons falls more heavily on them. Human rights-based social protection measures represent a critical tool for facilitating access to health care, protecting people against poverty and ensuring the satisfaction of basic economic and social rights, including food, water, housing, health and education.

3. Education

40. Education is not only a fundamental human right in itself but a right that enables access to all other human rights. Investing in education, including human rights education, is the most cost-effective way to drive economic development, to improve skills and opportunities for young women and men, to unlock progress on all 17 Sustainable Development Goals, and to prevent conflict and sustain peace. Education remains the primary vehicle by which economically and socially marginalized adults, young people and children can lift themselves out of poverty and secure the means to participate fully as citizens in their own communities.

41. The right to education is not subject to exemptions under international human rights law, even in times of conflict or crisis such as the COVID-19 pandemic. Many States have

²⁴ ILO, World Social Protection Report 2017–19, Universal social protection to achieve the Sustainable Development Goals.

²⁵ ILO, Social Protection Monitor, Social protection responses to the COVID-19 crisis around the world, 6 April 2020.

taken innovative measures to deliver distance education, using both low- and high-technology solutions to reach as many students as possible. Years of underinvestment in education globally have, however, left classrooms overcrowded and poorly maintained, which also heighten the risk of COVID-19 transmission among students and teachers. Although many Governments have increasingly relied upon private schools to deliver education, many of these schools have found it difficult to continue to function during the pandemic.

42. In recovering better, strong leadership is needed from national Governments and the international community to prioritize investment in education and to protect education financing, by maximizing available resources, including domestic revenue mobilization and international cooperation. Recovering better also represents a tremendous opportunity to mobilize knowledge and to buttress common values through dialogue with all stakeholders, which will help to understand better the challenges all face and to seek solutions together. Information and communications technology (ICT) and new technologies are opening new avenues; but in order to reap a digital dividend, the challenge posed by the digital divide that the current crisis has starkly demonstrated must be tackled. As more than half of the global population does not have Internet access, multiple channels will be needed to deliver remote education, using digital, television and radio platforms, as well as home visits.²⁶

C. Anchoring economic responses to human rights

43. The COVID-19 pandemic has been the greatest economic shock since the Second World War. For the first time since 1998, poverty as measured by the international poverty line is expected to rise in 2020, reversing more than two decades of progress in poverty reduction efforts.²⁷ The pandemic has revealed fundamental weaknesses in current economic models. In many countries, the global pandemic hit health-care and social protection systems that were already weakened and, in some cases, near breaking point, including as a result of the austerity measures adopted following the 2007/08 global financial crisis.

44. The pandemic is a tragedy but also an opportunity to “recover better” on the basis of new economic and social thinking that puts people at the centre and is solidly anchored to human rights principles and standards. The Secretary-General has set out a range of practical measures needed for a transformative economy: reversing decades of chronic underinvestment in public services and global public goods; adopting a new generation of social protection policies covering both formal and informal workers; universal health coverage; affirmative action to redress entrenched discrimination in gender, race and ethnicity; more progressive taxation and addressing tax avoidance and corruption; debt relief and debt moratoriums; transitioning to a green economy; and reforming national governance and global institutions so that power, wealth and opportunities are more equally shared within and between countries.²⁸

45. All of these issues have long been a part of the international human rights agenda, both in the development of standards and in the reviews of and recommendations made to countries under the international human rights system, and are firmly rooted in the 2030 Agenda, the Addis Ababa Action Agenda and the Paris Agreement. Recommendations made by the United Nations international human rights system and other bodies and entities of the United Nations system therefore offer a wealth of sound guidance on curbing inequalities and rebuilding inclusive economies relevant to the purpose of “recovering better”.

46. The human rights standards established under the International Covenant on Economic, Social and Cultural Rights can be particularly useful as a guide for these policy choices by Governments, as they set out standards on economic and social rights that all Governments

²⁶ UNICEF, Thomas Dreesen et al., “Promising practices for equitable remote learning: Emerging lessons from COVID-19 education responses in 127 countries”, Innocenti Research Brief, October 2020.

²⁷ World Bank, *Poverty and Shared Prosperity 2020: Reversals of Fortune* (Washington, D.C., World Bank, 2020), p. 5.

²⁸ António Guterres, Secretary-General, 18th Nelson Mandela Lecture, Tackling the Inequality Pandemic: A New Social Contract for a New Era, 18 July 2020.

should meet with respect to their populations and people living on their territories. All States have a duty to guarantee the “minimum essential levels” of health, social protection, nutrition and food security, water and sanitation, housing, education and other rights for all people, even when resources are limited, and particularly in times of crisis.²⁹ Under such an obligation, securing minimum living standards, including through social protection floors, must be the first priority of government expenditures. Even developing countries with inadequate resources should aim to use the maximum available resources to introduce low-cost and targeted programmes to assist those most in need, ensuring that limited resources are used efficiently and effectively. In addition, collective efforts, including through stepped-up international support, are required to ensure that minimum living standards are secured, and that other pressing obligations, such as servicing a debt, do not take precedence over social spending

47. Governments also have a duty to maximize the resources available to progressively realize economic and social rights (see E/2017/70). In times of crisis, this means ring-fencing social spending during economic downturns and implementing counter-cyclical fiscal policies to avoid retrogression in economic and social rights. In the current crisis, where government revenues are shrinking as GDP collapses, tax receipts fall, and trade and foreign direct investment and remittances slow, this may require the reallocation of existing resources, for example by redirecting them from defence expenditure to social expenditures, or generating new resources, and ensuring that the burden does not fall disproportionately on those left behind, including by adopting fair and progressive taxation and addressing tax avoidance, illicit financial flows and corruption. If a retrogression of rights is unavoidable, it should be temporary, reasonable, legitimate, proportionate and non-discriminatory.

48. Budgets should be transparent and open to scrutiny by rights holders. The general public have to be able to see clearly how the Government is spending its tax revenues so that they can hold it accountable for its budgetary decisions. Human rights scrutiny of government budgets is particularly important in emergencies, like the pandemic, when large amounts of funds are allocated in a short period of time, sometimes with less transparency. The human rights framework provides the tools both to make budget information more readily available and to analyse government allocations to make sure that they benefit all people and leave no-one behind.³⁰

49. In recovering better following the COVID-19 pandemic, business enterprises will also play an important role. Returning to “business as usual” will not, however, be an option if the recovery is to address the root causes of the pandemic, including unsustainable business models that disregard workers’ rights, exacerbate economic inequalities and destroy or damage the environment and biodiversity. Recovery from the pandemic provides an opportunity to transform business models to ones that place human rights and environmental sustainability at their centre, in accordance with the 2030 Agenda. The Guiding Principles on Business and Human Rights provide an authoritative framework to guide States in ensuring responsible business conduct in the recovery phase.

D. International cooperation and solidarity

50. Solidarity and cooperation are the best defence against COVID-19 and the key to recovering better. International cooperation in the realization of economic, social and cultural rights is, according to Articles 55 and 56 of the Charter of the United Nations, and well-established principles of international law, including the Declaration on the Right to Development,³¹ an obligation for all States.

²⁹ See Committee on Economic, Social and Cultural Rights, general comment 3, para. 10. See also E/2013/82.

³⁰ See OHCHR and International Budget Partnership, *Realizing Human Rights through Government Budgets* (New York and Geneva, OHCHR 2017).

³¹ See International Covenant on Economic, Social and Cultural Rights, art. 2.1 and Committee on Economic, Social and Cultural Rights, general comment No. 3.

51. The pandemic is a clear test of international cooperation and solidarity. Decisive leadership and concerted action are particularly vital in critical areas for the realization of economic, social and cultural rights in the context of recovering better, as described below.

1. Waiving sanctions to save lives

52. Unilateral sanctions have the potential to exacerbate the calamities of the pandemic and harm populations in targeted countries.³² In March 2020, the Secretary-General called upon world leaders to waive restrictions on food and medicines that were affecting the world's most vulnerable countries.³³

53. Given their potentially debilitating impact on the health sector and human rights, broad sectoral sanctions should urgently be re-evaluated in the case of States facing the pandemic. Humanitarian exemptions to sanctions should be authorized for essential medical equipment and supplies to avoid the collapse of any national health-care system. At the same time, States under sanctions should provide transparent information, accept offers of necessary humanitarian assistance, and prioritize the needs and rights of vulnerable people. They should also take measures to guarantee that national and international organizations can carry out their humanitarian work unhindered.³⁴

2. Ensuring access to vaccines as a global public good

54. The recent progress in the race to develop effective COVID-19 vaccines holds a promise to turn the tide of the pandemic. Nonetheless, many obstacles stand in the way of the universal availability and accessibility of vaccines. According to recent reports, 90 per cent of the population in 67 States will not be able to receive a COVID-19 vaccine, while some more affluent States have purchased enough doses to vaccinate their entire populations three times over by the end of 2021 if all the candidate vaccines in clinical trials are given regulatory approval.³⁵

55. The availability of vaccines, medicines, health technologies and therapies is an essential dimension of the right to health and the right to enjoy the benefits of scientific progress and its applications. Everyone is entitled, on an equal footing with others, to enjoy access to all the best available applications of scientific progress necessary to enjoy the highest attainable standard of health;³⁶ this means non-discriminatory access to innovations essential for a life with dignity, including for populations and groups in vulnerable or marginalized situations.³⁷

56. COVID-19 vaccines should be seen as a global public good.³⁸ A well-coordinated global approach to the development and distribution of the vaccines based on the solidarity of all States and peoples is the most effective, sustainable and moral response to the crisis that the world is facing. To date, 64 higher income economies have joined the COVID-19 Vaccine Global Access (COVAX) Facility, a global initiative that brings together Governments and manufacturers to ensure that eventual COVID-19 vaccines reach those in greatest need, whoever they are and wherever they live. The success of the initiative hinges upon bridging a financing gap of \$28 billion, including \$4.2 billion that is needed

³² See "COVID-19 pandemic: humanitarian concerns and negative impact of unilateral sanctions and their exemptions", Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, guidance note, 10 December 2020.

³³ United Nations, "Secretary-General Urges G20 Countries to Suppress COVID-19 Transmission, Keep Households Afloat, amid Pandemic's 'Human Crisis'", press release, 26 March 2020.

³⁴ See OHCHR, "Bachelet calls for easing of sanctions to enable medical systems to fight COVID-19 and limit global contagion", 24 March 2020.

³⁵ Data provided by the People's Vaccine Alliance. See also Amnesty International, "Campaigners warn that 9 out of 10 people in poor countries are set to miss out on COVID-19 vaccine next year", 9 December 2020.

³⁶ Committee on Economic, Social and Cultural Rights, general comment No. 25 (2020), para. 70.

³⁷ Committee on Economic, Social and Cultural Rights, general comments No. 14 (2000), para. 30 and No. 25 (2020), para. 17. See also A/HRC/20/26, para. 29.

³⁸ United Nations. "Everyone, Everywhere Must Have Access to Eventual COVID-19 Immunization, Secretary-General Says in Video Message for Global Vaccine Summit", press release, 4 June 2020.

immediately for mass manufacturing, procurement and distribution of vaccines around the world.

3. From debt relief to debt sustainability

57. The pandemic is hitting the economies of developing countries at a time when they have already been struggling with unsustainable debt burdens for many years. Developing countries will be facing a wall of debt service repayments throughout the current decade. In 2020 and 2021 alone, repayments amounted to between \$2 to \$2.3 trillion in high-income developing countries, and to between \$700 billion to \$1.1 trillion in middle- and low-income countries. In the wake of the COVID-19 crisis, developing countries will require massive liquidity and financing support to deal with the immediate fallout from the pandemic and its economic repercussions. The United Nations Conference on Trade and Development (UNCTAD) and the International Monetary Fund (IMF) both estimate that liquidity and financing needs amount to at least \$2.5 trillion.³⁹

58. Beyond emergency measures to address immediate liquidity, such as the Group of 20 debt service suspension initiative, durable solutions are needed to secure debt sustainability of developing countries in order to create sufficient fiscal space for the realization of economic, social and cultural rights and for the implementation of the 2030 Agenda and the Addis Ababa Action Agenda.

E. Securing the health of the environment and the planet

59. The COVID-19 pandemic is a powerful reminder of how dependent human well-being is on a healthy environment. Overexploitation of the environment, leading to environmental degradation and biodiversity loss, increases the risk of infectious diseases like COVID-19 passing from animals to humans and causing pandemics. Deforestation, land clearing, the wildlife trade, the expanding human population, growing settlements and infrastructure, intensified livestock production and climate change all combine to damage ecosystems and biodiversity, thereby creating the conditions for zoonosis and disease pandemics.⁴⁰

60. The right to a safe, clean, healthy and sustainable environment is legally protected by more than 80 per cent of Member States through constitutions, legislation, court decisions and regional treaties (see A/HRC/43/53, annex II). While this right has not been explicitly protected in international human rights treaties, a healthy environment is increasingly recognized as a precondition for the realization of human rights (see A/HRC/22/43). The adverse effects of the global environmental emergency, including those caused by climate change and zoonotic diseases like COVID-19, pose a particularly serious threat to the enjoyment of human rights, including the right to life, the right to adequate food, the right to adequate housing, the right to health, the right to water, and cultural rights (see A/75/161). According to the treaty bodies, failure to take measures to prevent foreseeable human rights harm caused by climate change, or to regulate activities contributing to such harm, could constitute a violation of States' human rights obligations.⁴¹

61. The response measures taken by States to the COVID-19 pandemic should therefore respect, protect and fulfil rights to a healthy environment, which will protect people's enjoyment of rights and prevent future pandemics. Concrete actions and policies are required, aimed at addressing climate change and ensuring access to safe drinking water, clean air, healthy and sustainable agriculture, reduced exposure to toxic substances, and healthy ecosystems and biodiversity. Ending deforestation, tightly regulating wildlife trade, and closely monitoring hotspots where people, wildlife and domestic animals come into close contact, will all help to prevent future pandemics.

³⁹ UNCTAD, *From the Great Lockdown to the Great Meltdown: Developing Country Debt in the Time of COVID-19*, April 2020. See also A/75/281.

⁴⁰ OHCHR, "The Americas: Governments should strengthen, not weaken, environmental protection during COVID-19 pandemic", press statement, 13 August 2020.

⁴¹ OHCHR, "Five UN human rights treaty bodies issue a joint statement on human rights and climate change", 16 September 2019.

62. The COVID-19 crisis offers a unique opportunity for States to protect the environment through the significant investments in recovery packages and recovery policymaking. Smart recovery measures will prioritize the protection of the environment and biodiversity and addressing climate change, through decarbonization of the economy. New investments to relaunch the economy should lay the ground for sustainable development and carbon neutrality, in accordance with the objectives of the 2030 Agenda for Sustainable Development and the Paris Agreement on Climate Change.⁴²

IV. Conclusions and recommendations

63. **The global pandemic has revealed the extent of global inter-connectedness. Among the devastation and immense human suffering it has caused, it has also given rise to a rare opportunity to recover to a more equal and sustainable world. Recovering better has to be built around a shared understanding that the rights to food, health care, water and sanitation, education, decent work and social security are basic human rights to which every human being is legally and equally entitled.**

64. **In the present report, a number of actions that Member States and other stakeholders can take to promote the realization of economic, social and cultural rights in recovering better and creating resilient and sustainable societies have been identified. Among them, the following deserve the particular attention of States and other stakeholders:**

- (a) **Recommitting to uphold and give practical effect to the realization of economic, social and cultural rights in response to the pandemic, and recovering better;**
- (b) **Ensuring that emergency measures in response to significant threats to public health are proportionate to the evaluated risk, necessary, communicated transparently, and applied in a non-discriminatory way, with a specific focus and duration, and taking the least intrusive approach possible;**
- (c) **Prioritizing measures to guarantee key economic, social and cultural rights to protect the most vulnerable populations affected by the pandemic, in accordance with the minimum core obligation of States under the International Covenant on Economic, Social and Cultural Rights and the obligation to take the necessary steps to the maximum of their available resources;**
- (d) **Addressing inequality and discrimination as a way to protect those who have been left furthest behind first, and typically most at risk and disproportionately affected by the pandemic and other such crises;**
- (e) **Investing in disaggregated data to identify those who are specifically being excluded or discriminated against, determining the root causes of inequality and discrimination, addressing unequal power relations and enhancing the effective participation of people in decision-making processes that affect their lives, as essential elements of a human rights-based approach;**
- (f) **Ensuring that all responses to the crisis are gender-sensitive and promote gender equality and women's empowerment, taking into account the diversity of women and their contributions to recovering better;**
- (g) **Ensuring the mobilization and use of the maximum available resources as a core obligation for the realization of economic, social and cultural rights, including through progressive taxation, the efficient and equitable allocation of resources, combating corruption and participatory approaches to budget formulation and monitoring, and international cooperation;**

⁴² See United Nations, "Remarks to the General Assembly Special Session in Response to the COVID-19 Pandemic", 3 December 2020 (available at www.un.org/sg/en/content/sg/speeches/2020-12-03/remarks-general-assembly-special-session-response-covid-19-pandemic).

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- (h) **Reorienting public health policy towards human rights-compliant models of universal health coverage, with strengthened mental health services as an integral part of protecting and promoting the right to health;**
- (i) **Ensuring access to COVID-19 vaccines, as a global public good, by all without discrimination;**
- (j) **Establishing and strengthening social protection floors in accordance with international human rights standards and ILO Social Protection Floors Recommendation, 2012 (No. 202), in order to mitigate the impact of the pandemic and build more resilient societies;**
- (k) **Strengthening the resilience of education systems, protecting education financing and addressing the digital divide to ensure inclusive education for all;**
- (l) **Strengthening international cooperation for expanded debt relief and sustainability initiatives for developing countries, in accordance with the commitments of the 2030 Agenda for Sustainable Development and the Addis Ababa Action Agenda;**
- (m) **Recognizing the greater urgency to make rapid progress towards meeting official development assistance commitments set out in the Addis Ababa Action Agenda and the need to prioritize public international finance to be allocated to States and sectors most in need, including health, education and social protection in the short term, and in all facets of sustainable development in the long term;**
- (n) **Ensuring that COVID-19 response and recovery measures respect, protect and fulfil the right to a healthy environment, which will both ensure people's enjoyment of rights and prevent future pandemics. Concrete actions and policies aimed at achieving a stable climate and ensuring access to safe drinking water, clean air, healthy and sustainable agriculture, reduced exposure to toxic substances, and healthy ecosystems and biodiversity, are vital.**
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