

The COVID-19 pandemic and socio-economic rights

*Rachel Kurian**

COVID-19 is the respiratory disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2), which was first detected in Wuhan, China, in 2019. On 30 January 2020 the World Health Organisation declared the outbreak of COVID-19 a Public Health Emergency of International Concern and on 11 March assessed it as a pandemic. Since its onset, the COVID-19 pandemic has affected 221 countries and territories, and caused millions of deaths. In the wake of the pandemic, governments initially focused on accessing and distributing vaccines, enforcing social distancing and mask-wearing, closing schools and public events, and restricting the movement of people via border closures, lockdowns and curfews, to avoid the spread of the virus. While some of these measures were eased up in 2021, there was continued vigilance on minimising risk of exposure as, in many countries, the easing has also been associated with the occurrence of more cases. While the macro-level figures have been contested, as have the policies and priorities of governments, they highlight to some extent the spread and intensity of the pandemic and the efforts by governments to contain the infection. What they do not fully reveal are the inequalities and inequities in the occurrence and experience of the virus globally and within countries, and how marginalised and discriminated groups were often exposed to greater risks in the context of COVID-19. It is therefore essential from a social justice and human rights perspective to use a political economy framework and analyse the challenges that the COVID-19 pandemic has posed for vulnerable groups, and to struggle to ensure that post-pandemic growth be guided and embedded in a more equitable and inclusive pattern of development.

* International Labour Economist, Institute of Social Studies (ISS), Erasmus University, Rotterdam, The Netherlands; ERMA Global Campus South East Europe, University of Sarajevo/University of Bologna; rachelkurian.nl@gmail.com

While COVID-19 most obviously challenged the right to health, it has also severely affected a range of other socio-economic rights. Millions of people are out of work, lack adequate social protection, and have been unable to pay for essential needs. According to Human Rights Watch, the poverty headcount has increased by at least half a billion persons, many of whom live in crowded and unhygienic conditions, and often settle for precarious work in low-paid jobs with few labour rights (HRW 2020). The situation of migrant workers is particularly troubling as they are often not eligible for or able to access government support, and also are exposed to social discrimination and neglect. A recent 2020 book edited by Justice Alfred Mavedzenge, *COVID-19 Pandemic and Socio-Economic Rights in Selected East and Southern African Countries*, reveals among other aspects how migrant workers are denied the right to health as well as the rights to social security, food, and decent working conditions (Mavedzenge 2020). It also details how other vulnerable groups have been negatively affected in their countries of residence and have been subjected to forced evictions, resulting in the urban poor being denied their right to housing. Additionally, the socio-economic rights of persons with disabilities have been weakened, and the hardships have fallen particularly heavily on women in these groups.

The right to education has also been severely compromised in different countries and regions, with vulnerable groups being more affected. Schools have been closed and attempts have been made to provide children with online education. Here, too, existing inequalities have been exacerbated and the pre-existing limitations of educational systems have hit vulnerable children in developing countries, who often lack internet access, computers and other necessary infrastructure, and teachers, who lack preparation and the capacity to deal with the situation (Lorente, Arrabal, and Pulido-Montes 2020). According to the UNDP Human Development Report 2020, the pandemic at its peak resulted in some 86 percent of children being out of school in countries with low human development index ratings (the equivalent figure in high human development countries being 20 percent), with girls and young women being vulnerable to early pregnancy, child marriage and gender-based violence (UNDP 2020, 63). All these factors result in children, particularly those in disadvantaged groups, being denied the right to education. Such a situation also goes against the principles of United Nations Sustainable Development Goal (SDG) 4: “Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.” UNESCO’s Global Education Monitoring Report has emphasized the value of inclusive education in promoting inclusive societies as “a prerequisite for education in and for democracies based on fairness, justice and equity” (UNESCO 2020, 18).

The Global Campus Classroom in 2021 decided to take up these challenges. It focused on how the COVID-19 pandemic affected the socio-economic rights of specific vulnerable groups in six regions, namely Africa, Asia Pacific, Caucasus, Eastern Europe, Latin America and the Caribbean, and Western Europe. Attention was given to how the different historical, political, social and economic contexts had given rise to key socio-economic inequalities even prior to the outbreak of the COVID-19 pandemic, which were exacerbated as a consequence of the pandemic, leading to the violation of the socio-economic rights of underprivileged groups. An underlying aim was to search for appropriate approaches and perspectives that could mitigate some of the prevailing violations of economic and social rights, while developing long-term approaches that would ensure that these rights are embedded in the post-pandemic period and in any future such crises. In the process, the Global Classroom proved to be an important platform for exchanging information and research on how socio-economic rights have been challenged in the wake of COVID-19, while critically reflecting on the actors and processes involved in enforcing and contesting these rights in the different regions.

The African region concentrated on the right to social security in Cameroon, Kenya and South Africa, highlighting the role and responsibilities of the state prior to, during and after the pandemic. The Asia-Pacific region analysed the violation of the rights of specific disadvantaged groups in Nepal, Thailand, the Philippines and China. These included experiences of orphans from a minority group in Thailand, Dalits in Nepal, migrant workers in the Philippines, and older adults in China. In doing so, the group paid attention to understanding vulnerabilities as perceived by these groups and proposed a post-pandemic 'new normal' to enhance their resilience and ability to access rights in a post-pandemic context. The Caucasus investigated the impact of the pandemic on the right to education as entrenched in international law and based on accessibility, availability, acceptability and adaptability of education. The case studies included Armenia, Georgia and Russia, while Belarus was also analysed in order to present a contrasting response to the pandemic in the context of realising the right to education. The ERMA region analysed the access to healthcare services of Roma and older people (65 years or older) in Bosnia and Herzegovina (BiH) and Croatia prior to and during the outbreak of the COVID-19 pandemic. It dealt with the main institutional obstacles in the welfare regimes, examining how class, age, ethnicity, and gender inequalities inform and shape health policies and other issues affecting access to the right to health. It also paid attention to formal and informal good practices that helped mitigate structural barriers and improve access to health for older people and Roma in BiH and Croatia. Latin America and the Caribbean addressed the sexual and reproductive

health of women in the region, with a focus on Colombia and how these rights were challenged during COVID-19.¹ The Western European region (EMA) used a feminist human rights preparedness perspective to analyse how Germany, Italy, Ireland and Portugal developed COVID-19 related policies to mitigate the impact of the pandemic, and to examine the consequences these held for women's right to work.

In addition, the keynote speakers at the Global Classroom provided important insights on how COVID-19 had affected key rights at global and national levels. Ignacio Saiz focused on the scale of the problem of rights violations under COVID-19, while also stressing the disparities that existed between rich and poor, globally and nationally. He paid attention to how austerity measures in some 120 countries had resulted in weakening of labour rights and social protection systems even prior to the pandemic, and how this has been exacerbated in more recent years. According to him there was a need to develop a rights-based approach, and he pointed to the on-going series "Recovering Rights", highlighting the need to promote dignity, solidarity, equality and accountability as part of the process. He called on states and international financial institutions to resource such a "just recovery". The issue of women's rights to (decent) work and sexual reproductive health, and how these have been challenged, were highlighted by both Tlaleng Mofokeng and Meskerem Geset. The rights of LGBTI groups and of sex workers were noted, as well as the need for gender perspectives on fiscal policies and gender-based budgetary practices. Gender perspectives were also covered by Kalliope Agapiou-Josephides from a feminist perspective. Joshua Castellino took on a more political perspective, noting how there was a pandemic of hate pre-dating COVID-19 which involved scapegoating communities – a form of structural discrimination often experienced by minorities and indigenous groups. He spoke of two crises prior to COVID-19 which worsened during the pandemic. The first was linked with the environment, which has been systematically exploited by big business, and the second was associated with the development of forms of technology that took away jobs. Both these crises were linked to increasing profits for a small group, at the expense of the planet and the majority of its people. COVID-19 also highlighted the need for good information-sharing, as well as local and relevant solutions, meaning that social distancing was not appropriate in all contexts. He pleaded that economic and social rights be consistently linked with other rights, most notably political and cultural rights. Proposed solutions: combatting structural discrimination, and striving for environmental justice, universal health care and meritocratic governance through collaboration, collusion and cooperation amongst like-minded and rights-based groups.

1 This contribution was not received for the *Global Campus Human Rights Journal*.

Several projects are on-going within the ‘hub’ of the Global Classroom network. The African programme (coordinated by the University of Pretoria) has many publications, from an African-focused/multi-disciplinary perspective, about the effects of COVID-19 on democracy and human rights in African states. These include: the way that COVID-19 has exacerbated hunger among vulnerable communities; the consequences of the loss of jobs; and the need to ‘re-imagine’ countries (Nigeria in this instance) through the lens of socio-economic rights. Additionally, the Centre for Human Rights, University of Pretoria alongside other leading disability rights organisations developed a report which sets out the outcomes of a rapid human rights-based global monitoring initiative – the COVID-19 Disability Rights Monitor. An online forum on Human Rights Preparedness (HRP) has been developed by the European Headquarters of the Global Campus in Venice since June 2020, with weekly publication of short articles framed within the GC multiregional and multidisciplinary approach, offering resources and outreach in line with protecting, respecting and fulfilling human rights while facing the challenge of the pandemic. From a global perspective, five contributions to HRP deserve particular attention: one addresses COVID-19, ESC rights and societal resilience (Ulrich 2020); another looks at the response to the COVID-19 pandemic from the perspective of the UN Committee on ESC Rights (Kedzia 2020) ; a third addresses a human-rights based approach to the global allocation of pandemic vaccines in view of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and state parties’ indirect obligations of participation and diligence (Reyniers 2020); a fourth focuses on businesses and labour rights, particularly workplace health and safety standards (Reynolds 2020); and the fifth focuses on the importance of boosting the implementation of the 2030 Agenda for Sustainable Development during its last decade of action (Levantino 2021). Other contributions to HRP provide regional perspectives on the issue under discussion and can be explored online.² The Asia/Pacific programme has published students’ articles on the website ShapeSEA (Strengthening Human Rights and Peace Education in Southeast Asia) which includes work on the harmful effects of COVID-19 lockdowns on women and girls.³

The state is key in upholding the socio-economic rights of all individuals in society. Human Rights Watch has demanded that states meet at least their minimum core obligations, which include “ensuring access to the minimum essential nutritionally adequate and safe food and freedom from hunger; to basic shelter, housing, and sanitation; an adequate supply of safe drinking water; and social protection that

2 These can be found at <https://gchumanrights.org/preparedness.html>

3 These can be found at <https://shapesea.com/category/op-ed/covid-19/>

provides a minimum essential level of benefits” (HRW 2020). These different aspects are also addressed in the statement on the COVID-19 pandemic adopted on 6 April 2020 by the United Nations Committee on Economic, Social and Cultural Rights (CESCR 2020a). The same UN body also adopted a statement on universal and equitable access to vaccines for COVID-19 on 27 November 2020 (CESCR 2020b). Funds have been allocated by national and international institutions, countries and individuals to help fight the pandemic and support those most affected. In a situation where states are largely responsible for dispersing these funds, it is important that governments use these funds in ways that promote the socio-economic rights of all, but most importantly of those who are most vulnerable. Thus, holding governments accountable for the allocation of funds and providing frameworks for prioritising socio-economic rights assume even more significance under these circumstances. It is important to note that the pandemic has also witnessed the violation of political and civil rights, with governments adopting emergency and military measures that promote the political priorities of the ruling parties.

These normative standards on rights are also best appreciated in relation to the structural weakness inherent in the pattern of economic development that has been promoted in most regions and countries over recent decades, but more specifically since the 2007/2008 financial crisis. Under pressure from neoliberal market logic, international donor governments, and lending institutions such as the International Monetary Fund and the World Bank, public health care has undergone financial cuts and privatisation and these developments have not always benefited marginalised groups. States, which are considered to be duty bearers, are often prevented by lack of capital, inadequate medical capabilities, weak social protection systems, lack of political will and poor governance structures from meeting these obligations. Several economists, including Nobel Prize winner Joseph Stiglitz, have emphasised the importance of ‘re-writing’ the rules of the economy and its approach to issues such as health, fairness and security – issues which are at the core of socio-economic human rights concerns (Stiglitz 2015). These have been some of the concerns raised in discourses relating to social justice, human development and human rights. They share the goals of upholding human dignity in the understanding of development, promoting principles of justice and freedom, and highlighting the state’s obligation to protect every person’s human rights, including their economic, social and cultural rights.

References

- CESR (Center for Economic and Social Rights). 2020. CESCR statement on the COVID-19 pandemic and economic, social and cultural rights. May 4, 2020. [Link](#)
- CESCR (Committee on Economic, Social and Cultural Rights). 2000. General Comment No. 14 on the right to the highest attainable standard of health (Art. 12). Adopted August 11, 2000. [Link](#)
- CESCR (Committee on Economic, Social and Cultural Rights). 2020a. Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights. Adopted April 6, 2020. [Link](#)
- CESCR (Committee on Economic, Social and Cultural Rights). 2020b. Statement on universal and equitable access to vaccines for the coronavirus disease COVID-19. Adopted November 27, 2020. [Link](#)
- HRW (Human Rights Watch). 2020. “Protecting economic and social rights during and post-Covid-19.” June 29, 2020. [Link](#)
- ILO (International Labor Organization). 2021. “ILO Monitor: COVID-19 and the world of work. Seventh edition.” January 25, 2021. [Link](#)
- Kędzia, Zdzisław. 2020. “COVID-19 and economic, social and cultural rights.” *GC Human Rights Preparedness*, June 30, 2020. [Link](#)
- Levantino, Francesco Paolo. 2021. “COVID-19, SDGs and disaster preparedness.” *GC Human Rights Preparedness*, February 11, 2021. [Link](#)
- Lorente L. M. L., A. A. Arrabal, and C. Pulido-Montes. 2020. “The Right to Education and ICT during COVID-19: An International Perspective.” *Sustainability* 12(21): 9091. [Link](#)
- Mavedzenge, Justice Alfred, ed. 2020. *COVID-19 Pandemic and Socio-Economic Rights in Selected East and Southern African Countries*. Cape Town: Juta and Company.
- Reyniers, Philippe. 2020. “COVAX, pandemic vaccines and duties of international assistance based on human rights.” *GC Human Rights Preparedness*, November 5, 2020. [Link](#)
- Reynolds, Ashley Nancy. 2020. “When you protect workers, you protect everybody: Labour and COVID-19.” *GC Human Rights Preparedness*, November 26, 2020. [Link](#)
- Sekalala S., L. Forman, R. Habibi, et al. 2020. “Health and human rights are inextricably linked in the COVID-19 response.” *BMJ Global Health* 2020, no. 5: 1–7.
- Shape-SEA. n.d. Published students’ articles on Strengthening Human Rights and Peace Education in Southeast Asia. [Link](#)

Stiglitz, Joseph E. 2015. "Inequality and Economic Growth, Colombia, Academic Commons." *The Political Quarterly* 86 (S1):134-155.

Ulrich, George. 2020. "COVID-19, ESC rights and societal resilience." *GC Human Rights Preparedness*, August 31, 2020. [Link](#)

UNDP (United Nations Development Programme). 2020. "Human Development Report 2020. The next frontier: Human development and the Anthropocene." December 15, 2020. [Link](#)

UNESCO. 2020. "Global Education Monitoring Report 2020: Inclusion and education: All means all." Paris, UNESCO. [Link](#)

UN WOMEN. n.d. "Explainer: How COVID-19 impacts women and girls." [Link](#)

World Health Organisation. 2020. "Coronavirus disease (COVID-19)." October 11, 2020. [Link](#)