

## VIEWPOINT

# COVID-19 Economy vs Human Rights: A Misleading Dichotomy

JUAN PABLO BOHOSLAVSKY

On 11 March 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic. In a rapidly evolving situation, states are trying—with different levels of commitment and effectiveness—to curb the progress of the disease. While the virus is a threat to the rights to life and health, the human rights impact of the crisis goes well beyond medical and public health concerns. The health crisis itself and a number of state measures to contain it—mainly isolation and quarantine—are leading the world into an economic recession. The consequences of the decisions taken by national and international stakeholders to address health and economic issues reciprocally affect each other, and so, their joint study is needed.

It is now clear that states and others need to take preventive and mitigating measures urgently to contain the pandemic and these must entail global cooperation and coordination. Just as the health crisis response must be rooted in human rights law, so too must national and international responses to the drastic economic downturn.

In my capacity as United Nations Independent Expert on debt and human rights, on 15 April 2020 I provided urgent recommendations to governments and international financial institutions on specific ways to tackle the economic shock of the COVID-19 crisis through a range of policies that are consistent with human rights obligations.<sup>1</sup> In this Viewpoint I share my general reflections on whether a “saving the economy” approach should prevail over social and human rights-oriented strategies.

I have been concerned about some states’ failure to adequately respond to warnings to prepare for pandemics. The lack of effective response from a number of governments to protect people’s health through proven measures such as social distancing and quarantines to flatten the curve of the pandemic is also very concerning.<sup>2</sup> Arguing that the cure would be worse than the disease, some governments have opposed these measures to avoid an economic slowdown.

When the life and health of populations are at stake, business as usual must not go on. Governments must ensure that public health systems do not collapse, and that health policies and protections are not eroded, but rather they remain robust and capable of controlling the spread of the disease. When faced with making a decision about protecting lives, or protecting the economy, human rights must inform the debate.

Some governments appear to be promoting an approach of “saving the economy” at any cost, including through risking the health and lives of the majority of their populations. This economy centric approach is often accompanied by a lack of enthusiasm to reduce inequalities, or to ensure the realization of economic and social rights, or acknowledge and address the impacts of pollution and climate change on health. Therefore, “saving the economy” means prioritising the interests of a powerful elite. Such a re-

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JUAN PABLO BOHOSLAVSKY was from June 2014 until April 2020 United Nations Independent Expert on debt and human rights.

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ductionist view of the economy cannot operate as a trump, especially as the broad economy must allow for the majority of people to have their economic and social rights realized.

In this sense, it is necessary to distinguish big corporations' claims of entitlement to profits from the needs of workers earning a daily livelihood. While it is important to minimize the social and economic impact of the economic recession, supporting employment through ensuring the survival of the business sector as a whole is only one way of doing so. Alternatives could include targeted, temporary, and compulsory payment holidays from taxes, rent and mortgages, and other debts. There are other types of relief packages to consider as well. An exclusive focus on employment support can result in those employed in the informal sector, or on short-term contracts, being overlooked. It is of the utmost importance that initiatives focusing on job losses and employment support, do so from a human rights perspective.

Such a perspective would result in states decreasing inequalities and poverty, and not just bailing out large corporations, banks, and investors without social conditions attached. Experience has shown that large corporations and banks do not immediately or spontaneously share financial resource support with those in most need. Bail out packages to "save the economy" that are directed to big corporations help mitigate impacts on the financial and corporate sectors—they are not providing targeted relief measures to individuals to guarantee the enjoyment of their human rights. For this same reason, as the Danish government has just decided, companies which pay out dividends, buy back own shares, or are registered in tax havens should not be eligible for any of the financial support programs.

Public investments must also aim to reach small and mid-size enterprises, creating long term sustainable employment, prioritizing the realization of social rights and the Sustainable Development Goals, and promoting activities to mitigate climate change. For example, states should invest in nutrition, housing, education, and local small-scale environmentally sustainable farming and agricultural production. States should not

provide subsidies (bail-outs) and other emergency benefits to sectors whose existence is in direct contradiction the global commitments made in the 2015 Paris Accord on climate change.

Potential impacts of the upcoming recession include challenges to the full enjoyment of human rights including the rights to food, housing, health, education, water and sanitation, social protection, non-discrimination, and just and fair conditions of work. As clearly established under human rights law, individuals should not have to choose between their basic human rights. For instance, it is unacceptable that economic conditions would leave people having to choose between reducing food intakes or having a home, or accessing medical care.

I fear the recession will leave some people with no choice but to rely on debt to meet their basic needs and rights. Without immediate relief, it is likely people forced into debt will then face ever increasing debts.<sup>3</sup> While household debt is not a human rights violation *per se*, it becomes particularly problematic when individuals resort to formal and informal lending networks to access their rights to healthcare, housing, food, water and sanitation, or education. What might be a lifebuoy today, becomes an ever-increasing economic burden. This may extend to impacting migrants and the remittances they send home when these often poorly paid workers are employed in countries that will be badly affected by the pandemic. In turn, the livelihood of the recipients of these remittances, usually in low-income countries, will be drastically reduced.<sup>4</sup>

These concerns are not part of the agenda of those promoting the *economy first* approach. Rather that agenda focuses on stimulating aggregate demand with little consideration given to its public health and social implications.

*Economy vs human rights* is misleading because they can be aligned. States must protect lives *and* economies so goods and services can continue throughout the pandemic, and when it has passed, there are jobs for people. But this must be done wisely and responsibly with public health and human rights impacts as the primary consideration. There are a number of measures

covering a wide range of economic, financial, monetary, fiscal, tax, trade, economic sanctions and social policies that can contribute achieving those goals.<sup>5</sup> These include: boosting cash transfers and help packages, expanding social safety nets and considering universal basic incomes; suspending mortgage repayments and evictions; halting cuts in public or private provision of services such as electricity and water; establishing a waiver of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) stipulations with respect to medicines and other related technologies; suspending private debt-servicing for individuals unable to cope with the public health crisis and without income; implementing a moratorium on sovereign debt repayment for debt-distressed low- and middle-income countries, or those countries suffering heavily from the economic fall out of the pandemic; establishing universal health coverage in line with international human rights norms, including the right to health and guidance provided by human rights mechanisms.

It is gratifying to see most governments considering and implementing many of these rights-based responses to the pandemic, thus protecting their people and their economy.

## References

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2. WHO, "Coronavirus disease (COVID-19) advice for the public", 2020, at <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>.
3. And on top of the already precarious and fragile picture in the world where many vulnerable and marginalised people were already having to make choices between adequate food and adequate housing or medical care. See « Report on private debt and human rights », 2019, A/HRC/43/45, at <https://www.ohchr.org/EN/Issues/Development/IEDebt/Pages/ReportPrivateDebt.aspx>.
4. Dominique Baillard, "G20: pourquoi le coronavirus est une calamité pour les pays émergents », RFI, 26 March 2020 available at : <http://www.rfi.fr/fr/podcasts/20200326-g20-pourquoi-le-coronavirus-est-une-calamit%C3%A9-les-pays-%C3%A9mergents>.
5. See note 1.

