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HUMAN RIGHTS TALK: Covid-19 and Human Rights – Lessons learned from the pandemic

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2020 has been a disastrous year for human rights in Europe. While, increasingly, commitment to upholding human rights standards has been faltering all over the continent for several years, the COVID-19 pandemic has accelerated the erosion of the democratic fabric of our society, on which protection of human rights ultimately depends. The pandemic has upended our lives in the same way that 9/11 and the 2008 financial crisis did, and possibly more so. It has also provided many governments with an ideal pretext to exploit fears and crackdown on dissent, restrict people's rights and pass emergency legislation that risks having long-term consequences, beyond the health crisis.

I think it is not exaggerating to say that we are at a crossroads. The direction we decide to take now will shape the type of society we want to live in and pass on to future generations. That choice will determine whether we bolster our freedoms or relinquish them, promote participation or undermine democracy, empower people or marginalise them.

I am therefore grateful and truly honoured for today's opportunity to be among the distinguished speakers who will be discussing the impact of COVID-19 on human rights and how to move forward.

Today's discussion takes place on the anniversary of the Universal Declaration of Human Rights, a landmark text that has inspired and transformed the lives of millions of Europeans. Predicated on the principle of equality of all human beings, it became the alma mater of many legally binding human rights conventions, national constitutions and a huge body of human rights standards. Over the past 72 years much progress has been achieved. Many more people have become free from oppression, free from poverty, free to live the lives they want. Yet not all have benefited from that progress in the same way. For a long time, European societies have entertained the illusion that human rights violations are merely surface cracks in an otherwise solid edifice. An invisible virus has deepened those cracks and put paid to that illusion. The pandemic has magnified all existing inequalities in Europe and has exacerbated many of them.

We were not equal before the pandemic, and we have not been equal in the face of it. Those who were poor before it have become poorer; those who were disadvantaged now face even greater disadvantages.

The case of older people is emblematic. In many of our member states they have paid the highest price, not only because of the health vulnerabilities necessarily associated with age, but also because of the social settings in which many of them live. Those living independently have also suffered because of the lockdown measures that have further isolated them from their families and the rest of the community.

The pandemic has also shone a light on the structural problems affecting health systems in many of our member states. Years of austerity measures have led to a clear erosion of public health infrastructures, personnel and means. My predecessor in the post of Commissioner for Human Rights,

Nils Muiznieks, rang the alarm bell soon after the economic crisis started in 2008, highlighting the many impacts austerity measures would have on human rights. Sadly, he was right. Dear Nils, your presence among us today is much appreciated and I look forward to hearing your contribution to our discussion later.

The pandemic has also exposed the ubiquity of gender inequality. This is evident in the workplace, where deep-rooted societal attitudes keep women in a subordinate role, the persistence of violence against women and the increasing attempts to limit women's sexual and reproductive health and rights, which are the result of ingrained patterns of inequalities between women and men. Cases of domestic violence have increased exponentially during the lockdowns imposed in many European countries. Despite measures adopted by some governments to alleviate the suffering and counter the problem, much remains to be done. The views of experts like Rosa Logar, who is with us today, will be crucial in exploring ways in which we can join forces to address this problem more effectively.

Another field in which the pandemic has shown that we are still not all equal is access to the Internet. This is particularly worrying at a time when school closures in some European countries have compelled millions of students to rely on the Internet to study and build the foundations of their future. A recent UN report estimates that two thirds of school-age children worldwide have no internet at home. The Executive Director of UNICEF has talked about it being a "digital canyon" rather than a digital divide. I cannot agree more, and I consider this problem as one of the most pressing ones to solve because it will have long-lasting negative impact if it remains unaddressed. I look forward to hearing from Michael Lysander Fremuth, whose experience, including in the field of teaching, can help shed light on how we might bridge that canyon.

The global health problems caused by COVID-19 have also highlighted the importance of combating disinformation that can cause panic and social unrest. Some governments, however, have used this imperative as a pretext to introduce disproportionate restrictions on press freedom. Parliaments, governments and local authorities have adopted or are discussing legislation, decrees or decisions that clearly risk hampering the work of journalists and media actors and restrict the public's right to receive information. Other measures restricting freedom of assembly have been used to undercut the ability of human rights defenders and civil society to act in defence of human rights and aid the most vulnerable. In several member states of the Council of Europe, such measures have been adopted under special regimes, what is often referred to as a "public health state of emergency", implying in many cases derogations to the European Convention on Human Rights.

The ECHR and other human rights standards offer the necessary flexibility to adapt to emergency situations. At a time where populism tends to favour "cutting corners" to solve problems, however, states must be especially careful not to send the wrong signal that implementation of human rights standards may undermine the fight against the pandemic. On the contrary, this pandemic has shown that all those particularly affected, be it older persons, persons with disabilities, women, children, Roma, detainees, migrants, LGBTI people, or media professionals, share a common denominator: their rights were not being fully respected before COVID-19. It has also shown the importance of placing the human right to health at the very centre of the design of our health systems. Enhanced protection of human rights can thus be seen as an asset in, rather than an obstacle to, preventing and alleviating the negative effects of such a pandemic. The few examples of the ways the pandemic and the measures adopted to stop it are impacting human rights which I just mentioned provide a clear lesson for all of us, governments, parliaments, elected officials, public figures, individual citizens: we can no longer afford to procrastinate in realising human rights for all.

We need a renewed impetus now. The many challenges that our societies will have to face require us to give greater prominence to human rights in our societies, starting with more emphasis on the equal enjoyment of social and economic rights and equal access to health care and education.

There is no easy fix, but taking the decision to address these long-standing problems is already a good start.

The founding principles and values of the Universal Declaration of Human Rights are as relevant today as they were when they first emerged from bloodshed, tyranny and war. They require governments to become more robust defenders of human rights and to strengthen multilateralism. No single country

can solve the complex human rights challenges that this health crisis poses, nor those that will come with future crises.

Respecting and fulfilling human rights is primarily the responsibility of state authorities. In the current context, it is crucial to ensure that emergency legislation remains in place only for the time necessary to stop the pandemic and to introduce the least intrusive measures possible, and to ensure that all this is rolled back as soon as authorities have the pandemic under control.

Defending and promoting human rights is about the big and the small actions we all take every day, however. If we want society to function more in line with human rights standards and principles, we must all make an extra effort and move out of our comfort zones.

For a start, the human rights community – including international organisations - should take a long hard look at itself. I think it is partly our fault if many people have lost interest in, or become dissatisfied with, human rights. We have not been sufficiently effective in ensuring that everybody understands why human rights are important for all. For instance, violations of certain human rights, especially some economic and social rights, should probably be given more prominence on our agenda. We must become more inclusive in the way we defend human rights. We deliver a public service in the interest of society, but we do not own that service. We talk about, for and sometimes with people who have suffered human rights violations. But we rarely empower them to speak for themselves. They should take part in decision-making processes as much as possible. We should learn to listen more and leave them space to tell their stories and shape the policies and laws that concern them.

Lawyers, scholars, intellectuals and concerned citizens must enter the arena of public debate on human rights and engage with society at large to overcome misrepresentations and dispel prejudice.

The media, too, must be part of the solution by using precise terms that inform the public factually and objectively on all matters of public interest, while avoiding sensationalism, improper language, or reporting in ways that may raise the alarm unnecessarily or provide a platform for divisive views to spread.

It is also more important than ever that we protect and promote the idea grounded in the Universal Declaration of Human Rights that human rights are universal and indivisible. We must all work to defend not only our own rights, but also those of others. We must therefore engage with friends, colleagues, family members, neighbours, local and national authorities and show that human rights are not an abstract concept, but very concrete issues, the absence of which can have nefarious consequences as the pandemic has shown. If we look away any time human rights are denied, we might stay safe ourselves, but we leave others in danger. And tomorrow those “others” could be us.

2020 may go down in history as one of the worst years for human rights in Europe. Or it might be remembered as the year of the turning point, when more and more people demanded a central role for human rights in public policies. Let's work together to make this happen.