Global Health, Global Governance and Human Rights—A Complicated Convergence in a Complicated Time

Sofia Gruskin
Professor, Keck School of Medicine, Gould School of Law
Director, USC Institute on Inequalities in Global Health
University of Southern California
Overview

- Defining terms
- People
- Communities
- Governments and approaches to law in the Corona response
- Global norms and standards
- Learning from the past and moving forward
Broadly Defining My Terms
Global Health

Global Governance

- Global governance encompasses the totality of institutions, policies, norms, procedures and initiatives through which States and their citizens try to bring more predictability, stability and order to their responses to transnational challenges.

- The coming together of diverse actors to coordinate collective action

- The leading institution responsible for global governance today is the United Nations which is made up of sovereign nation states and works through a range of agencies and associated institutions (e.g. WHO; UNDP; UNAIDS; UNICEF etc..):

  - Responsible for peace and security, justice and mediation systems for conflict, unified standards for health, trade, industry, sustainable development, and human rights.
Human Rights

- Human rights:
  - are primarily about the relationship between the individual and the state
  - are universal, interrelated and indivisible
  - imposes on governments the obligation to respect, protect and fulfill human rights
International Human Rights Law

- International human rights law:
  - defines what governments can do to us, cannot do to us, and should do for us
  - is meant to be equally applicable to everyone, everywhere in the world, across all borders and across all cultures and religions
  - consists of the obligations that governments have agreed they have in order to be effective in promoting and protecting our rights
International Human Rights Documents

1948: Universal Declaration of Human Rights (UDHR)

**Treaties:** Legally binding on nations that have ratified

1965: International Convention on the Elimination of All Forms of Racial Discrimination
1966: International Covenant on Economic, Social, and Cultural Rights
1966: International Covenant on Civil and Political Rights
1985: Convention Against Torture
1990: Convention on the Rights of the Child
2000: Convention on the Protection of Migrant Workers and their Families
2006: Convention on the Rights of Persons with Disabilities
2006: International Convention for the Protection of All Persons Against Enforced Disappearances

USC Institute on Inequalities in Global Health
Internationally Agreed to Human Rights Relevant to Health

- The right to life, survival, and development
- The right to equality and non-discrimination
- The right to travel
- The right to bodily integrity and security of the person
- The right to an identity
- The right to privacy
- The right to seek, receive and impart information
- The right to food
- The right to housing
- The right to social security
- The right to be free from torture
- The right to association
- The right to the benefits of scientific progress
- The right to education
- And.. the right to health
Are All of These Rights Currently Being Protected in Government Responses to the Coronavirus?
Current Realities

People, Communities, and Nation States
How Are We Adjusting?

- Physical distancing?
- Handwashing?
- Mask wearing?
- Shelter in place?
- Mental health?

How it spreads

Most of these droplets fall on nearby surfaces and objects - such as desks, tables or telephones. People could catch COVID-19 by touching contaminated surfaces or objects - and then touching their eyes, nose or mouth.

When someone who has COVID-19 coughs or exhales they release droplets of infected fluid.

An infected person can have contaminated hands, face and clothes and physical contact can transmit the disease.
WHO Recommendations

Wash your hands

Wash your hands with soap and running water when hands are visibly dirty.

If your hands are not visibly dirty, frequently clean them by using alcohol-based hand rub or soap and water.

Protect yourself and others from getting sick

Wash your hands

- after coughing or sneezing
- when caring for the sick
- before, during and after you prepare food
- before eating
- after toilet use
- when hands are visibly dirty
- after handling animals or animal waste

Protect others from getting sick

When coughing and sneezing cover mouth and nose with flexed elbow or tissue.

Throw tissue into closed bin immediately after use.

Clean hands with alcohol-based hand rub or soap and water after coughing or sneezing and when caring for the sick.

Be SAFE from #coronavirus

if you are 60+ or if you have an underlying condition like:

- Cardiovascular disease
- Respiratory condition
- Diabetes

by avoiding crowded areas or places where you might interact with people who are sick.

Learn more to Be READY for #COVID19: www.who.int/COVID-19

Maintain Social Distancing

Maintain at least 2 meters (6 feet) distance between yourself and anyone who is coughing or sneezing.
Social (Physical) Distancing and Public Transport

- The government of Kenya restricted ‘matatu’ passenger numbers to 8.

- Owners doubled the fares to make up for lost profit...and many people now can’t afford to travel.
What If You Were Here?
Should There Be Pre-Conditions to a Government ‘Shelter in Place’ Order?

- Access to water and sanitation facilities?
- Access to food?
- Access to medicines?
- Alternative income?
- Minimum space per person?
- Assured safety?
A Medical and Public Health Response

- Testing
- Contact tracing
- Isolation and quarantine
- Care and treatment
- Provision of masks and PPE
- Provision of water and soap
- Secure access to nutritious food, needed medicines etc.
  - But even this was a reality, is it enough?
Siracusa Principles

Limitation of most rights for public health reasons is acceptable but can only be a last resort carried out after rigorous consideration of the following criteria:

• the restriction is provided for and carried out in accordance with the law;
• it is in the interest of a legitimate objective of general interest;
• it is strictly necessary in a democratic society to achieve the objective;
• there are no less intrusive and restrictive means available to reach the same objective; and
• the restriction is not imposed arbitrarily, i.e. in an unreasonable or otherwise discriminatory manner.
Global Norms and Standards

Addressing COVID From a Rights Perspective

• Engage affected communities from the beginning in ALL response measures—this builds trust, ensure suitability and effectiveness, and to avoid indirect or unintended harms and ensure the frequent sharing of information.
• Combat all forms of stigma and discrimination, including those based on race, social contacts, profession (healthcare workers), and those directed towards marginalized groups that prevent them from accessing testing or care.
• Ensure access to free or affordable screening, testing and care for the most vulnerable and hard to reach.
• Address barriers to people protecting their own health and that of their communities: fear of unemployment, healthcare costs, presence of fake news/misinformation, lack of sanitation infrastructure and so forth.
• Restrictions to protect public health must be of limited duration, proportionate, necessary and evidence-based and reviewable by a court. Put in place exceptions where necessary for vulnerable groups and to ameliorate the consequences of such restrictions. Blanket compulsory bans are rarely effective or necessary. Individuals should not be criminalized for breaching restrictions.
• Support and protect health care workers. Be kind to each other. Join and support efforts that build trust and amplify solidarity, not sanctions.
• Countries must work to support each other to ensure no country is left behind, sharing information, knowledge, resources and technical expertise.
Addressing Human Rights as Key to the COVID-19 Response – WHO April 2020

• There is a need for governments to put into place human rights-based approaches to address COVID-related:
  • stigma and discrimination;
  • violence against women,
  • support for vulnerable populations;
  • quarantine, isolation and restrictive measures;
  • shortages of supplies and equipment.
• Highlights also human rights obligations with regards to global cooperation and technical support to address COVID-19.
The COVID-19 pandemic is a public health emergency — but it is far more. It is an economic crisis. A social crisis. And a human crisis that is fast becoming a human rights crisis.

- Human rights responses can help beat the pandemic, putting a focus on the imperative of healthcare for everyone. But they also serve as an essential warning system — highlighting who is suffering most, why, and what can be done about it.
- We have seen how the virus does not discriminate, but its impacts do — exposing deep weaknesses in the delivery of public services and structural inequalities that impede access to them.
- Against the background of rising ethno-nationalism, populism, authoritarianism and a pushback against human rights in some countries, the crisis can provide a pretext to adopt repressive measures for purposes unrelated to the pandemic.
Human Rights at the Heart of Response
COVID-19 GUIDANCE, OHCHR: 13 May 2020

- Access to health care
- Emergency measures
- Leaving no one behind
- Housing
- Persons with disabilities
- Older persons
- People in detention and institutions
- Information and Participation
- Stigmatisation, xenophobia, racism
- Migrants, Displaced People, and Refugees
- Social and Economic Impacts
- Food
- Privacy
- Children
- Youth
- Gender

- Water, sanitation and hygiene
- Indigenous peoples
- Minorities
- Business and Human Rights
- International and Unilateral Sanctions
- Trafficking
- International Cooperation and Solidarity
- Indigenous peoples
- Minorities
- Business and Human Rights
- International and Unilateral Sanctions
- Trafficking
- International Cooperation and Solidarity

USC Institute on Inequalities in Global Health
The Proliferation of Human Rights Guidance on COVID-19 Mitigation

- The 56 United Nations special procedures, 10 U.N. human rights treaty bodies, three principal regional human rights systems (each with various components), and their respective “parent” intergovernmental organizations have collectively put out more than 150 statements on respecting human rights during the pandemic since late February. They compete for limited attention, jostle for primacy, and assert the relevance of their authors.

- Eleven ways to address children’s needs. “Ten key principles” to respect freedom of association and assembly in a pandemic. Nine ways “to uphold women’s rights” during the pandemic. Eight recommendations for respecting the rights of migrants. “[S]even crucial aspects” of preserving the independence of the judiciary… etc..

Lisa Reisenberg. International Justice Resource Center (IJRC) May 2020
Why Human Rights Matter

- Human rights grew out of crisis – there was a recognition of the need for some basic societal rules applicable everywhere, for everyone, at all times.
- They are voluntary commitments that have been made by all governments of the world.
- They provide an international legal framework within which the world is meant to operate.
- This can feel particularly important in times of crisis.
A Human Rights Investigation of the COVID Response

- Human rights challenge the distribution of power by valuing everyone equally
- They require that we interrogate:
  - What are the historical reasons we are here? What is the economic, social, cultural and political backdrop to this public health emergency?
  - What’s wrong with our systems that inequality is as massive and entrenched as it is?
  - How can we address this challenge in ways that reduce rather than foster inequalities?
  - How can we hold our governments to account for how they respond in these times of emergency? And beyond?
Optimizing Public Health and Human Rights

Human Rights Quality

Public Health Quality

Optimal Health and Human Rights Outcome
Moving Forward: Big Picture

- COVID has raised awareness of existing inequalities in all of our countries and across the globe.
- Public health, whether local or global, is rarely separable from politics.
- The concepts of health and security, within our countries and at the global level, are increasingly intertwined.
- Health is and must be fully recognized as a right.
- The critical role of multilateralism and global structures is clear.
- The need for global solidarity has never been greater.
Thank You!

Follow IIGH on Social Media

On Twitter @USCGlobalHealth

On Facebook @USCGlobalHealth

On Instagram @USCGlobalHealth