**UN Human Rights Treaty Bodies Working Group on COVID-19**

Concept Note

**Background:**

The COVID-19 pandemic has created an unprecedented challenge to States due to its multiple and widespread impacts on human rights. According to the World Health Organization (WHO as of 29 July 2020), as a consequence of the current outbreak of coronavirus disease (COVID-19), there are 16.558.289 confirmed cases, 656.093 confirmed deaths and 215.127 newly reported cases in the last 24 hours in 216 countries and territories throughout the world.[[1]](#footnote-2) The COVID-19 global health crisis has been described as the worst since World War II, because of its enormous impact on public health and unprecedented disruption of economies and labour markets.

According to the International Labour Organization (ILO), due to the spread of the virus and the total or partial shutdowns, more than 5 billion people have been affected, including 2.7 billion workers, or 81% of the global workforce.[[2]](#footnote-3) It is also estimated that in the second quarter of 2020 there will be a 7% reduction in employment worldwide,[[3]](#footnote-4) in addition to having a significant impact on 1.6 billion informal workers, with women over-represented in the most affected sectors.[[4]](#footnote-5) Finally, estimates indicate that at least 50 million people will be pushed into extreme poverty.[[5]](#footnote-6) The COVID-19 global crisis will have long-lasting impacts on our societies..

In response to the impacts of COVID-19, States have implemented various economic, social and political actions, including extraordinary measures such as the establishment of states or regimes of emergency, border closures, social distancing, quarantines and restrictions on freedom of movement, which in turn have limited the exercise of other human rights. Thus, the COVID-19 crisis has exacerbated existing vulnerabilities and inequalities, in particular for vulnerable groups.

These measures, including states of exception, have caused incidences of abuse of authority and difficulties in accessing basic services such as health care and the provision of medicines, in addition to other limitations such as access to food, water, sanitation and shelter. There have also been impacts on labour rights, the continuity of education and the exclusion of people in vulnerable situations, among other consequences. The pandemic, therefore, has a differentiated impact that must be taken into account by States in each policy, action or measure they implement.

In this regard, the UN Human Rights Treaty Bodies have issued statements and technical guidance notes with the aim of providing States with the necessary tools to uphold and respect all human rights, within their competence. In this regard, the CESCR issued the Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights,[[6]](#footnote-7) the CEDAW and COVID-19 guidelines,[[7]](#footnote-8) the Advice of the Subcommittee on Prevention of Torture to States Parties and National Preventive Mechanisms relating to the Coronavirus Pandemic,[[8]](#footnote-9) the Joint Statement: Persons with Disabilities and COVID-19 by the Chair of the United Nations Committee on the Rights of Persons with Disabilities and the Special Envoy of the United Nations Secretary-General on Disability and Accessibility,[[9]](#footnote-10) the Joint Guidance Note on the Impacts of COVID-19 on the Human Rights of Migrants by the CMW and the Special Rapporteur on the Human Rights of Migrants,[[10]](#footnote-11) among other statements from Special Procedures, OHCHR and UN agencies. These have proved to be valuable tools for States, but also for other stakeholders who have used the authoritative voice of Treaty Bodies in their advocacy efforts. At the same time, an extensive fragmentation of treaty bodies’ responses to the crisis risks undermining the understanding and cogent application of the existing legal norms and standards and adds to the proliferation of statements by UN and non-UN bodies on COVID-19.

At a moment when the relevance of multilateral institutions is being questioned by the rise of nationalism, populism and by a rapidly evolving global crisis, it is essential to strengthen the mechanisms for cooperation and coordination between the UN Human Rights Treaty Bodies with respect to the COVID-19 pandemic. In this regard, the establishment of a UN Human Rights Treaty Bodies Working Group will allow to have a joint, cohesive and comprehensive response, in accordance with their mandate to interpret the content and scope of the human rights treaties. This *ad-hoc* mechanism will help to coordinate treaty bodies’ efforts to identify trends of violations of human rights in the context of the COVID-19 pandemic, and support efforts to develop a cogent response in terms of standard-setting, recommendations and guidelines issued by the UN Human Rights Treaty Bodies when monitoring the compliance of States with their international obligations. Likewise, as 2020 is a crucial year for the process of reform of the treaty bodies, the UN Human Rights Treaty Bodies Working Group will make its important work visible and bring them together for the first time to address, as a system, an unprecedented situation such as the COVID-19 pandemic and its impacts.

**Purpose:**

The UN Human Rights Treaty Bodies Working Group on COVID-19 will facilitate a coherent treaty bodies’ voice on a crucial common challenge. The Working Group will help to develop a joint, cohesive and comprehensive response from the UN Human Rights Treaty Bodies on the impact of the COVID-19 pandemic on human rights, as well as inform practical policies and measures adopted by States to prevent and contain the negative impacts of the pandemic and to guide recovery efforts to “build back better”, building on the guidance already elaborated by a number of treaty bodies. Also, the UN Human Rights Treaty Bodies Working Group on COVID-19 will have in mind the monitoring mandate of Human Rights Treaty Bodies under their respective Conventions; the different areas of work of each Committee; and the similarities and differences in the monitoring tools of each body.

The UN Human Rights Treaty Bodies Working Group on COVID-19 will carry out, among others, the following activities:

1. Follow the impact of COVID-19 on human rights and exchange ideas on a human rights based approach for consideration by individual treaty bodies;
2. Promote joint and/or separate action or guidance, through suggestions to be considered by individual treaty bodies , regarding specific issues emerging in the context of COVID-19;
3. Update the toolbox of treaty bodies’ jurisprudence on related matters to COVID-19 in collaboration with HRTB teams and suggest innovative means of communicating such regular updates to relevant stakeholders;
4. Initiate joint webinars and other on-line updates and discussions among treaty body experts to clarify aspects of treaty law as they relate to COIVID-19 developments and enhance the visibility and the added value of treaty body guidance.

**Role:**

1. Each member of the Working Group is assigned by their respective treaty body to act as focal point of its treaty body for this task.
2. The Working Group will have virtual working sessions.
3. The working sessions will be announced one week in advance, with the agenda to be addressed.
4. The working sessions will be open for the participation of any additional Treaty Bodies members, unless otherwise decided by its members.
5. The Working Group could explore fund-raising activities based on concrete projects and outputs suggested by treaty bodies.

**Membership:**

1. Each treaty body shall internally select one/two focal point/s to serve on the Working Group for a period of one year.
2. The membership of the UN Human Rights Treaty Bodies Working Group on COVID-19 shall be guided on equitable geographical distribution, representation of the different forms of civilization and of the principal legal systems, balanced gender, age and diversity representation and participation of experts.

1. As of 30 July 2020, the Coronavirus Resource Center at the Johns Hopkins University reported 17.053.700 confirmed cases worldwide, with 667.693 deaths, in 188 countries and territories. See Johns Hopkins University & Medicine, Coronavirus Resource Center, available at: <https://coronavirus.jhu.edu/map.html> [↑](#footnote-ref-2)
2. ILO, [COVID-19 crisis and the informal economy: Immediate responses and policy challenges,](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/briefingnote/wcms_743623.pdf) May 7, 2020. [↑](#footnote-ref-3)
3. OIT, [Observatorio de la OIT:El COVID-19 y el mundo del trabajo. Segunda edición](https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_740981.pdf), Abril 7, 2020. [↑](#footnote-ref-4)
4. ILO, [ILO Monitor: COVID-19 and the world of work. Third edition](https://www.ilo.org/wcmsp5/groups/public/@dgreports/@dcomm/documents/briefingnote/wcms_743146.pdf), April 29, 2020. [↑](#footnote-ref-5)
5. Daniel Gerszon Mahler, Christoph Lakner. R. Andres Castaneda Aguilar & Haoyu Wu, [The impact of COVID-19 (Coronavirus) on global poverty: Why Sub-Saharan Africa might be the region hardest hit,](https://blogs.worldbank.org/opendata/impact-covid-19-coronavirus-global-poverty-why-sub-saharan-africa-might-be-region-hardest) April 20, 2020. [↑](#footnote-ref-6)
6. Committee on Economic, Social and Cultural Rights, [Statement on the coronavirus disease (COVID-19) pandemic and economic, social and cultural rights](https://undocs.org/E/C.12/2020/1), 17 April 2020. [↑](#footnote-ref-7)
7. CEDAW, Nota con orientaciones: CEDAW y COVID-19, abril 2020. [↑](#footnote-ref-8)
8. Subcommittee on Prevention of Torture, [Advice of the Subcommittee on Prevention of Torture to States Parties and National Preventive Mechanisms relating to the Coronavirus Pandemic](https://www.ohchr.org/Documents/HRBodies/OPCAT/AdviceStatePartiesCoronavirusPandemic2020.pdf), 25 March 2020. [↑](#footnote-ref-9)
9. [Joint Statement: Persons with Disabilities and COVID-19 by the Chair of the United Nations Committee on the Rights of Persons with Disabilities, on behalf of the Committee on the Rights of Persons with Disabilities and the Special Envoy of the United Nations Secretary-General on Disability and Accessibility](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25765&LangID=E). [↑](#footnote-ref-10)
10. Committee on the Protection of the Rights of All Migrant Workers and Members of their Families and Special Rapporteur on the human rights of migrants, [Joint Guidance Note on the Impacts of the COVID-19 Pandemic on the Human Rights of Migrants](https://www.ohchr.org/Documents/Issues/Migration/CMWSPMJointGuidanceNoteCOVID-19Migrants.pdf), 26 May 2020. [↑](#footnote-ref-11)