

Oral Statement

Meeting on enhancing technical cooperation and capacity-building in promoting and protecting the human rights of persons in vulnerable and marginalized situations in recovery efforts during and after the COVID-19 pandemic

7 March 2022

UN Human Rights Council (49th Session)

Mister President,

Since the COVID-19 outbreak, dozens of countries have resorted to emergency executive powers for pandemic control. While some restrictions were justifiable, many were unnecessary or disproportionate. These powers were often misused to center decision-making and resources in the hands of the executive. While experts and health professionals were sidelined, law enforcement or even the military emerged as central to the COVID-19 response. As a consequence, **many COVID-19 control strategies lacked in transparency, accountability, and meaningful community and civil society participation.**

The result was what the Secretary General described as a “pandemic of human rights abuses”. Vulnerable, marginalised, and criminalised communities such as people in detention, migrant workers, people who use drugs, and sex workers were disproportionately affected, with a dire impact on their health and rights.

While this Council is ongoing, another process is shaping in Geneva, with the potential to define not only pandemic preparedness and response but also global health governance for decades to come – the negotiations of the so-called ‘Pandemic treaty’.

We are concerned that **discussions at WHA about the new Treaty have been mostly silent on the matter of safeguarding human rights** – particularly those of criminalised and vulnerable groups you are addressing today. Further, the process as currently envisaged lacks virtually any space for meaningful civil society engagement.

This pandemic has shown the importance of a multi-stakeholder, community-led, evidence-based approach to pandemics, that safeguards and reinforces human rights protections while ensuring participation, transparency, and accountability. It has also taught us that the Treaty must set up a mechanism to ensure fair global access to pandemic health tools. To achieve this, the **Treaty must be developed through a transparent and meaningfully consultative process**, and the Human Rights Council and its Members have a heightened responsibility to ensure this is realised in negotiations.

Our question is: how do Council Member States and OHCHR plan to align their positions in these different processes, and engage at WHO to ensure human rights are streamlined in Treaty negotiations, while supporting the meaningful and effective participation of civil society?

Co-sponsoring organisations:

- Amnesty International
- Global Initiative for Economic, Social and Cultural Rights (GI-ESCR)
- Global Network of Sex Work Projects (NSWP)
- HIV Legal Network
- STOPAIDS