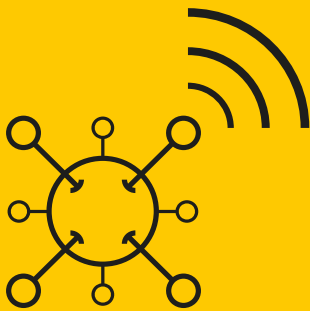


# DAWN TALKS ON COVID-19

*Development Alternatives  
with Women for a New Era*



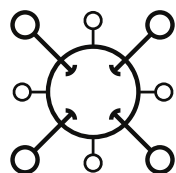
**COVID-19 & Human Rights**

**KUMI SAMUEL**

The right to health and its enforcement is a fundamental entitlement, enshrined in the UDHR and various International Treaties and Declarations. Despite this fact, the overall provision of universal health care is poor globally and unequal between and within States as the COVID-19 pandemic well illustrates. The right to health is also an inclusive right dependent on a range of underlying determinants from safe drinking water to food, nutrition, housing and includes the creation of healthy working conditions and environments, information and participation and the freedom to control one's health and body. The right to health also calls for a system of health protection which provides equality of opportunity for everyone to enjoy the highest attainable standard of health and the State obligation to provide health services, goods and facilities to all without discrimination.

Fundamental to this, are the deep-seated structural and systemic inequalities created by neoliberal economic arrangements that the pandemic has surfaced which are now manifesting in socio-economic and political crises across the globe. While the virus can affect anyone indiscriminately it does not affect everyone equally, debunking the myth that it is a universal equaliser. For instance: social distancing and

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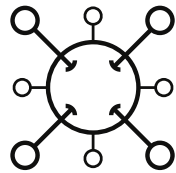


self-isolation is a privilege for those living and working in crowded environs; handwashing is an impossibility for those with no access to water; universal lockdowns have forced migrant workers onto the streets and deprived billions of their income and livelihoods; prisons, detention centres and internally displaced people are at heightened risk of infections, and the worst affected—the elderly in institutional care. Women, children and LGBTQ persons at risk have been forced into domestic confinement with their abusers and women have been compelled to take on a disproportionate burden of unpaid care work. Ultimately, inadequate health care systems, lack of social protection and State responses have failed the poor and the vulnerable everywhere.

The pandemic has pushed States to resort to extraordinary measures in order to battle its global impact. Even when these measures have been instituted through legislation, orders and regulation, they have raised serious concerns. The critical standard has to be that these measures are legal, necessary, proportionate and non-discriminatory. They must also have a specific focus and respond to immediate threats while protecting human rights and the rule of law and must be time bound. However, some decisions have been made unilaterally at the executive level putting scrutiny beyond judicial review. In some instances, Parliaments have been overlooked or prorogued, leaving little room for necessary checks and balances. In still others, disproportionate responses have resulted in humanitarian crises exacerbating the impact of the pandemic and violating a range of fundamental rights.

In many instances, these extraordinary measures are taken against existing backdrops of populist authoritarianism, ethno-nationalism, militarization, ongoing conflict and a suspension of human rights. Giving authoritarian regimes repressive powers, allowing for

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the dismantling of democratic institutions and the suspension of freedom of expression and dissent. The use of technology for purposes of surveillance, in the name of public health security, has infringed on the right to privacy with very real possibilities of normalising post-pandemic. A particular insidious approach has been invoking the discourse of war to deal with the pandemic; inciting fear and an unquestioning dependency on the State for the provision of safety and security without a heed to due process, rule of law and democratic governance. The pandemic demands the imperative of fulfilling the right to health and health care for everyone. The right to health must also be addressed as an inclusive right which is indivisible from and dependent on a range of socio-economic and political rights.

The challenge to human rights is to ensure that the extraordinary measures resorted to by almost all States globally be tested on the doctrines of necessity, reasonableness and proportionality and will not be normalised post the pandemic.



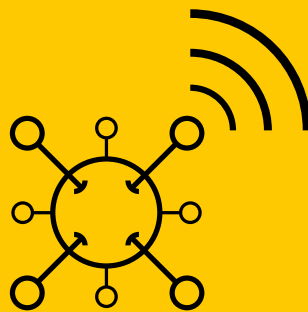
## **KUMI SAMUEL**

is a feminist activist and researcher from Sri Lanka. She heads DAWN's Political Restructuring & Social Transformation analysis team. Kumi is a co-founder of the **Women & Media Collective**.

She was associated with the campaign to realise **CEDAW General Recommendation 30 on Women in Conflict Prevention** and has engaged in the review process to **CEDAW, ICCPR, ICESCR**, and the **Universal Periodic Review**.

She is a member of several working groups, including the **UN Women's Civil Society Advisory Group** for Bhutan, the Maldives, India, and Sri Lanka. Kumi's work focuses on women's rights, conflict transformation, gender, sexuality, and movement building.

She has published extensively on these themes, her most recent book is **Political Economy of Conflict and Violence against Women (DAWN, 2019)**.



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