

# **National and global actions in the struggle against COVID 19: The Saudi's contribution to this goal as Chairman of the Group of Twenty (G-20)**

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United Nations  
Educational, Scientific and  
Cultural Organization



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# **National and global actions in the struggle against COVID 19: The Saudi's contribution to this goal as Chairman of the Group of Twenty (G-20)**

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Forward  
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Presentation  
Francisco Rojas Aravena  
*Rector, University for Peace*

and final remarks  
Peace without Borders



**University  
for Peace**



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## **ACRONYMS**

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Right of the Child
ECOSOC	Economic and Social Council
ERC	Emergency Relief Coordinator
EU	European Union
FAO	Food and Agriculture Organisation
GASat	General Authority for Statistics
GCC	Gulf Cooperation Council
G-20	Group of Twenty
HRC	Human Rights Committee
IASC	Inter-Agency Standing Committee
ICCPR	International Covenant on Civil and Political Rights
ICERD	Convention on the Elimination of Racial Discrimination
ICESR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
IHC	International Humanitarian Law
ILO	International Labour Organization
KSA	Kingdom of Saudi Arabia
OHCHR	Office of the High Commissioner on Human Rights of the United Nations
OIC	Organization of Islamic Cooperation
SC	Security Council
SHRC	Saudi Human Rights Commission
UDHR	Universal Declaration on Human Rights
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
UNDP	United Nations Development Programme
UPEACE	University for Peace
WHO	World Health Organization
WTO	World Trade Organization



## **PROLOGUE**

**H.E. Mr. Rodolfo Solano Quirós**  
***Minister of Foreign Affairs and Worship of Costa Rica***

On 24 April 2020, Costa Rica wished to join the world celebration of the International Day of Multilateralism and Diplomacy for Peace, declared by the United Nations in 2018. In this year that we commemorate the 75th anniversary of the United Nations, the world is going through a profound social, health and economic crisis due to the COVID-19 pandemic, whose scourge and extension does not know borders, cultures or civilizations.

Regardless of social or cultural origin, all of us have witnessed the loss of a loved one. My deepest solidarity and empathy with them. Costa Rica will always stand by the silent victims of this pandemic that plagues families from all over the world.

Never more than today it is necessary to underline the importance of seeking global solutions to world problems, of betting on multilateralism and peace, of working from honesty and transparency, of promoting the values of the global citizenship. We have not suffered a crisis of such magnitude since the end of World War II, when the countries decided to create the current world order.

This pandemic reminds us that today we must more than ever defend and preserve the values of multilateralism, international cooperation and peace, which are the basis of the Charter of the United Nations and the 2030 Agenda for Sustainable Development Goals. In short, these principles are the basis of what we are today as a society and as people open to a plural world rich in cultures and traditions.

As a country that one day decided to abolish the army as an institution of the State, Costa Rica is a nation founded on those fundamental values and ethical principles. We join the efforts of the Secretary-General of the United Nations to declare a global ceasefire that helps contain the COVID-19. We are pleased that this joint effort by the international community is yielding results on the ground.

Costa Rica is committed to multilateral responses to the multiple challenges that we face due to the COVID-19 pandemic. In this titanic work, Costa Rica seeks solutions that widely benefit citizens, regardless of the country to which they belong. Our current problem affects our humanity as a whole.

We celebrate that Dr. Tedros Adhanom Ghebreyesus, Director General of the World Health Organization (WHO) has welcomed the proposal of the President of Costa Rica, Carlos Alvarado, and the Minister of Health, Daniel Salas, to create a repository of the existing knowledge related to diagnostic tests, devices, medications or vaccines for the COVID-19.

In the framework of the 75th United Nations General Assembly, Carlos Alvarado Quesada presented on 25 September 2020 a proposal for creating the Fund to Alleviate COVID-19 Economics (FACE), as a vehicle for international solidarity in light of the economic recession caused by the pandemic and an instrument to drive a sustainable recovery.

Costa Rica offers the world its particular way of understanding international relations, based on the principles of peace, human rights, development, cooperation and dialogue.

I take this opportunity to congratulate Ambassador Dr. David Fernández Puyana, Permanent Observer of the University for Peace to the United Nations Office in Geneva and at the UNESCO in Paris, for the detailed and accurate analysis of the national and global actions in the struggle against COVID 19. In particular, I also praised the contribution of the Kingdom of Saudi Arabia to this goal as Chairman of the Group of Twenty (G-20).

**Prof. Carmen Parra**

***UNESCO Chair on Peace, Solidarity and Intercultural Dialogue  
University Abat Oliba CEU (Spain)***

Nobody imagined a scenario like the one we lived in the year 2020. The economy, health, politics and society in general are looking for a new way to live alongside an invisible enemy, which silently attacks without immediate responses. Faced with this situation, the different sectors have acted by seeking solutions aimed at allowing a return to normality.

In this sense, the educational sector has responded to this great challenge with some solutions that will not only help to overcome the pandemic situation, but will probably stay with us.

What are the changes that the academy has taken to adapt before the COVID-19 pandemic?

The lack of presence education has led to a change in the digital educational field. In a short period of time, computers, social networks and IT applications have invaded the academic spaces. We have turned our houses into learning centers. Both teachers and students have learned how better communicating academic content. For this, the support of families and an adaptation of the educational policies of the countries have been essential to achieve an optimal outcome.

This situation has opened a new path to the globalization of teaching. The webinars with participants from the five continents have been followed from anywhere in the world, showing us that education has no borders. This networking has made it possible to learn about experiences occurred in other contexts, creating an interaction which is very beneficial for society.

However, digital technology has a negative side. In 2019, 87% of the industrialized population used the internet, while only 19% in the least developed countries could access technological tools. This situation has created exclusion and inequality in education, impeding the fulfillment of the Sustainable Development Goal 4, which aims to achieve quality education for all by 2030.

In order to achieve this challenge, the world of education and culture must break these barriers and allow the globalization of education imposed on us by COVID-19 in order to democratize the knowledge. Digital technology

needs to promote the online teaching in order to reach all regions of the world, offering opportunities to academics and students regardless of age, sex or cultural level.

As UN Secretary General Antonio Guterres indicated “Digital connectivity is indispensable, both to overcome the pandemic, and for a sustainable and inclusive recovery”. In this sense, I congratulate Ambassador David Fernández Puyana for his comprehensive analysis about the impact of the COVID-19 pandemic in the enjoyment of human rights, and in particular the right to education.



## PRESENTATION

**Dr. Francisco Rojas Aravena**  
**Rector of the University for Peace established by**  
**the General Assembly of the United Nations**

The Development of *Public Goods* as the Key to Overcoming  
the Unprecedented Covid-19 Pandemic and its Consequences

The G20 Leader's Statement begins, "The unprecedented COVID-19 pandemic is a powerful reminder of our interconnectedness and vulnerabilities. The virus respects no borders. Combatting this pandemic calls for a transparent, robust, coordinated, large-scale and science-based global response in the spirit of solidarity. We are strongly committed to presenting a united front against this common threat."

Humanity is facing a global crisis of such magnitude, that we do not have a record of the broad impact the Covid-19 pandemic is generating on all areas. "The Covid-19 pandemic is one of the most dangerous challenges this world has ever faced. This is a crisis of all humanity with serious health and socio-economic consequences<sup>1</sup>" declared UN Secretary-General António Guterres. The pandemic has brought about essential changes in health, the economy, production, trade, social relations, and relations in the international system and between the major powers. It also affects the most diverse areas of the planet, at all levels, especially with regards to health and economic development. The global recession will have direct effects on poverty and hunger all over the world as a consequence of the fall of production and trade, as well as on the resources of individual States. The post-pandemic and post-global crisis effects will be profound, lasting and long-term. It will be necessary to design "another reality" that can apply the lessons for humanity generated by the pandemic regarding the protection of the planet.

What is already clearly evident is that the setbacks will be greater than those generated by the 2008 crisis. It is expected that the recessive impacts will be similar to those produced by the 1929 economic crisis. The global Covid-19 crisis has a common global effect: it produces uncertainty. In this framework, is important to highlight another global impact: it produces generalized fear/panic due to the virus' impact on health, and, as a result of the containment measures, fear regarding subsistence and economic development and the quality of future life. Unemployment already affects an important part of

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1 SG UN. "Statement by the Secretary-General on Covid-19". 8 April 2020. New York

humanity and those social actors whose livelihood depends on the informal economy suffer the most. Amplifying these uncertainties and fears is the presence of fake news, which constitute a pandemic in and of themselves, with harmful effects on societies, leaders and their national and international relations.

This global crisis generated by Covid-19 is superimposed on the ongoing global strategic restructuring that is characterized by insecurities, perplexity, hesitation and erratic courses on behalf of the main actors. These power relations have not yet been brought into a new balance. This situation has been expressing itself since the great changes generated by the end of the Cold War. In this struggle for power in the international system, the differences are expressed in different types of disputes between the main actors, particularly between the major powers, including those of an economic, technological, political and ideological, and even military nature.

One of the results of these transformations can be seen in the great difficulties of the international system to institutionally modulate differences and articulate consensus. The result is a significant crisis of the multilateral systems. In the context of the struggle for new relationships, it is practically impossible to effect change in the organization of international institutions. The global institutional framework has changed very little. Since the end of the Cold War, the reforms proposed to adapt the United Nations Security Council and the styles of leadership and representation within the World Bank and the International Monetary Fund, have not advanced.

The only real change has been the creation of the G20, which represents 66% of the world's population and nearly 85% of global GDP. In the current context of the global crisis generated by Covid-19, a more active role is demanded of it. It must be able to produce effective impacts within the framework of the world's demands in order to face the serious, broad and multiple consequences of the Covid-19 pandemic, in the different areas in which it is manifesting itself.

The context in which current trends are analysed shows that multilateralism has lost its strength. In the midst of the expansion processes of the Covid-19 pandemic, many transformations have taken place. One significant one is that borders have been re-established and the sovereign spheres of the national state are once again expressing themselves with strength. It seems that sovereignty is seeking to recover from the changes that interdependence established, now in the context of the pandemic. Sovereignty and nativism have increased their weight to the detriment of the associative action of multilateralism. The manifestations of this are greater than just trade disputes. Conflict situations are generated that spill over beyond that area. These range from finance, R&D, transport, and communications, to competition in military spending. Tensions are expressed more generally

in political-strategic relations. They mark a situation of imbalances and uncertainties in global relations within the international system, particularly in its institutional frameworks, and the uncertainty is increasing, along with difficulties in forecasting future trends.

At this time, when maximum cooperation, solidarity and understanding are required, the United Nations Security Council is paralyzed by differences and a lack of basic consensus between the five permanent members, by vetoes and crossed differences. The dissimilarities cannot be overcome. This inhibits collaborative courses of action beyond this body and impacts others such as the G20 itself.

In this context, it seems impossible for global institutions to set in motion effective actions. Moreover, these differences are transferred to other multilateral bodies, including the G20. Hence the importance of leadership in order to manage essential decisions and overcome the multiple and extended effects of the pandemic.

If the leaders within this body – which seeks to overcome the difficulties of global parliamentary multilateralism – do not achieve their task, the result is dangerous and disappointing. That is, multilateralism is devalued in its capacities, and with it, international order is weakened. The main consequence is a significant setback in international cooperation.

The pandemic is a serious risk to **human security**. The poor quality of the multilateral response to the gravity of the pandemic makes countries and their societies vulnerable to new risks, threats and challenges.

Transnational threats are increasing. The expansion and global effects of Covid-19 are a tangible example. The challenges and dangers to humanity are increased by the lack of action to stop and mitigate traditional threats. These include the re-emergence of nuclear tensions, the emergence of new dangers – such as climate change and transnational crime – and the dangers of a new economic and financial crisis. In addition, it is necessary to consider the adjustments needed to face the “other reality” that will emerge from the post-pandemic era.

The above situations and processes reveal that no state or international actor has the capacity or conditions to face the new global challenges alone. No State, through its decisions and courses of action, can stop the advance of climate change and its manifestations, including severe desertification, storms, hurricanes, and tornadoes, among others. No State possesses the skills, the reserves – political, financial, human, or material – nor the logistical capabilities for deployment to confront transnational organized crime.

Prevention policies require cooperation and partnership. Multilateral action is essential to meet global challenges. Today, more than ever, partnership and cooperation are required to successfully tackle the Covid-19 pandemic.

International organizations defend and work to ensure a better exercise of basic human rights and the protection of individual persons. But they will only achieve this if a basic consensus is reached to coordinate policies generated by parliamentary multilateralism, in which all actors participate. In this regard, the guidelines issued by bodies such as the G20 are significant in influencing the guidelines of future global courses of action.

Only cooperation and partnership will make it possible to face the challenges and risks arising from the links and tensions in the international system. Likewise, international partnerships and cooperation are essential for reducing and slowing the relentless consequences of climate change as a product of global warming. They are also essential for mitigating and acting effectively when faced with the emergence of health crises and pandemics. Without agreements, without coordination, it will be impossible to contain the advance of transnational crime and the violence that it entails, in all regions and countries. Without multilateral cooperation, there are no opportunities for effective and efficient diplomacy to reduce the emergence of rigidities between the actors involved in these global processes.

Global issues must be resolved globally. There are no effective national responses that can address global challenges. Establishing multilateral courses of action presupposes the development of trust between actors, without which progress is either non-existent or very limited. Hence, building mutual trust among international actors and among their agents is essential. Developing limited operational agreements and then moving on to greater coordination is part of building these trust processes. On this basis, it will be possible to pave the way towards deeper consensus and more stable and broader agreements. Cooperation, global understanding, and a greater solidarity among the planet's inhabitants, as well as our collective care of it, will make it possible to overcome this deep and serious crisis that affects the entire planet without differentiating between regions or countries, rich and poor individuals, or privileged and vulnerable populations.

These situations demand political solutions within a complex context, due to the multidimensional nature of the impacts of the global Covid-19 crisis. Hence the importance of generating effective leadership in contexts of high uncertainty and erratic times. Policy responses that build agreement are essential.

In this, the United Nations and parliamentary multilateralism are the cornerstones. The United Nations set out to ***save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights***, as expressed in the ***Universal Declaration of Human Rights***, which set forth

in an indelible way forward for international institutions. The University for Peace, like other intergovernmental bodies, set out to change the way humanity thought, so that it would develop new paths towards peace. In this task, education and a Culture of Peace and Non-violence are fundamental instruments. It is a multilevel and multifactorial endeavour, one that goes from the local to the global.

Building new paths to peace means that education must be based on understanding and tolerance, where cooperation and solidarity are paramount. Achieving the development of a Culture of Peace and Non-violence, together with the promotion and development of a respect for human rights, democracy, progress, security, and peace, is a continuous task. It is a permanent and constant action.

With global interdependence, it is necessary to visualize and generate operational frameworks and platforms so that the link between peace and security, development and human rights – which are the foundations of the United Nations and which reinforce each other – can be transformed into specific actions that contribute to the de-escalation of domestic, regional and international tensions. From there, it will be easier to coordinate actions to address the pandemic and its multiple impacts on all regions of the world. That is why the call made by the United Nations Secretary-General for a global ceasefire is so important, as is his call to stop the hate discourse.

The central point is that, in any scenario, cooperation will continue to be the key to overcoming the current health crisis, which recognizes no state borders and will continue over time, hopefully with lower rates of illness and death. Cooperation will be decisive in facing the economic, financial, social and political crises derived from Covid-19. Without cooperation, the future will not only be more uncertain and unpredictable, but also more fraught with danger for all of humanity and for the planet.

We reaffirm what has been said: no State, no matter how powerful it may be, can solve the great challenges facing humanity on its own. Today, it is Covid-19; today and tomorrow, it will be climate change; today, and for a long period of time, the global recession that accompanies it, with its serious economic, social and cultural impacts, as well as its political consequences.

In this last area, we emphasize that democracies are under tension and are eroding due to the breakdown of social cohesion. This is the result of great inequalities and the great distrust of citizens in governments and the essential institutions that contribute to the development of the rule of law, including parliaments, justices, and political parties, among others. It will be essential to rebuild national governance, based on new social and political pacts. This will mean seeking and developing effective policies to reduce the great inequalities currently present in matters essential for dignified life: health, education, pensions, and basic wages.

Uncertainty also dominates the economy and the possible effects of the pandemic on trade, investment, and the various related policies, especially social and economic policies for recovery. The fall in the stock markets on a global scale anticipate a major recession, as well as lower production, due to both the measures taken to restrict the individual movement of an important part of the world's citizens and the breakdown of global production chains. At the same time, the value of raw materials is falling, which mainly affects the countries of the Global South. The forecasts are that there will be a reduction of one third in world trade. Both supply and demand are falling simultaneously. Economies come to a standstill. Consumption collapses along with production. The recessive impact on airlines, tourism, sports, and entertainment are abysmal, far beyond the reduction of industrial production.

Demands on the State increase. It is from the State that the resources to face the crisis will come. The global vision of how to face the diverse angles of the crisis is one of the main tasks of the State. The pandemic has deepened changes in the course of many power relationships, one of which is the relationship between the State, the market, and society.

The lack of cooperation can increase geopolitical tensions in the midst of the pandemic, which are currently expressed as positions of prestige and recognition, both by States and by their leaders. This is taking place at a time when global and regional multilateralism is in retreat. The more multilateral coordination is required, the weaker its institutions are. This reaffirms the need for greater leadership to address the serious consequences of the pandemic.

The United Nations Secretary-General said: ***"The pandemic also poses a significant threat to the maintenance of international peace and security -- one that could lead to increased social unrest and violence that would greatly undermine our ability to combat the disease."***<sup>2</sup>This reaffirms that we are living in a period of global instability. These are erratic and turbulent times. The Covid-19 pandemic will leave more inequality, more poverty, and more hunger. The most vulnerable sectors are the one that will pay the highest price and through whom social ruptures are strongly manifested.

With this planetary framework, the path to peace becomes more difficult. This is evidenced in the book published by the University for Peace, ***The Difficult Task of Peace. Crisis, Fragility and Conflict in an Uncertain World*** (2020).<sup>3</sup> We live in an interdependent world, and we have a shared responsibility to

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2 UN. Antonio Guterres. "Observaciones del Secretario General al Consejo de Seguridad sobre la pandemia Covid-19". 9 de abril 2020. Nueva York. <https://www.un.org/sg/en/content/sg/statement/2020-04-09/secretary-generals-remarks-the-security-council-the-covid-19-pandemic-delivered>

3 Rojas Aravena, Francisco (Ed). ***The Difficult Task of Peace. Crisis, Fragility and Conflict in an Uncertain World***. Palgrave. 2020.

achieve peace, protect the planet, and achieve progress, as outlined in the **2030 Agenda** and the Sustainable Development Goals.

How do we develop public goods that are essential to the “other reality” we will face in the post-pandemic era? These are the pillars that were established 75 years ago: sustainable peace that will deliver security for all, a respect for people’s basic human rights and sustainable development. Public goods will make it possible to advance in the effective protection of humanity and of the planet.

The development of these universal frameworks of action – for the protection of the large majority of humanity, particularly women, children, the elderly, excluded populations, migrants and refugees, among others – will make it possible to reduce inequalities and ensure environmental protection.

It is necessary to think of new solutions in the field of education for peace and the culture of non-violence. The University for Peace is preparing professionals capable of accompanying these processes as they pertain to conflict resolution. We look at the transnational, at interdependence, and we think of entropy, that is to say, the theory of chaos, in order to manage chaos and give a certain sense of coherence to the different policies that can be promoted to transform disputes and achieve a sustainable peace.

The goals of the **2030 Agenda** acquire greater significance in the context of the Covid-19 pandemic and its impacts on the immediate future. Meeting them will require great intellectual effort to find innovative responses to the new challenges, to establish new paradigms and to find a new way for humanity to relate to the planet and each other.

Achieving the goals of the **2030 Agenda** will be even more complex in the face of the “other reality” that we must build in partnership, given global interdependence. The priority at this time is universal health; tomorrow, it will be the recovery from the serious social and economic effects of a great global recession; and throughout all these processes, a concern and care for the environment, in order to avoid an even greater catastrophe due to the irreversibility of global warming and climate change. As I have pointed out, cooperation and solidarity are the essential values that will make it possible to achieve the goals set by the **2030 Agenda** and the protection of the essential pillars of multilateralism proposed by the United Nations 75 years ago.

The work presented here by the University for Peace, through its Permanent Observer to both the United Nations Office in Geneva and UNESCO HQ in Paris, Dr. David Fernández Puyana, focuses on **“National and Global Actions in the Fight Against Covid-19: Saudi Arabia’s Contribution to these Objectives as Chair of the Group of Twenty (G20).”**

The analysis provided focuses on how education contributes to the three pillars of the United Nations: peace and security, human rights, and

development. In this sense, I am confident that this research will add constructively to the vision of the **2030 Agenda for Sustainable Development**. Furthermore, I would like to agree with the argument presented in this paper, which concludes that the G20, through its Pro-Tempore Presidency in the hands of Saudi Arabia, has an enormous responsibility to provide a clear response to the challenges posed by COVID-19 with regards to the economy, trade, energy, human rights, and peace.



## **INTRODUCTION**

During the second half of the 20<sup>th</sup> century and beginning of the current century several human flue pandemics have occurred, affecting millions of people. The Asian (1957), Hong Kong (1968) and the Swine (2009-10) Flue are clear examples of pandemics which share common features with the COVID-19 pandemic, namely: human have little or no immunity to it, the virus can cause significant illness or death and the virus can be spread easily from person to person. Also a form of these virus still circulates as seasonal flue.

From these three main flue pandemics occurred from 1945, we can obtain some lessons, which could be perfectly replicated to the COVID-19 pandemic. In summary, all these flu pandemics, including the one on the COVID-19, are spread in waves, which may last weeks to months until the vaccine arrives and therefore, the potential impact in the business community may be very severe. Finally, schools may be temporarily closed, the freedom of movement restrained, mass gatherings cancelled and some travel restrictions imposed by the health authorities.

However, the outbreak of the COVID-19 is being by far the most severe because it profoundly affects to the globalization. The free movement of people, goods, and services led by globalization has also become a source of spreading diseases. The world has now become like a small neighborhood where people can easily interact with each other without facing any serious barriers. In this sense, the COVID-19 has turned into a major pandemic disease that affects millions of people around the world.

The consequences of the COVID-19 have had an important impact on the various fields of the economy, such as major industries, energy and stock markets. The COVID-19 is menacing the whole of humanity. Consequently, individual country responses are not going to be enough to find a global solution to this threat. Despite the enormity of the challenge posed by the COVID-19, the President of the 74<sup>th</sup> session of the General Assembly stressed that multilateralism is being strengthened and not frayed during the pandemic.

As indicated by the Secretary-General of the United Nations on his message on the International Day of Multilateralism and Diplomacy for Peace held on 24 April 2020, “we need a networked multilateralism, strengthening coordination among all global multilateral organizations, with regional ones able to make their vital contributions”. In this sense, the actions taken by the

United Nations system and the Saudi Presidency of the Group of Twenty (G-20) in the struggle against the pandemic are having its effects in the alleviation and stability of the world.

The Secretary-General of the United Nations also said recently that solidarity is needed in the world in order to defeat the crisis, which he called the “gravest test since the founding of this Organization”. This “pandemic also poses a significant threat to the maintenance of international peace and security -- potentially leading to an increase in social unrest and violence that would greatly undermine our ability to fight the disease”, he also stressed before the member States of the Security Council on 10 April 2020.

Human rights are key in shaping the pandemic response, both for the public health emergency and the broader impact on people’s lives and livelihoods. The United Nations stressed that “this is not a time to neglect human rights; it is a time when, more than ever, human rights are needed to navigate this crisis in a way that will allow us, as soon as possible, to focus again on achieving equitable sustainable development and sustaining peace”.

In order to achieve peace through the education, the role played by the University for Peace (UPEACE), established by the General Assembly of the United Nations in its resolution 33/55, is important as a world’s leading educational institution in the field of conflict resolution. The broader mission of the University is multiple, namely: to provide higher education for peace, to stimulate cooperation among peoples and to help lessen obstacles and threats to world peace and progress. In particular, the promotion of understanding and respect is always linked to the enjoyment of human rights.

The main risks for the post-COVID-19 pandemic could be the increase of supremacist attitudes and the exploitation of hate speech against vulnerable groups. In order to combat the consequences derived from the COVID-19, it is vital to promote the right to education, the intercultural dialogue and the cooperation among peoples. In this vein, it should be recalled that UNESCO was incepted in 1945 to promote peace and security through education, science and culture. Since wars begin “in the minds of men”, it is up to the schools all over the world to put an end to the beginning of war.

The current research entitled “National and global actions in the struggle against COVID 19: the Saudi’s contribution to this goal as Chairman of the Group of Twenty (G-20)” carries out the objective to promote the human rights education about a topic which affects to the full enjoyment of the three main pillars of the United Nations: peace and security, human rights and development. In the global struggle against the COVID-19, the research will elaborate the idea that the international community cannot pick and choose which pillar of the United Nations should support in the detriment of

the others. The three pillars are interconnected and mutually reinforcing to put an end to the COVID-19.

The research shall be divided into four different parts:

The first part will analyze the human right to health in the context of the COVID-19. The sources of the right to health, both the international law and human rights law will be the object of the research. However, the study about the health systems and the right to the highest attainable standard of health in light of the United Nations standards will be also analyzed. The underlying determinants of health will be taken into consideration - access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions - . The global access to medicines and the Costa Rican initiative on this regard will be also studied as the right of everyone to the full enjoyment of this right without discrimination and in terms of equality.

The second part will focus on the study of the state of emergency declared by States in order to face the COVID-19 pandemic. In this sense, the international law obligations and the State obligations when declaring emergencies will be taken into consideration. In order to analyze these exceptional measures, some regional human rights instruments will be also considered in this research. The human rights protection measures will be analyzed. In this sense, some non-derogable rights should be preserved in this exceptional situation of the COVID-19 pandemic. These non-derogable provisions under a state of emergency have become customary international law. Those human rights at the frontline in the current pandemic will be also studied, such as the right to life, the freedom of movement and the access to health care.

The third part will center in the humanitarian response of the United Nations to the COVID-19 crisis. Since the COVID-19 is threatening and harming the society, the term of crisis and crisis management will be also analyzed. The operationalization of the United Nations for the COVID-19 will be studied. The COVID-19 Global Humanitarian Response Plan which is aimed to fight the virus in the world's poorest countries and the role played by the Inter-Agency Standing Committee will be the object of the research. In this response , the UN General Assembly resolution 46/182 devoted to the humanitarian emergency assistance is vital to understand the action of the United Nations. Some challenges posed during the post- COVID-19 will be studied, such as the future of the work, food security and education.

The fourth part will study the Saudi achievements during the struggle against the COVID-19. The Saudi engagement in the achievement of the Sustainable Development Goals (SDG) will be analyzed in the context of the Voluntary National Review. An special reference about the linkages between the Vision

2030 goals and the 2030 Agenda will be included. Despite the circumstances of the COVID-19 pandemic, the measures and actions adopted in the human rights agenda during this period will be also stressed. In parallel, the peace and security agenda promoted by the Kingdom of Saudi Arabia (KSA) in the outbreak of the COVID-19 will be analyzed. The UN Secretary-General global appeal to all belligerents to down their weapons to help halt the spread of the COVID -19 and the Saudi unilateral ceasefire in Yemen will be also taken into account. As global and international actions, the Saudi G-20 Presidency and its achievements will be underlined

As an annex, this research shall also include the list of political and legal instruments which are referred in all different parts of this publication. This list does not pretend to be exhaustive, but only to introduce the readers to the security system and to make understandable the debates on the COVID-19 occurring in the United Nations and the KSA.

Peace is conceived not only in relation to conflict and war, but also as a purpose or objective to be progressively realized in connection to freedom, justice, equality, dignity, security and stability. Therefore, this research pretends to positively contribute to the Vision 2030 and the 2030 Agenda. Dialogue among countries based on mutual respect, understanding and equality is a prerequisite for establishing a post-COVID-19 world marked by tolerance, cooperation, peace and confidence among nations. Consequently, this current research shall permit us to delve more into the idea of conflict prevention and human rights as a part of the collective response to the COVID-19.

If you want Peace, work for Peace  
(Motto, University for Peace)  
David Fernández Puyana  
World UN Day  
(24 October 2020)

## **PART I: ANALYSIS OF THE HUMAN RIGHT TO HEALTH IN THE CONTEXT OF THE COVID -19**

### **1. Sources of the right to health**

#### **1.1 International humanitarian law**

In the XIX century, Henry Dunant decided to assist the wounded and most vulnerable people from those bloody wars which desolated European countries. This philanthropic person claimed at the Battle of Solferino (1859) that the wounded soldiers had to be assisted in the same battle fields to prevent their subsequent death because of lack of sanitary conditions<sup>4</sup>. Dunant's message was clear and precise: "A wounded man on the battlefields is not an enemy; he is a brother"<sup>5</sup>.

His interest in protecting victims of armed conflict was included in the **First International Governmental Conference** held at the Ateneo of Geneva in 1863. Dr. Nicasio Landa, the Spanish representative at the Conference, stressed the importance of the principle of Humanity<sup>6</sup>.

This initial thought was elaborated in one of the fundamental Principles of the international movement of the Red Cross and Red Crescent. The principle of humanity was proclaimed in the 20<sup>th</sup> International Conference of the Red Cross and Red Crescent held in Vienna in 1965<sup>7</sup>. The principle of Humanity is a firm commitment for the values flowing from the notion of human dignity. The International Committee has been called upon to help the victims, no longer of major international conflicts, but of civil wars which are often crueller still<sup>8</sup>.

In this context, the International Humanitarian Law (IHL) protects health in armed conflicts by requiring parties to an armed conflict to "treat humanely all the wounded, sick and shipwrecked and to provide them the fullest extent practicable and with the least possible delay, the medical care and attention required by their condition.... without no distinction among them founded

4 Guillermet Fernández, C. and Fernández Puyana, D. "Through humanity to peace: Efforts of Red Cross and Red Crescent to create a world free of war and conflict", *International Journal of Humanities and Social Science Research*, Vol. 2, No. 1, January 2016, Delhi (Inde), p. 16-17.

5 Henry Dunant, *A memory of Solferino* (Geneva: International Committee of the Red Cross, 1986)

6 *Journal The Voice of Charity*, No. 136, November 1, 1875 Henry Dunant, *A memory of Solferino* (Geneva: International Committee of the Red Cross, 1986)

7 Guillermet Fernández, C. and Fernández Puyana, D., supra note 4., p. 17.

8 Speech delivered by Léopold Boissier in the name of the International Committee of the Red Cross in the Auditorium of the University of Oslo on December 10, 1963 at the occasion of the award of the Nobel Peace Prize. See at [http://www.nobelprize.org/nobel\\_prizes/peace/laureates/1963/redcross-acceptance.html](http://www.nobelprize.org/nobel_prizes/peace/laureates/1963/redcross-acceptance.html) (accessed June 17, 2015)

on any grounds other than medical ones”<sup>9</sup>. It demands parties to protect the “the physical or mental health and integrity of persons who are in the power of the adverse Party or who are interned, detained or otherwise deprived of liberty...”<sup>10</sup>. Also parties to an armed conflict are also required to prohibit to subject the persons described in this Article to any medical procedure which is not indicated by the state of health of the person concerned...”<sup>11</sup>.

States are required to maintain a functioning healthcare system in place as part of their obligation to fulfill the right to health, including in situations of armed conflicts. Similarly, IHL requires States, “to the fullest extent of the means available to ... ensuring and maintaining ... medical and hospital establishments and services, public health and hygiene in the occupied territory, with particular reference to the adoption and application of the prophylactic and preventive measures necessary to combat the spread of contagious diseases and epidemics”<sup>12</sup>.

Like the rest of member States of the Gulf Cooperation Council (GCC)<sup>13</sup>, the Kingdom of Saudi Arabia (KSA) is part of the most international humanitarian treaties, which shows its engagement with the law of war and the protection of the right to health in armed conflict. In particular, the KSA legally assumed its global responsibility with the victims of armed conflicts<sup>14</sup>, methods and means of warfare<sup>15</sup>, naval and airwarfare<sup>16</sup> and protection of cultural property<sup>17</sup>.

9 Article 10, Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977

10 Article 11.1, supra note. 6

11 Article 11.1, supra note. 6

12 Article 56, IV Geneva Conventions relative to the Protection of Civilian Persons in Times of War, of 12 August 1949

13 The Gulf Cooperation Council was created in 1981 and its memberships are Saudi Arabia, Oman, Kuwait, United Arab Emirates, Qatar and Bahrain.

14 Geneva Conventions, 1949 (Ratification / Accession:18.05.1963), Final Act of the Diplomatic Geneva Conference, 1974-1977 (Signature:10.06.1977), Additional Protocol (I) to the Geneva Conventions, 1977 (Ratification / Accession:21.08.1987), Additional Protocol (II) to the Geneva Conventions, 1977 (Ratification / Accession:28.11.2001), Convention on the Rights of the Child, 1989 (Ratification / Accession:26.01.1996), Optional Protocol on the involvement of children in armed conflict, 2000 (Ratification / Accession:10.06.2011)

15 Geneva Protocol on Asphyxiating or Poisonous Gases, and of Bacteriological Methods, 1925 (Ratification/Accession:27.01.1971), Convention on the Prohibition of Biological Weapons, 1972 (Ratification / Accession:24.05.1972), Convention prohibiting Certain Conventional Weapons (CCW), 1980 (Ratification / Accession:07.12.2007), CCW Protocol (I) on Non-Detectable Fragments, 1980 (Ratification / Accession:07.12.2007), CCW Protocol (III) prohibiting Incendiary Weapons, 1980 (Ratification / Accession:07.12.2007), Convention prohibiting Chemical Weapons, 1993 (Ratification / Accession:09.08.1996), CCW Protocol (IV) on Blinding Laser Weapons, 1995 (Ratification / Accession:07.12.2007), CCW Protocol (V) on Explosive Remnants of War, 2003 (Ratification / Accession:08.01.2010)

16 Procès-verbal on Submarine Warfare of the Treaty of London, 1936 (Ratification / Accession:11.06.1937)

17 Hague Convention for the Protection of Cultural Property, 1954 (Ratification / Accession:20.01.1971), Hague Protocol for the Protection of Cultural Property, 1954 (Ratification / Accession:06.11.2007), Second Hague Protocol for the Protection of Cultural Property, 1999 (Ratification / Accession:06.11.2007)

The International Committee of the Red Cross (ICRC) Director Fabrizio Carboini said that the Middle East is facing today the twin threats of potential mass virus outbreaks in conflict zones and looming socio-economic upheaval. Both crisis could have severe humanitarian consequences. The COVID-19 pandemic threatens to be a global socio-economic earthquake. It will be felt acutely in the region's conflict zones, where millions are coping with little or no healthcare and destroyed infrastructure.

In accordance with the data provided by the ICRC, three of ICRC's five biggest humanitarian operations in 2019 were in Middle East – Yemen, Syria and Iraq. Because of the COVID-19 pandemic, half of all medical facilities in Syria and Yemen are not functioning<sup>18</sup>. In this context of humanitarian catastrophe, on 16 April 2020 the Secretary-General of the United Nations Antonio Guterres expressed gratitude for the Kingdom's announcement of providing \$500m to Yemen in its efforts in achieving advanced results and the aiding the Yemeni parties reach a desired peace deal<sup>19</sup>.

## 1.2. Human Rights Law

World War I and World War II were the most globally devastating conflicts in human history. These conflicts had a major impact on the development of public health in the 20th century<sup>20</sup>. The United Nations is a response to the two world wars. After a lively debate during the negotiation process of the Charter, a consensus was reached among all states that the efforts should no longer be limited to stopping direct threats of war, but should also include to fight against its root causes, including the protection of health<sup>21</sup>.

Adopted in 1946, the Constitution of World Health Organization (WHO) states: "The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition."

Two years later, the Universal Declaration on Human Rights (UDHR)<sup>22</sup> laid the foundations for the international legal framework for the right to health. Since then, the right to health has been codified in numerous legally binding international and regional human rights treaties. In this sense the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>23</sup>

18 ICRC, Preliminary Appeal: the ICRC's operational response to COVID-19, Geneva, 2020

19 Arab News, "UN thanks Saudi Arabia for Yemen humanitarian aid amid Coronavirus", at <https://www.arabnews.com/node/1659501/saudi-arabia>

20 School History, "The Impact of War on Public Health in the 20th Century", <https://schoolhistory.co.uk/notes/the-impact-of-war-on-public-health-in-the-20th-century/>

21 Guillermet Fernández, C. and Fernández Puyana, D., "Implementing the Declaration on the Right to Peace in the world", *European Human Rights Law Review*, Issue 3, Thomson Reuters, London (UK), June 2017, p. 286

22 Article 25 (1): "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services..."

23 Article 12: "... the right of everyone to the enjoyment of the highest attainable standard of physi-

provides the cornerstone protection of the right to health in international law.

Additional right-to-health protections for marginalized groups are contained in group-specific international treaties. The International Convention on the Elimination of Racial Discrimination (ICERD)<sup>24</sup> provides protections for racial and ethnic groups in relation to “the right to public health (and) medical care”. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>25</sup> provides several provisions for the protection of women’s right to health. The Convention on the Rights of the Child (CRC)<sup>26</sup> contains extensive and elaborate provisions on the child’s right to health.

Several regional human rights instruments also recognize the right to health, such as the European Social Charter of 1961 as revised<sup>27</sup>, the African Charter on Human and Peoples’ Rights of 1981<sup>28</sup> and the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights of 1988<sup>29</sup>.

The right to health is further explicated in the U.N. Economic and Social Council’s General Comment No. 14 in 2000. Article 3 of the General Comment indicates:

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cal and mental health”.

- 24 Article 5 (e) (iv): “In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights... The right to public health, medical care, social security and social services ...”
- 25 articles 11 (1) f, 12 and 14 (2) b: “States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: ... The right to protection of health and to safety in working conditions...”
- 26 Article 24: “States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services”
- 27 Art. 11: “With a view to ensuring the effective exercise of the right to protection of health, the Contracting Parties undertake, either directly or in co-operation with public or private organisations, to take appropriate measures designed inter alia: 1. to remove as far as possible the causes of ill-health; 2. to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health; 3. to prevent as far as possible epidemic, endemic and other diseases”
- 28 Art. 16: “1. Every individual shall have the right to enjoy the best attainable state of physical and mental health. 2. State Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick”.
- 29 Art. 28 “1. Everyone shall have the right to health, understood to mean the enjoyment of the highest level of physical, mental and social well-being.  
2. In order to ensure the exercise of the right to health, the States Parties agree to recognize health as a public good and, particularly, to adopt the following measures to ensure that right:  
a. Primary health care, that is, essential health care made available to all individuals and families in the community;



“The right to health is closely related to and dependent upon the realization of other human rights, as contained in the International Bill of Rights, including the rights to food, housing, work, education, human dignity, life, non-discrimination, equality, the prohibition against torture, privacy, access to information, and the freedoms of association, assembly and movement. These and other rights and freedoms address integral components of the right to health”<sup>30</sup>

The impact of social conditions on health was championed back in the 1800s by the German physician, Rudolf Ludwig Karl Virchow<sup>31</sup>. There are many barriers that prevent the equal realization of social goods—and consequently health for all people. A growing body of research has provided insight into the social issues that impact health inequities including the unequal distribution of wealth and power<sup>32</sup>, environmental hazards<sup>33</sup>, discrimination<sup>34</sup> and violence<sup>35</sup>. Realizing the right to health for all people will require addressing these issues. As noted by Farmer and Gastineau, “. . . the destitute sick are increasingly clear on one point: Making social and economic rights a reality is the key goal for health and human rights in the twenty-first century”<sup>36</sup>.

On 22 May 2004, the Council of the League of Arab States adopted the **Arab Charter on Human Rights**, which affirms the principles contained in the UN Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Cairo Declaration on Human Rights in Islam<sup>37</sup>. Article 39 recognizes that “the States parties recognize the right of every member of society to the enjoyment of the highest attainable standard of physical and mental health and the right of the citizen to free basic health-care services and to have access to medical facilities without discrimination of any kind”.

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30 United Nations. U.N. Economic and Social Council. General Comment No. 14. 2000. Available at [http://www.unhcr.ch/tbs/doc.nsf/\(symbol\)/E.C.12.2000.4.En](http://www.unhcr.ch/tbs/doc.nsf/(symbol)/E.C.12.2000.4.En)

31 Eisenberg, L. 1984, Sept. Rudolf Ludwig Karl Virchow: Where are you now that we need you? *The American Journal of Medicine*, 77, pp. 524-532.

32 World Health Organization/Commission on Social Determinants of Health. **Closing the gap in a generation: health equity through action on the social determinants of health**. Final Report of the Commission on Social Determinants of Health. Geneva. Website. Available at [http://whqlibdoc.who.int/publications/2008/9789241563703\\_eng.pdf](http://whqlibdoc.who.int/publications/2008/9789241563703_eng.pdf). Accessed August 24, 2012

33 Butterfield P. Upstream reflections on environmental health: An abbreviated history and framework for action. *Advances in Nursing Science*. 2002; 25(1):32-49.

34 Institute of Medicine. **Unequal Treatment: Confronting Racial and Ethnic Disparities in Healthcare**. 2002. Available at <http://www.nap.edu/catalog/10260.html>. Accessed October 16, 2012.

35 Urban Networks to Increase Thriving Youth (UNITY). Fact Sheet: Violence and Health Equity. Retrieved 2/2/14 from: <http://www.preventioninstitute.org/component/jlibrary/article/id-311/127.html>

36 Farmer, P. & Gastineau, N. Rethinking health and human rights: Time for a paradigm shift. *Journal of Law, Medicine & Ethics*, 30(2002): 655-666.

37 Almuzaini, Abdulaziz and Fernandez Puyana, David, **Moving towards a sustainable peace: a reflection on the United Nations' work**, United Nations mandated University for Peace and UNESCO Chair on Peace, Solidarity and Intercultural Dialogue at the University Abat Oliba CEU (Spain), p. 16 page

In March 2020, a group of UN Experts recalled that in the fight against the COVID-19 everyone has the right to health and nobody should be discriminated on the ground of race, colour, sex, descent, or national or ethnic origin:

“Everyone, without exception, has the right to life-saving interventions and this responsibility lies with the government. The scarcity of resources or the use of public or private insurance schemes should never be a justification to discriminate against certain groups of patients. Everybody has the right to health”.<sup>38</sup>

As to the principle of non-discrimination applied to older persons in the context of the COVID-19, UN Expert indicated that “Reports of abandoned older persons in care homes or of dead corpses found in nursing homes are alarming. This is unacceptable”. Consequently, the UN Independent Expert noted that older persons are already facing particular old age discrimination (“ageism”) and therefore require specific rights protection, which ensure them an equal realization of all their rights, including access to health care<sup>39</sup>.

Another important vulnerable group affected by the COVID-19 are children. In accordance with United Nations Children’s Fund (UNICEF) and UNESCO, this pandemic has led to at least 188 country-wide school closures, impacting more than 90% of the world’s student population. Internet usage has increased 50% in some parts of the world in order to complete the learning programs through virtual platforms as a substitute for the classroom and schoolyard. However, increased internet use can put children at greater risk of online harms such as sexual exploitation and cyberbullying<sup>40</sup>.

As pointed out by the United Nations, the impacts of the COVID-19 are also exacerbated for women and girls simply by virtue of their sex in several fields, namely: economic impact, health of women, unpaid care work and gender based-violence. All of these impacts are further amplified in contexts of fragility, conflict, and emergencies<sup>41</sup>. A group of UN experts have urged that Governments must ensure women from diverse groups and backgrounds are included in decisions at the local, national and international level in handling the COVID-19 pandemic<sup>42</sup>.

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38 Press Release, Statement by a group of UN experts on “No exceptions with COVID-19: “Everyone has the right to life-saving interventions”, 26 March 2020

39 Press Release, Statement by Ms. Rosa Kornfeld-Matte, UN Independent Expert on the enjoyment of all human rights by older persons on “Unacceptable” – UN expert urges better protection of older persons facing the highest risk of the COVID-19 pandemic”, 27 March 2020

40 UNICEF together with its partners, Global Partnership to End Violence Against Children, International Telecommunication Union (ITU), United Nations Educational, Scientific and Cultural Organization (UNESCO), UN Office on Drugs and Crime (UNODC), WePROTECT Global Alliance, World Health Organization (WHO), and World Childhood Foundation USA (Childhood USA), “COVID-19 and its implications for protecting children online April 2020”, p. 1

41 Press Release, Statement by the UN expert on the right to health on the protection of people who use drugs during the COVID-19 pandemic, 16 April 2020

42 Press Release, Statement by a group of UN experts on “Responses to the Covid-19 could exac-

Since the COVID-19 pandemic has already affected nursing homes, psychiatric hospitals and other detention centers, where there are heightened risks for persons with disabilities still in institutions, UN Experts requested States to take all appropriate measures to ensure access for persons with disabilities to health services and provide persons with disabilities with the same range, quality and standard of health care as provided to other persons, including mental health services<sup>43</sup>.

From the human rights perspective, Ms. Dainius Puras, the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, stressed in April 2020 that “COVID-19 is now a global public health emergency posing unprecedented challenges, creating new vulnerabilities, and exacerbating existing ones...Preventing the spread of this virus requires outreach to all, and ensuring equitable and non-discriminatory access to information, prevention, medical care and treatment for all persons, irrespective of their citizenship, nationality or migratory status”<sup>44</sup>.

## **2. Health systems and the right to the highest attainable standard of health**

The organized health systems are barely 100 years old, even in industrialized countries. In the MENA region, the KSA enjoys of the oldest and advanced preventive health system, which was created in 1925 by a royal decree issued by the King Abdul Aziz Al-Saud<sup>45</sup>. The KSA was ranked in 2020 by the World Population Review among the 26 best countries in providing high quality healthcare in light of a steady financing mechanism, a properly-trained and adequately-paid workforce, well-maintained facilities, and access to reliable information to base decisions on<sup>46</sup>. In the GGC region, Oman occupies the eight position, the highest in the world ranking followed by the KSA, United Arab Emirates (27), Bahrain (42), Qatar (44) and Kuwait (45).

One of the first attempts to unify thinking about health within a single policy framework was embodied in the ***Declaration of Alma-Ata on primary health care***, agreed by Ministers of Health from throughout the world and adopted on 12 September 1978 at the International Conference on Primary Health Care.

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erbate pre-existing and deeply entrenched discrimination against women and girls’, 20 April 2020

43 Press Release, 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”, 1 April 2020

44 United Nations Secretary-General, “Policy Brief: The Impact of COVID-19 on Women”, 9 April 2020, p. 2

45 Ministry of Health, KSA: <https://www.moh.gov.sa/en/Ministry/About/Pages/default.aspx>

46 World Population Review: <https://worldpopulationreview.com/countries/best-healthcare-in-the-world/>

This Declaration focuses on some vital components of an effective health system and still remains very relevant to health systems strengthening<sup>47</sup>.

Some of the elements embodied in the Declaration were developed in the Ottawa Charter for Health Promotion (1986). The Charter emphasizes the vital role of multisectoral prevention and promotion in relation to many health problems. Consequently, in the line of the WHO Constitution<sup>48</sup>, the Charter listed peace as the first prerequisite for health<sup>49</sup>. In recent decades there has been increasing recognition of violence as a public health concern<sup>50</sup>. In 1996 the World Health Assembly (WHA) declared violence a “leading worldwide public health problem” and adopted Resolution WHA 49/25 calling for public health strategies to address violence<sup>51</sup>. And in the 2002 report on violence and health, the WHO identified conflict resolution as an essential aspect of good public health practice<sup>52</sup>.

The positive approach to peace and social well-being in relation to the human right to health was elaborated in the General Comment No. 14 on the “the right to the highest attainable standard of health” adopted by the Committee on Economic, Social and Cultural Rights in 2000. In this regard, the Committee interprets the right to health

“...as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information”<sup>53</sup>.

In this sense, the reference in article 12.1 of the Covenant to “the highest attainable standard of physical and mental health” is not confined to the right to health care. The drafting history shows that the right to health embraces a wide range of socioeconomic factors that promote conditions in which people can lead a healthy life. Consequently, the definition of health contained in the preamble to the WHO Constitution conceptualizes health

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47 Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, Doc. A/HRC/7/11 31 January 2008, p. 20-21

48 Paragraph 3, Preamble, Constitution of the WHO: “the health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest co-operation of individuals and States”.

49 World Health Organization. First International Conference on Health Promotion. **Ottawa Charter for Health Promotion**. 1986.

50 World Health Organization. World Report on Violence and Health. [http://www.who.int/violence\\_injury\\_prevention/violence/world\\_report/en/](http://www.who.int/violence_injury_prevention/violence/world_report/en/), 2002. Retrieved March 7, 2007

51 World Health Organization. World Report on Violence and Health, supra note 50.

52 World Health Organization. World Report on Violence and Health, supra note 50

53 Committee on Economic, Social and Cultural Rights, General Comment No. 14 on the “the right to the highest attainable standard of health”, Doc. E/C.12/2000/4, 11 August 2000, paragraph 11

as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”<sup>54</sup>.

The realization of previously agreed-upon human rights, including the right to “the highest attainable standard of physical and mental health” is dependent upon a peaceful socio-political order. Collective violence causes grievous harm to human health not only through direct injury but by undermining the basic conditions essential for health including, “food, housing, work, education, human dignity, life, non-discrimination, equality...”.

Under international human rights law, States have the primary obligation to ensure the right to the enjoyment of the highest attainable standard of health. In this sense, the practice of health professionals has a significant bearing on the promotion and protection of human rights, in particular the right to health. As providers of health-care services, health professionals play an indispensable role in the realization of the right to health<sup>55</sup>.

In the Vienna Declaration and Programme of Action, adopted in June 1993 by the World Conference on Human Rights, States recognized the importance of special education concerning standards as contained in international human rights instruments and in humanitarian law for health professionals<sup>56</sup>. On the other hand, the important role played by the health professionals in the promotion of a culture of peace was also expressively recognised in the Declaration on Culture of Peace<sup>57</sup>.

The value of human dignity, central to the human rights paradigm is also foundational to health professional codes of ethics<sup>58</sup>. Historically there has been some notable work by health professionals engaged in efforts for the prevention of war<sup>59</sup>. More recently, the WHO has called for public health efforts to prevent violence<sup>60</sup>. Global health initiatives to address violence have emerged in recent years including the WHO “Health as a Bridge to Peace”

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54 Committee on Economic, Social and Cultural Rights, General Comment No. 14 on the “the right to the highest attainable standard of health”, 2000, paragraph 9

55 Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, Doc. A/60/348, 12 September 2005, paragraph 8

56 Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on 25 June 1993, art. 82

57 Art. 8: “A key role in the promotion of a culture of peace belongs to parents, teachers, politicians, journalists, religious bodies and groups, intellectuals, those engaged in scientific, philosophical and creative and artistic activities, health and humanitarian workers, social workers, managers at various levels as well as to non-governmental organizations”

58 American Nurses Association. *Code of Ethics for Nurses with Interpretive Statements*. 2001; Washington, D.C.: American Nurses Association and American Medical Association. Principles of Medical Ethics. (1957/2001).

59 Santa Barbara, J. & Arya, N. Introduction. In Arya, N & Santa Barbara, J, eds. *Peace through Health: How Health Professionals Can Work for a Less Violent World*. Sterling, Virginia: Kurnarian Press, Inc.; 2008, 3-13

60 Santa Barbara, J. & Arya, supra note 59

program<sup>61</sup>. They use the term “Peace through Health” to describe a variety of methods by which health professionals can work to advance peace<sup>62</sup>. Health professionals can redefine war as a public health catastrophe by calling attention to the suffering and health costs borne by victims on both sides.

UN Expert claimed that in the fight against the COVID-19, “the brave doctors, nurses, emergency first-responders and other medical professionals working on the frontlines of the global fight against the Coronavirus pandemic are heroes. Their tireless work and self-sacrifice show the best of humanity”. Therefore, he added that “they must be protected”. He concluded saying that “it is time to put aside our differences and to work together to protect the most vulnerable people from this virus, the elderly and those who bravely care for them: our health care workers”<sup>63</sup>.

The international dimension of a health system is also reflected in States’ human rights responsibilities of international assistance and cooperation. These responsibilities are reflected in the outcome documents of several world conferences, such as the Sustainable Development Goals -2030 Agenda-, set in 2015 by the United Nations General Assembly in its resolution UN Resolution 70/1. In particular, Goal 3 focuses its attention on the global efforts in improving the health of millions of people, increasing life expectancy, reducing maternal and child mortality and fighting against leading communicable diseases.

In accordance with international law, all States have a responsibility to cooperate on transboundary health issues and to “do no harm” to their neighbors. High-income States have an additional responsibility to provide appropriate international assistance and cooperation in health for low-income countries<sup>64</sup>. In this context, the right to health approach recognizes the essential role that international assistance and cooperation plays in ensuring that adequate funds and resources are available for health globally<sup>65</sup>.

In light of the spirit of cooperation embodied in the UN Charter, on 27 March 2020 the UN Assembly unanimously adopted a resolution entitled “Global solidarity to fight the Coronavirus disease 2019 (COVID-19)”, co-sponsored by 188 nations, reaffirming “its commitment to international cooperation and multilateralism and its strong support for the central role of the United

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61 WHO. Health as Bridge for Peace. <http://www.who.int/hac/techguidance/hbp/about/en/index.html>. Published 2009. Accessed July 21, 2009

62 Santa Barbara, J. & Arya, supra note 59, p. 5

63 Press Release, Statement delivered by Mr. Baskut Tunçak, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes: “COVID-19: Health care heroes need protection”, 17 March 2020

64 Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, Doc. A/60/348, 12 September 2005, paragraph 61

65 Article 56 of the Charter of the United Nations and articles 2 (1), 12, 22 and 23 of the International Covenant on Economic, Social and Cultural Rights

Nations system in the global response to the Coronavirus disease 2019 (COVID-19) pandemic”<sup>66</sup>.

On the basis of the call made by the General Assembly to mobilize a coordinated global response to the pandemic, KSA in its capacity as holder of the G-20 Presidency, pledged \$500 million to international organizations to support the global efforts in combating the Coronavirus pandemic. This pledge will support emergency and preparedness response, developing and deploying new diagnostics, therapeutics and vaccines. KSA also called on all countries, NGOs and the private sector to take part in the global efforts to close the required financing gap to combat the COVID-19 pandemic.

On the basis of the relationship between the enjoyment of right to health as a vital element to achieve peace, the Declaration and Programme of Action on Culture of Peace stressed that some actions aimed at promoting international peace and security could be as follows: the full enjoyment of human rights, including the right of everyone to a standard of living adequate for their health and well-being and their right to food, medical care and the necessary social services, while reaffirming that food and medicine must not be used as a tool for political pressure<sup>67</sup>.

In order to fulfill the health systems and the right to the highest attainable standard of health, the KSA has taken several measures aimed at combating the COVID-19 pandemic, namely: temporary suspension of travel for citizens and residents; suspension of air flights and the movement of travelers through a number of land ports while continuing to allow commercial and freight traffic, as well as the movement of humanitarian and exceptional cases; harboring citizens stranded abroad and providing them with all preventive, medical and living services as well as psychological support; suspension of religious, social and cultural gatherings and events, academic study, and attending at workplaces; closing markets and shopping malls, with the exception of pharmacies and foodstuff markets, along with providing all types of foodstuff, medical and preventive supplies and consumable goods; application of the methods of home quarantine and isolated cities and regions; taking the necessary precautions to prevent the spread of the COVID19 in prisons, detention facilities and reform institutions; providing free treatment to all COVI19 patients including citizens and residents even those in violation of residency laws and payment of installments has also been postponed all public and private health workers who have credit facilities in recognition of their efforts.

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66 UNGA Resolution A/74/L.54, 'Global solidarity to fight the Coronavirus disease 2019 (COVID-19)', 27 March 2020

67 Article 16 (g), Declaration and Programme of Action on Culture of Peace, Doc. A/RES/53/243, 6 October 1999



### 3. Access to medicines

In recent years, the UN Committee on Economic, Social and Cultural Rights, WHO and many others have developed an analysis of the right to health to recall that all health services, goods and facilities shall be available, accessible, acceptable and of good quality. In the context of access to medicines this requires States to ensure that medicines are available, accessible, culturally acceptable, and of good quality<sup>68</sup>.

Consequently, States have an obligation under the right to health to ensure that medicines are available, financially affordable, and physically accessible on a basis of non-discrimination to everyone within their jurisdiction. Developed States also have a responsibility to take steps towards the full realization of the right to health through international assistance and cooperation<sup>69</sup>.

Furthermore, the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health clarifies the framework of implementation of the right to health.

In this sense, the right to health in all its forms and at all levels identifies the element of full accessibility to the health facilities, goods and services as a precise condition for the full enjoyment of health. In this regard, the prevention, treatment and control of diseases are central features of the right to health<sup>70</sup>.

In the expert consultation on access to medicines as a fundamental component of the right to health, held in Geneva on 11 October 2010, in accordance with the Human Rights Council resolution 12/24, UN Rapporteur concluded that

"The right of everyone to the enjoyment of the highest attainable standard of health encompasses access to medical services and the underlying determinants of health, such as water, sanitation, non-discrimination and equality. As access to medicines is an integral and fundamental part of the right to health, Governments and the international community as a whole have a responsibility to provide access to medicines for all"<sup>71</sup>.

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68 World Health Organization, Human Rights, Health and Poverty Reduction Strategies, (Geneva, 2005); Physicians for Human Rights, *Deadly Delays: Maternal Mortality in Peru*, (Boston, 2007).

69 Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, Doc. A/HRC/11/12, 31 March 2009, paragraph 11

70 Committee on Economic, Social and Cultural Rights, General Comment No. 14 on the "the right to the highest attainable standard of health", Doc. E/C.12/2000/4, 11 August 2000, paragraph 12 and 16

71 Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, Doc. A/HRC/17/43, 16 March 2011, paragraph 44



Health trends indicate that despite progress made in the past years, massive inequalities remain in access to health services and medicines around the world<sup>72</sup>. Current health inequalities regarding access to medicines demonstrate the need for States to respect their obligations under international law to protect the right to health. This includes ensuring that their laws and practices take into consideration the right to health and the need to ensure access to affordable medicines to all<sup>73</sup>.

Human rights - and the right to health - have a particular concern about those who are disadvantaged, marginal and living in poverty. This preoccupation is reflected in numerous human rights provisions, such as those relating to non-discrimination and equal treatment<sup>74</sup>. As indicated by the World Bank, poverty is a major cause of ill health and a barrier to accessing health care and medicines when needed<sup>75</sup>.

In the struggle against the COVID-19, UN Expert said that “people in poverty are disproportionately threatened by the Coronavirus. They are more likely to work in jobs with a high risk of exposure, live in crowded and insecure housing, reside in neighborhoods that are more vulnerable because of air pollution, and lack access to healthcare”. The poor have fewer resources to cushion the economic effects and are more adversely affected by measures to slow the spread of the virus<sup>76</sup>.

On 24 March 2020, the Chairpersons of the 10 UN Treaty Bodies<sup>77</sup> urged global leaders to ensure that human rights are respected in government measures to tackle the public health threat posed by the COVID-19 pandemic. They also urged governments to take extra care of those particularly vulnerable to the effects of the COVID-19, including older people, women, people with disabilities, minorities, indigenous peoples, refugees, asylum seekers and migrants, people deprived of their liberty, homeless people, and those living in poverty.

In response to an urgent appeal from the World Health Organization (WHO), on 31 March 2020 the King Salman Humanitarian Aid and Relief Centre (KSrelief) signed an agreement for USD 10 million in financial support to

72 WHO, World Health Report, Primary Health Care Now More than Ever (Geneva, 2008)

73 Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover, *supra* note. 69, paragraph 16

74 Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Paul Hunt, Doc. E/CN.4/2004/49, 16 February 2004, paragraph 64

75 The World Bank, Health Equity and Financial Protection Country Reports, 2012

76 Press Release, Statement delivered by Mr. Philip Alston, Special Rapporteur on extreme poverty and human rights: “US COVID-19 strategy failing the poor”, 16 April 2020

77 The ten treaty bodies are the following: the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of Persons with Disabilities, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women, the Committee Against Torture **and its** Subcommittee on Prevention of Torture, the Committee on Enforced Disappearances **and the** Committee on Migrant Workers.

WHO for urgent action needed to minimize the spread of the COVID-19 by supporting countries with vulnerable health infrastructures. In particular, this contribution will be aimed at purchasing preventive equipment for health workers, and laboratory equipment needed for investigations on the virus. The grant will also assist in carrying out scientific research towards developing a vaccine to prevent the COVID-19, and will fund the purchase of medications to treat cases of the virus.

The KRSrelief is “dedicated to coordinating and providing international relief to crisis-afflicted communities, alleviating suffering and providing the essentials to allow people everywhere to live good lives”. The number of the Center’s completed and ongoing projects was 1087 as of 31 October 2019 with a total cost of around one billion dollars.

The United Kingdom also announced that it would provide some \$US 254 million (£210 million) in new funding to the Oslo-based Coalition for Epidemic Preparedness Initiative (CEPI) to support the quest for rapid development of a vaccine for the COVID-19, in what represents the single largest commitment so far to vaccine research. The UK contribution complements pledges that have already been made by Germany, Norway, Denmark, and Finland.

In the pursuit of a vaccine for the COVID-19, the President of Costa Rica proposed on 24<sup>th</sup> March 2020 to WHO the creation of a free access repository, or at least, with reasonable and affordable licensing, of all the existing knowledge that serves to face this emergency, and the one that will be generated in the future. This repository should include patents granted and in process to be granted, test data submitted to regulatory authorities, expert and technical knowledge, cell culture information, copyrights and designs for the manufacture of diagnostic tests, devices, as well as drugs or vaccines<sup>78</sup>.

WHO Director General, Dr Tedros Adhanom Ghebreyesus has welcomed the call by Costa Rica’s President, Carlos Alvarado Quesada, for WHO to launch an initiative that would “pool rights to technologies that are useful for the detection, prevention, control and treatment of the COVID-19 pandemic”.

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<sup>78</sup> Letter of the President of Costa Rica Mr. Carlos Andres Alvarado Quesada addressed to Dr. Tedros Adhanom Ghebreyesus, Director-General, World Health Organization, 23 March 2020

## **PART II: STATE OF EMERGENCY UNDER THE COVID-19**

### **1. International law obligations**

On 25 March 2020, Oxford University launched the world's first COVID-19 government response tracker<sup>79</sup>. In accordance with this data base, the COVID-19 outbreak has forced governments to put in place policies to contain the spread of the disease among their population in the context of a State of Emergency. The Oxford COVID-19 Government Response Tracker collects publicly available information on 11 indicators (S1-11) of government response, such as the closure of school, public transport and workplace or the restriction on movements<sup>80</sup>.

Derogation of fundamental freedoms recognized by international law refers to the legally mandated privilege of States to restrict certain individual rights in the exceptional circumstances of emergency or war. A variety of global and regional legal instruments are used to describe these exceptional circumstances<sup>81</sup>. In this sense, the International Covenant on Civil and Political Rights (ICCPR) uses the operative phrase "... restrictions may be placed ... in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others"<sup>82</sup>.

The ICCPR provision or restriction is applied in relation to the enjoyment of several fundamental rights and freedoms recognized in the ICCPR<sup>83</sup>. Consequently, in general terms the measures enacted by States on the basis of the protection of public health to fight the COVID-19 are in conformity with the ICCPR. However, UN Experts stressed that "while we recognize the severity of the current health crisis and acknowledge that the use of

79 See at <https://www.bsg.ox.ac.uk/news/worlds-first-covid-19-government-response-tracker-launched-today>

80 11 indicators of government response: 1. school closure; 2. workplace closures; 3. public event cancellation; 4. public transport closure; 5. public information campaigns; 6. restriction on internal movement; 7. international travel controls; 8. fiscal measures; 9. monetary measures; 10. emergency investment in healthcare; 11. investment in vaccines

81 Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the human rights challenge of states of emergency in the context of countering terrorism, Fionnuala Ní Aoláin, Doc. A/HRC/37/52, 27 February 2018, paragraph 7

82 Art. 21, ICCPR

83 Freedom of thought, conscience and religion (art. 18.3), ICCPR: "Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others". Right to hold opinions (art.19.3 (b)), ICCPR: "For the protection of national security or of public order (ordre public), or of public health or morals" Right to freedom of association (art. 22.2): same text that art. 21, ICCPR

emergency powers is allowed by international law in response to significant threats, we urgently remind States that any emergency responses to the Coronavirus must be proportionate, necessary and non-discriminatory”<sup>84</sup>.

In light of the restrictions of rights and freedoms declared by countries in the context of a state of emergency, some regional instruments have also elaborated this provision. The 2014 *Declaration on the Human Rights of the Cooperation Council of the Arab Gulf* declared that: “Every person has obligations towards society. However, in the exercise of the rights and freedoms set out in this declaration, he shall be subject only to the restrictions that are determined by the regulation (law) for securing and respecting the rights and freedoms of others and public order”<sup>85</sup>.

The *American Convention on Human Rights* describes exceptional circumstances as “time of war, public danger, or other emergency that threatens the independence or security of a State Party”<sup>86</sup>. However, these measures should not be inconsistent with its other obligations under international law and do not involve discrimination on the ground of race, color, sex, language, religion, or social origin. In this line, other relevant regional instruments have also recognized and elaborated in their own regional and political groups the limitation of rights and freedoms in situation of health emergencies, namely: the *ASEAN Human Rights Declaration*<sup>87</sup> and the *African Charter on Human and Peoples’ Rights*<sup>88</sup>.

The *European Convention on Human Rights* in its article 15 uses the operative phrase “time of war or other public emergency threatening the life of the nation”<sup>89</sup>. In recent days a number of states<sup>90</sup> submitted their derogations from the ECHR under Article 15. The COVID-19 pandemic clearly fall within

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84 Press Release, Statement delivered by UN Experts: “COVID-19: States should not abuse emergency measures to suppress human rights”, 16 March 2020

85 Art. 46, Declaration on the Human Rights of the Cooperation Council of the Arab Gulf

86 Art. 27, Suspension of guarantees

87 Art. 8: “The exercise of human rights and fundamental freedoms shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition for the human rights and fundamental freedoms of others, and to meet the just requirements of national security, public order, public health, public safety, public morality, as well as the general welfare of the peoples in a democratic society”.

88 Press Release by the Commissioner Solomon Ayele Dersso, Chairperson of the African Commission on Human and Peoples’ Rights on “human rights based effective response to the novel COVID-19 virus in Africa”, 24 March 2020: “The African Commission further recalls the obligation that States Parties to the African Charter assumed under Article 1 of the Charter to take appropriate measures to give effect to the rights, duties and freedoms enshrined in the Charter including through taking measures through taking measures necessary for preventing threats to the life, safety and health of people”.

89 European Convention on Human Rights, Art. 15, Derogation in time of emergency: “In time of war or other public emergency threatening the life of the nation any High Contracting Party may take measures derogating from its obligations under this Convention to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with its other obligations under international law.”

90 Georgia, Estonia, Armenia, Romania, and Latvia

the definition of emergency. However, the most important aspect here is that Article 15 does not allow the Contracting Parties to interfere with any rights the way they wish during the emergency.

In the fight against the COVID-19, derogation requires that the scale of threat be exceptional and affect the State's fundamental capacity to function effectively, and impact the State's core security, independence and function. The exercise of emergency powers must reach high and specific thresholds to be lawfully exercised under international law<sup>91</sup>.

In order to calibrate the threshold required to activate emergency powers, in conformity with international law, the European Court of Human Rights could help to clarify it in the case *Lawless v. Ireland*, which defined a "public emergency" as "a situation of exceptional and imminent danger or crisis affecting the general public, as distinct from particular groups, and constituting a threat to the organized life of the community which composes State in question"<sup>92</sup>. On the other hand, for *The Greek Case*, the four characteristics of a "public emergency" are: it must be actual or imminent; its effects must involve the whole nation; the continuance of the organized life of the community must be threatened; and the crisis or danger must be exceptional for the maintenance of public safety, health and order<sup>93</sup>.

Each regional and global instrument require that the scale of threat to the State must be exceptional and affect the fundamental capacity of the State to function effectively. A State need not enact specific "emergency" legislation for derogation to follow; ordinary law or practice sufficiently based on an actual threat to the State and encroaching substantially on rights can require a State to derogate from its international treaty obligations<sup>94</sup>.

The partial limitation of the full enjoyment of human rights must be: (a) necessary; (b) impinge only minimally on rights (least restrictive alternative); (c) demonstrate proportionality between means and clearly stated objectives; and (d) consistent with other fundamental rights and non-discriminatory in purpose and practice. States may respond to emergency situations by limiting specific rights rather than derogating from them<sup>95</sup>.

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91 Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the human rights challenge of states of emergency in the context of countering terrorism, Fionnuala Ni Aoláin, Doc. A/HRC/37/52, 27 February 2018, paragraph 12

92 European Court of Human Rights, *Lawless v. Ireland*, application No. 332/57 (A/3), judgment of 1 July 1961, affirmed in *A. and Others v. the United Kingdom*, application No. 3455/05, judgment of 19 February 2009, para. 176.

93 European Commission of Human Rights, *The Greek Case*, application Nos. 3321-3323 and 3344/67, Report of the Commission (1969).

94 Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism on the human rights challenge of states of emergency in the context of countering terrorism, Fionnuala Ni Aoláin, Doc. A/HRC/37/52, 27 February 2018, paragraph 7

95 Alexandre Kiss, "Permissible limitations on rights", in *The International Bill of Rights: The Covenant on Civil and Political Rights*, Louis Henkin, ed. (Columbia University Press, 1981)

## 2. State obligations when declaring emergencies

In light of the obligation of States parties to the ICCPR to communicate the state of emergency the Secretary General of the UN, the Human Rights Committee (HRC) declared on 24 April 2020, that “a number of States ... have notified in recent weeks the Secretary General of the UN pursuant to article 4 of the Covenant about emergency measures they have taken or are planning to take with a view to curb the spread of the Coronavirus pandemic (COVID-19), in derogation from their Covenant obligations”. However, the Committee also noted that other States have not submitted a notification of derogation to the Secretary General of the UN<sup>96</sup>.

The HRC also reminded that the General Comment 29 on States of Emergency (2001) provides guidance on the several important matter related to derogations, such as the official proclamation of a state of emergency, formal notification to the Secretary General of the UN, strict necessity and proportionality of any derogating measure taken, non-discrimination and the prohibition on derogating from certain non-derogable rights. With a view of the need to protect the life and health of others, States parties should replace the COVID-19-related measures with less restrictive measures that allow the enjoyment of rights<sup>97</sup>.

According to the Office of the High Commissioner on Human Rights of the United Nations (OHCHR), the COVID-19 is a test of societies, of governments, of communities and of individuals. Respect for human rights will be fundamental to the success of the public health response. In this regard, the OHCHR recognized that Governments had to take difficult decisions in response to COVID-19. Although international law allows emergency measures in response to significant threats, this response should take the least intrusive approach possible for the rest of human rights in order to protect public health. Consequently, with regard to the COVID-19, emergency powers must only be used for legitimate public health goals<sup>98</sup>.

Unlike of the GGC countries which have ratified the ICCPR<sup>99</sup>, those States that are not party to this international instrument in this region guide its response to the COVID-19 in light of the national law enshrined in their Constitutions<sup>100</sup>. However, the international standards developed by the United Nations for the

96 Human Rights Committee, Statement on derogations from the Covenant in connection with the COVID-19 pandemic, Doc. CCPR/C/128/2, 24 April 2020, paragraph 1

97 Human Rights Committee, Statement on derogations from the Covenant in connection with the COVID-19 pandemic, Doc. CCPR/C/128/2, 24 April 2020, paragraph 2

98 OHCHR, “COVID-19 Guidance”, <https://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx>

99 State of ratification of ICCPR within GCC: Bahrain (20 December 2006), Kuwait (21 August 1996) and Qatar (21 August 2018)

100 RSA Constitution (art. 27): “The State shall guarantee the right of its citizens and their families in an emergency of in case of disease, disability and old age...”.

application of the state of emergency have become customary international law. States are typically bound by this law regardless of whether the states have codified these laws domestically or through treaties.

### 3. Human rights protection measures

#### 3.1 Non-derogable rights

The United Nations stressed that the world is facing an unprecedented crisis. At its core is a global public health emergency on a scale not seen for a century, requiring a global response with far-reaching consequences for our economic, social and political lives. The priority is to save lives<sup>101</sup>.

In view of the exceptional situation and to preserve life, countries have adopted extraordinary measures. Extensive lockdowns, adopted to slow transmission of the virus, restrict by necessity fundamental freedoms and, in the process, the right to enjoy many other human rights. Such measures can inadvertently affect people's livelihoods and security, their access to health care (not only for the COVID-19), to food, water and sanitation, work, education – as well as to leisure<sup>102</sup>.

The HRC reminded in its "statement on derogations from the Covenant in connection with the COVID-19 pandemic" of 24 April 2020, that states parties cannot resort to emergency powers to derogate the non-derogable provisions of the Covenant, such as the right to life, the prohibition of torture, the prohibition of slavery, slave-trade and servitude, the principle of legality in the field of criminal law or the recognition of everyone as a person before the law<sup>103</sup>.

These non-derogable provisions under a state of emergency have become customary international law, which is considered by the United Nations, and its member states to be among the primary sources of international law. The International Court of Justice Statute defines customary international law in Article 38(1)(b) as "a general practice accepted as law". This is generally determined through two factors: the general practice of states and what states have accepted as law<sup>104</sup>.

Consequently, a peremptory norm -also called *jus cogens*, Latin for «compelling law»- is a fundamental principle of international law which is accepted by the international community of states as a norm from which no derogation is ever permitted (non-derogable). These norms are rooted

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101 United Nations, "COVID-19: we are all in this together", April 2020, p. 3

102 United Nations, "COVID-19: we are all in this together", supra note 101, p. 3

103 Human Rights Committee, Statement on derogations from the Covenant in connection with the COVID-19 pandemic, Doc. CCPR/C/128/2, 24 April 2020, paragraph 2 (d)

104 Yoram Dinstein. 2004. *The Conduct of Hostilities under the Law of International Armed Conflict*, p. 5. Cambridge: Cambridge University Press



from Natural Law principles, and any laws conflicting with it should be considered null and void<sup>105</sup>.

Like the majority of member States of the United Nations, KSA is also bound by the international obligations regarding to the non-derogable rights under the state of emergency of the COVID-19 pandemic. As part of the UN family since its creation in 1945, KSA follows the recommendations of the International Court of Justice on this regard. In this line, KSA accepts the customary international law, which is the result of the widespread repetition by States of similar international acts over time (state practice).

A marker of customary international law is consensus among states exhibited both by widespread conduct and a discernible sense of obligation. On the basis of the ratification of important human rights treaties, these international compromises are obligatory for KSA. The prohibition of the use of torture<sup>106</sup>, racial discrimination, xenophobia, intolerance<sup>107</sup>, slavery<sup>108</sup> and the protection of vulnerable groups –women<sup>109</sup>, children<sup>110</sup> and persons with disabilities<sup>111</sup>- are part of the norms accepted by KSA. Consequently, the international rules applied to the non-derogable rights in times of emergency are widely accepted and they should be part of the legal response to the COVID-19 pandemic.

## **3.2. Human rights at the frontline in the current pandemic**

### **3.2.1 Right to life and duty to protect life**

The United Nations has stressed that “we are combating the COVID-19 to protect the lives of all human beings. Invoking the right to life reminds us that all States have a duty to protect human life, including by addressing the general conditions in society that give rise to direct threats to life. States are making extraordinary efforts to do this, and it must remain the primary focus”<sup>112</sup>.

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105 Vienna Convention on the Law of Treaties, Article 53: “A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character”.

106 Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, ratification by KSA (23 September 1997)

107 International Convention on the Elimination of All Forms of Racial Discrimination, ratification by KSA (23 September 1997)

108 1926 Slavery Convention or the Convention to Suppress the Slave Trade and Slavery, ratification by KSA (1973)

109 Convention on the Elimination of All Forms of Discrimination against Women, ratification by KSA (7 September 2000)

110 Convention on the Rights of the Child, ratification by KSA (26 January 1996)

111 Convention on the Rights of Persons with Disabilities, ratification by KSA (24 June 2008)

112 United Nations, “COVID-19: we are all in this together”, April 2020, p. 4



The concept of derivative *jus cogens* can be applied to certain human rights (rights to due process, food, shelter, right to health etc.) giving them the same procedural effect which substantial non derogable human rights possess. These rights 'have been proposed as having the status of *jus cogens* because of their necessity in ensuring the protection of other *jus cogens* norms"<sup>113</sup>. The right to health, by its nature, can easily be connected to the right to life which has a confirmed *jus cogens* status. The positive duty of the state in this case is to ensure the mechanism, political, social and administrative, which would make the right to health applicable to everyone – a due diligence.

The right to life as a fundamental and universal human right of everyone has been spelled out in the UDHR<sup>114</sup>, ICCPR<sup>115</sup>, the *African Charter on Human and Peoples' Rights*<sup>116</sup>, the *Declaration on the Human Rights of the Cooperation Council of the Arab Gulf*<sup>117</sup>, the *European Convention on Human Right*<sup>118</sup> and the *American Convention on Human Rights*<sup>119</sup>. In accordance with these legal provisions, States Parties are expressly obligated to protect the right to life by law and to take positive measures to ensure it.

The right to life has properly been characterized as the supreme human right, since without effective guarantee of this right, all other rights of the human being would be devoid of meaning<sup>120</sup>. Since the right to life is non-derogable right in accordance with Art. 4(2) of the ICCPR<sup>121</sup>, it may never be suspended in time of public emergency which threatens the life of the nation. In addition, the right to life has been deemed *ius cogens* under international law<sup>122</sup>.

The Human Rights Committee has issued two General Comments interpreting the content of Art. 6 on the right to life contained in the ICCPR. Both comments focus on the duty of States to prevent mass violence such as

113 F.F. Martin, et.al, *International Human Rights and Humanitarian Law*, Cambridge University Press, New York, 2006. p. 37

114 Art. 3: "Everyone has the right to life, liberty and security of person"

115 Art. 6 (1): "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966, entry into force 23 March 1976

116 Art. 4: "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right". Adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force Oct. 21, 1986

117 Art. 1: "Every person , has the right to life and must be protected from any assault thereon. No one may be killed unlawfully. The bodies of the dead must be respected, buried and protected"

118 Art. 2 (1): "Everyone's right to life shall be protected by law..." Signed on 4 November 1950 in Rome.

119 Art. 4 (1): "1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life". Signed at the Inter-American Specialized Conference on Human Rights, San Jose, Costa Rica, 22 November 1969

120 Nowak, M., *U.N. Covenant on Civil and Political Rights: CCPR Commentary*, Engel Publisher, Kehl/*Strasbourg*/Arlington, 2005, p. 104

121 Art. 4 (2): "No derogation from articles 6, 7, 8 (paragraphs I and 2), 11, 15, 16 and 18 may be made under this provision".

122 Ramcharan, B., "The Right to Life", *Netherlands International Law Review* (NILR), 1983

war and emphasize the duty of States to adopt positive measures to protect the right to life<sup>123</sup>.

As indicated by the Human Rights Committee, the strengthening of international peace constitutes the most important condition and guarantee for the safeguarding of the right to life. It follows that the safeguarding of this foremost right is an essential condition for the enjoyment of the entire range of economic, social and cultural, as well as civil and political rights. In addition, it should be noted that the right to life requires that the three main pillars of the United Nations (i.e. peace, human rights and development) are fully respected in order to achieve better conditions of life.

The linkage between life and the three pillars of the United Nations as a preventive measure to avoid war and armed conflict was elaborated in the Constitutions of the UN Specialized Agencies (i.e. ILO<sup>124</sup>, FAO<sup>125</sup>, WHO<sup>126</sup> and UNESCO<sup>127</sup>); the 2000 **UN Millennium Declaration**<sup>128</sup> and the 2005 **World Summit Outcome Document**; the SC resolutions 1325 (2000), 1820 (2008), 1888 and 1889 (2009) on women, peace and security. Additionally, this linkage was included in several peace movements and ideas that have marked over the history of humankind (i.e. the 1999 **Hague Agenda for Peace and Justice for the Twenty-first Century**; the 2000 **Earth Charter**; and the 2010 **Universal Declaration of the Rights of Mother Earth**).

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123 Moller, J. TH. and Zayas, A. **United Nations Human Rights Committee Case Law 1977-2008: a Handbook**, Kehl/Strasbourg, Engel Publisher, 2009, p. 144

124 The Constitution of International Labour Organization (ILO) says that "lasting peace can be established only if it is based on social justice". It also states in its Preamble that "Whereas also the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries; The High Contracting Parties, moved by sentiments of justice and humanity as well as by the desire to secure the permanent peace of the world".

125 The Constitution of the Food and Agriculture Organization (FAO) states that it is aimed to the improvement of the levels of life and nutrition of all peoples, as well as to the eradication of hunger.

126 The Constitution of the World Health Organization (WHO) states that "the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition"; "the health of all peoples is fundamental to the attainment of peace and security" and "healthy development of the child is of basic importance; the ability to live harmoniously in a changing total environment is essential to such development".

127 The Preamble to the Constitution of the United Nations Educational, Scientific and Cultural Organization (UNESCO) states that "since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed". In addition, it states that "For these reasons, the States Parties to this Constitution, believing in full and equal opportunities for education for all, in the unrestricted pursuit of objective truth, and in the free exchange of ideas and knowledge, are agreed and determined to develop and to increase the means of communication between their peoples and to employ these means for the purposes of mutual understanding and a truer and more perfect knowledge of each other's lives"

128 Para. 32 states that the United Nations is the common house of the entire human family, where it should realize its universal aspirations for peace, cooperation and development.

As to the inter-relationship between the right to life and other human rights, including the right to health, appears to have been correctly stated in the UDHR, namely that “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services...”<sup>129</sup>. Therefore, the right to health would seem to be a derivative of the right to life rather than vice versa. It follows that the right to life is not only the legal foundation for other rights, but also an integral part of all the rights which are essential to guarantee a better life for all human beings.

As to the intrinsic values of human dignity, it should be noted that intrinsic value is the origin of a set of fundamental rights. The first of these rights is the right to life, a basic pre-condition for the enjoyment of any other right. Another right related to intrinsic value is equality before and under the law. This means not being discriminated against due to race, color, ethnic or national origin, sex or age. The last fundamental right is the right to integrity, both physical and mental<sup>130</sup>.

Among all human rights, the Security Council (SC) emphasized in its resolution 1624 (2005) that all States and the United Nations should take all necessary and appropriate measures in accordance with international law at the national and international level to protect the right to life.

In a context of armed conflict and violence, the right to life is the most relevant fundamental human right in peril. The right to life or live in peace have been extensively elaborated in the work of the SC. It demonstrates that one of the nexus between both UN intergovernmental bodies is through the notion of life as a paramount right, which main mandate-holders are States and individuals.

In 1967 the SC unanimously adopted under Chapter VI the resolution 242 by which Council members recognized that a just and lasting peace includes “...their right to live in peace within secure and recognized boundaries free from threats or acts of force”. In light of this resolution, the Saudi crown prince Mohammed Bin Salman stressed in 2018 that “each people, anywhere, has a right to live in their peaceful nation,” while stressing that both “the Palestinians and the Israelis have the right to have their own land”<sup>131</sup>.

Some legal international instruments (i.e. *Declaration on the Strengthening of International Security*<sup>132</sup> and the *Declaration on the Deepening and*

129 Art. 25 of the UDHR

130 Barroso, L.R., “Here, there and everywhere: human dignity in contemporary and in the transitional discourse”, *International and Comparative Law Review*, 2012, p. 363-364

131 See at <https://www.tv7israelnews.com/saudi-crown-prince-bin-salman-declares-israel-has-right-to-exist-in-peace-on-its-own-land/>

132 Preamble, paragraph 1: “Recalling the determination of the peoples of the United Nations, as proclaimed by the Charter, to save succeeding generations from the scourge of war, and to this end to live together in peace with one another as good neighbours and to unite their strength to maintain international peace and security”. Doc. UNGA resolution 25/2734 of 16 December 1970

*Consolidation of International Détente*<sup>133</sup>) and GA resolutions (i.e. Measures to be taken against propaganda and the inciters of a new war<sup>134</sup>) again recognized the connection between life and peace in the line of the Preamble of the UN Charter. Furthermore, it should be noted that the *Durban Declaration* expressly recognized that peoples of the world are endowed with the right to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life<sup>135</sup>.

### 3.2.2. The central challenge to freedom of movement

The OHCHR stressed that “controlling the virus, and protecting the right to life, means breaking the chain of infection: people must stop moving and interacting with each other. The most common public health measure taken by States against the COVID-19 has been restricting freedom of movement: the lockdown or stay-at-home instruction. This measure is a practical and necessary method to stop virus transmission, prevent health-care services becoming overwhelmed, and thus save lives”<sup>136</sup>.

Like the *Universal Declaration on Human Rights*<sup>137</sup>, the 2014 *Declaration on the Human Rights of the Cooperation Council of the Arab Gulf* recognised the freedom of movement as follows: “Freedom of movement, residence and departure is a right of every human being according to the regulations (law)”<sup>138</sup>.

Liberty of movement is an indispensable condition for the free development of a person recognized by the ICCPR. However, the HRC added that in the current crisis “the impact of lockdowns on jobs, livelihoods, access to services, including health care, food, water, education and social services, safety at home, adequate standards of living and family life can be severe. As the world is discovering, freedom of movement is a crucial right that facilitates the enjoyment of many other rights”.

133 Preamble, paragraph 1: “Reaffirming their full commitment to the purposes and principles of the Charter of the United Nations and their resolve to ensure conditions in which all peoples can live and prosper in peace with justice”. Doc. UNGA, Resolution A/RES/32/155 of 19 December 1977

134 Preamble, paragraph 1: “Whereas in the Charter of the United Nations the peoples express their determination to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to practice tolerance and live together in peace with one another as good neighbours”. Doc. 110 (II), 3 November 1947

135 Preamble, paragraph 21: “Having listened to the peoples of the world and recognizing their aspirations to justice, to equality of opportunity for all and everyone, to the enjoyment of their human rights, including the right to development, to live in peace and freedom and to equal participation without discrimination in economic, social, cultural, civil and political life”. Adopted by consensus in Durban on 8 September 2001 and endorsed by the UNGA resolution 56/266 of 15 May 2002

136 United Nations, “COVID-19: we are all in this together”, April 2020, p. 4

137 Art. 13: “1. Everyone has the right to freedom of movement and residence within the borders of each State. 2. Everyone has the right to leave any country, including his own, and to return to his country”

138 Art. 10

The HRC also stressed in its General Comment on Freedom of movement (article 12) that ICCPR “provides for exceptional circumstances in which rights under paragraphs 1 and 2 may be restricted. This provision authorizes the State to restrict these rights only to protect national security, public order (ordre public), public health or morals and the rights and freedoms of others”<sup>139</sup>.

Finally, the United Nations declared that “while international law permits certain restrictions on freedom of movement, including for reasons of security and national emergency like health emergencies, restrictions on free movement should be strictly necessary for that purpose, proportionate and non-discriminatory. The availability of effective and generalised testing and tracing, and targeted quarantine measures, can mitigate the need for more indiscriminate restrictions”<sup>140</sup>.

### **3.2.3 The right to health and access to health care**

Although the analysis of right to health under the COVID-19 was extensively elaborated in Chapter I, the approach given by the OHCHR should be recalled. The OHCHR declared that the right to health is inherent to the right to life and that COVID-19 is testing to the limit States’ ability to protect the right to health. They added that “every human being is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity. Everyone, regardless of their social or economic status, should have access to the health care they need”<sup>141</sup>.

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139 Human Rights Committee, General Comment No. 27 on the “Freedom of movement (article 12)”, Doc. CCPR/C/21/Rev.1/Add.9, 1 August 1999, paragraph 11

140 United Nations, “COVID-19: we are all in this together”, April 2020, p. 4

141 United Nations, “COVID-19: we are all in this together”, April 2020, p. 4



## **PART III: THE UNITED NATIONS SYSTEM AND THE COVID-19 CRISIS**

### **1. Management crisis and multilateralism**

The traditional crisis management approach, associated usually with natural catastrophes, responses to organized crime, internal political or social confrontations, or international inter-state conflict can be taken only as a preliminary basis for the new approach. All the traditional measures of early warning, intelligence gathering, legal order, technical and organizational preparedness, and international assistance and cooperation have to be augmented, transformed and strengthened to cope with the new types of potential crisis.

As the COVID-19 crisis unfolds globally, organizations across the world are now testing their crisis management readiness. As Coronavirus is affecting around the world, Governments need to adjust to this new situation and develop a strategy to prevent damages Coronavirus can bring. The COVID-19 outbreak confronts the international system with a severe crisis, affecting both individual citizens' lives and society as a whole. Due to its role since its creation in 1945, the United Nations should be once again called upon to exercise its crisis-management role.

The term crisis depends on context, the real or perceived sense of gravity of a given situations, and the attitude of the observer/analyst. With a such a vague understanding of what constitutes a "crisis", it is correct to say that the adequacy of response to a difficult situation will depend in part upon the quality of the classifying categories used and our ability to correctly recognize the event's importance and its consequences<sup>142</sup>.

The COVID-19 crisis is a global situation that could lead to an unstable and dangerous framework affecting an individual, group, community, or whole society. This crises will have negative changes in the security, economic, political or societal affairs, especially when they occurred abruptly, with little or no warning. More loosely, it is a term meaning "a testing time" or an "emergency event".

In order to qualify the COVID-19 as a crisis, some authors clarify this matter by defining the notion of «crisis management » as the process by which an organization deals with a disruptive and unexpected event that threatens to

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<sup>142</sup> Karboszka, Andrzej, "Crisis management : the transformation of national and international systems of response", *The quarterly journal*, 33-42. 4(2) Summer 2005

harm the society or its stakeholders<sup>143</sup>. In this current crisis, three elements are common: (a) a threat to the health, (b) the element of surprise, and (c) a short decision time<sup>144</sup>. Consequently, a “crisis is a process of transformation where the old system can no longer be maintained”. Therefore, the fourth defining quality is the need for change. If change is not needed, the event could more accurately be described as a failure or incident<sup>145</sup>.

## 2. Operationalization of the crisis management for the COVID-19

The framework of the UN Charter proclaimed in 1945 notably gave the UN the mandates not just to intervene in situations of armed conflict but to tackle their economic and social causes. In its opening sentence the Charter declares the founder members determination “... to save succeeding generations from the scourge of war...”. It goes on the state that conditions of stability and well being are necessary for peaceful and friendly relations among nations based on respect for equal rights and self-determination.

The UN’s crisis management system focuses on humanitarian crises. The UN defines humanitarian crisis as “an event or series of events that represents a critical threat to the health, safety, security, or well-being of a community or other large group of people usually over a wider area”<sup>146</sup>. Traditionally, the UN identified crises caused by hazardous events. However, the UN has recently been including diverse vulnerable social conditions— e.g., health, energy, security, water security, food security, urbanization, population growth, poverty, inequality, and climate change— as emerging drivers of crises. The current crisis of the COVID-19 should be understood in the context of the UN legal humanitarian framework.

In this line, the Secretary General of the United Nations Antonio Gutierrez launched on 25 March 2020 the “COVID-19 Global Humanitarian Response Plan” which is aimed “to fight the virus in the world’s poorest countries, and address the needs of the most vulnerable people, especially women and children, older people, and those with disabilities or chronic illness”. He added that “the UN system is doing its utmost to plan for and respond to early recovery in the countries around the globe”. Consequently, the Secretary General asked the UN Resident Coordinators and UN Country Teams to support countries around the world in addressing the socio-economic implications of this pandemic<sup>147</sup>.

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143 Bundy, Jonathan; Pfarrer, Michael D.; Short, Cole E.; Coombs, W. Timothy. “Crises and Crisis Management: Integration, Interpretation, and Research Development”. *Journal of Management*. 43 (6): 1661–1692. 2017

144 Seeger, M. W.; Sellnow, T. L.; Ulmer, R. R. “Communication, organization and crisis”. *Communication Yearbook*. 21: 231–275. 1998

145 Venette, S. J. *Risk communication in a High Reliability Organization: APHIS PPO’s inclusion of risk in decision making*. Ann Arbor, MI: UMI Proquest Information and Learning, 2003

146 UNISDR, 2009

147 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), COVID-19 Global Humanitarian Response Plan, 28 March 2020



In this pandemic, the UN's ultimate goals of risk management are to enhance "a) resilience—the ability of people, societies and countries to recover from negative shocks, and b) prosperity—derived from successfully managing positive shocks that create opportunities for development"<sup>148</sup>.

The UN has been involved in crisis management in a comprehensive range of fields and at multiple stages in disaster responses through its principal organizations and subsidiary entities including programs, funds, commissions, and specialized agencies. The crisis management of the COVID-19 cannot be defined by a single UN agency's activities because of the exigency, multiplicity and complexity of humanitarian crises, including human-caused and natural disasters. Crisis management affects the health, safety, and well-being of a community or a country<sup>149</sup>.

The UN action to fight against the COVID-19 pandemic is coordinated in light of the the UN General Assembly resolution 46/182 devoted to the humanitarian emergency assistance of the United Nations<sup>150</sup>. This pivotal resolution marked the international community's collective commitment to helping the world's most vulnerable people when they need it most. This decision was influenced by world events at that time. During the Gulf War, the UN's humanitarian assistance was uncoordinated and led to duplicated efforts.

This resolution designs the blueprint for today's international humanitarian system on the COVID-19. The resolution propelled the creation of humanitarian mechanisms that are crucial to current operational response, such as the Inter-Agency Standing Committee (IASC), which brings different parts of the UN together for a better coordinated and harmonized response to reach people who need urgent assistance. In the humanitarian response of the COVID-19, IASC under the leadership of the Emergency Relief Coordinator, will oversee the global-level coordination and will liaise with other stakeholders, such as the UN Crisis Management Team<sup>151</sup>.

The Under-Secretary-General and Emergency Relief Coordinator (ERC) is in charge of the oversight of humanitarian assistance by the United Nations for the COVID-19 crisis. The ERC serves as the central focal point for governmental, intergovernmental and nongovernmental relief activities. And the IASC is the inter-agency forum that aims to coordinate and develop

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148 UNISDR, 2009

149 Organizations, partners and donors that contributed to the Global Humanitarian Response Plan for COVID-19 and that regularly report to the Financial Tracking Service (FTS): IOM, UNDP, UNFPA, UN-Habitat, UNHCR, UNICEF, WFP and WHO

150 UNGA Resolution, Strengthening of the coordination of humanitarian emergency assistance of the United Nations, Doc. A/RES/46/182, 19 December 1999

151 United Nations Office for the Coordination of Humanitarian Affairs (OCHA), COVID-19 Global Humanitarian Response Plan, 28 March 2020, p. 29

policies, and make decisions on humanitarian assistance in collaboration with the United Nations and Non-United Nations actors<sup>152</sup>.

In 1998 Department of Humanitarian Affairs was transformed into the Office for the Coordination of Humanitarian Affairs (OCHA). OCHA has an indispensable role, not only in coordinating and mobilizing urgent humanitarian response, but also in guiding policy and practice and advocating on behalf of the millions of people living in protracted crises around the world. Resolution 46/182 remains the basis of OCHA's mandate.

In accordance with international law, the guiding principles for the humanitarian assistance in the COVID-19 crisis are the following: 1. humanitarian assistance must be provided in accordance with the principles of humanity, neutrality and impartiality; 2. The sovereignty, territorial integrity and national unity of States must be fully respected; 3. Each State has the responsibility first and foremost to take care of the victims of natural disasters and other emergencies occurring on its territory and 4. States whose populations are in need of humanitarian assistance are called upon to facilitate the work of these organizations in implementing humanitarian assistance<sup>153</sup>.

The humanitarian principles are derived from the core principles, which have long guided the work of the International Committee of the Red Cross and the national Red Cross/Red Crescent Societies<sup>154</sup>.

### **3. Some challenges posed during the post- COVID-19**

#### **3.1 Future of the work**

Upon the signature of the Treaty of Versailles and the inception of the League of Nations, the Peace Conference appointed on the 31st January 1919 the Commission on International Labour Legislation with the following terms of reference:

« ... to consider the international means necessary to secure common action on matters affecting conditions of employment, and to recommend the form

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152 UNGA Resolution, A/RES/46/182, 1991, Section VI. Article 33. Functions: I) to develop system-wide humanitarian policies; ii) to allocate responsibilities amongst agencies in humanitarian programmes; iii) to develop a common ethical framework for all humanitarian activities; iv) to advocate common humanitarian principles to parties outside the IASC; v) to advocate for the full respect for the rights of the individual in accordance with laws including international human rights law, international humanitarian law and refugee law; vi) to identify lack of operational capacity in disaster management; and vii) to resolve disputes or disagreements about and amongst humanitarian agencies on system-wide humanitarian issues.

153 UNGA Resolution, Strengthening of the coordination of humanitarian emergency assistance of the United Nations, Doc. A/RES/46/182, 19 December 1999. Guiding Principles.

154 These are humanity, impartiality, neutrality, independence, voluntary service, unity and universality. See the Fundamental Principles of the International Red Cross and Red Crescent Movement, proclaimed in Vienna in 1965 by the 20th International Conference of the Red Cross and Red Crescent Movement.

of a permanent agency to continue such inquiry and consideration in co-operation with and under the direction of the League of Nations »

All Permanent Delegations agreed that these terms of reference should be included in the Treaty of Peace, in order that "it may mark not only the close of the period which culminated in the world-war, but also the beginning of a better social order and the birth of a new civilisation"<sup>155</sup>.

The Preamble to the Constitution of the International Labour Organization (ILO) as inserted in the Treaty of Versailles in 1919 concluded as follows: «The High Contracting Parties, moved by sentiments of justice and humanity, as well as by the desire to secure the permanent peace of the world ».

The Commission felt that it was taking an indispensable step towards the achievement of the purposes of the League of Nations and gave expression of this idea in the Preamble, which defines the aims and scope of the proposed organization<sup>156</sup>. The Commission paved the way for the establishment of a new and permanent organization which could translate into deeds those feelings of humanity and justice, which are a necessary guarantee for peace<sup>157</sup>.

As stressed by Stephan Bauer in 1919, «after the loss of millions of workers' lives, it is imperatively necessary that something be done for the raising up a new generation of skilled workers, and for increasing the duration of productive life of all classes of workers. It is clear that under a system of unrestricted exploitation of the forces of labor by individual employers after the conclusion of peace, these results cannot be achieved »<sup>158</sup>. The needs in regard to the protection of labor and to industrial legislation were among the most powerful factors in the complete reconciliation of peoples<sup>159</sup>.

Inspired in the existing linkage created by ILO since its foundation between social justice and work in the attainment of global peace, on 9 April 2020 the Secretary-General of the United Nations delivered a remarks to the Security Council on the COVID-19 Pandemic, in which he stressed that every country is now suffering as a consequence of the tens of thousands of lost lives, the broken families, the overwhelmed hospitals and the overworked essential workers. According to the Secretary-General, the COVID-19 pandemic is first and foremost a health crisis. In this sense, he stressed that the pandemic also poses a significant threat to the maintenance of international peace and security<sup>160</sup>.

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155 Hunter Miller, D., *My diary at the Conference of Paris*, Vol. VIII, Documents 711-835, 1919, p. 217

156 Hunter Miller, D., *My diary at the Conference of Paris*, Vol. VIII, Documents 711-835, 1919, p. 218

157 Speech delivered by Mr. Colliard (France) on 11 April 1919 in Hunter Miller, D., *My diary at the Conference of Paris*, Vol. XX, Conference Minutes, 1919, p. 43

158 Bauer, S., "International labor legislation and the society of Nations", US Department of Labor, Bureau of Labor Statistics, n° 254, May 1919, Washington

159 Speech delivered by Mr. Vandervelde (Belgium) on 11 April 1919 in Hunter Miller, D., "My diary at the Conference of Paris", Vol. XX, Conference Minutes, 1919, p. 48

160 See at <https://www.un.org/sg/en/content/sg/statement/2020-04-09/secretary-generals-remarks-the-security-council-the-covid-19-pandemic-delivered>

The ILO indicated that the measures to address the pandemic as a health emergency also have a direct impact on markets, supply (production of goods and services), demand (consumption and investment) and the world of work. In this sense, this pandemic could have a disproportionate economic impact on certain segments of the population, which can worsen inequality affecting mostly some groups of workers –young and older workers, women and unprotected workers<sup>161</sup>.

In this sense, ILO concluded that to mitigate the effects of a crisis such as the one we are currently experiencing with the spread of the COVID-19, government responses need to focus on health protection and economic measures. In this context, ILO claimed that the implementation of the ILO Employment and Decent Work for Peace and Resilience Recommendation of 2017 (No. 205) is a relevant mean to promote safe and decent working conditions, including the provision of personal protective equipment and medical assistance for all workers, comprising those engaged in rescue and rehabilitation activities<sup>162</sup>.

The recommendation No. 205 revised and replaced the recommendation n. 71 concerning «Employment in the Transition from War to Peace» adopted by ILO in 1944, which fundamental content is still valid to combat the COVID-19 pandemic. In particular, it is relevant to recall that to achieve full employment economic measures providing employment opportunities must be supplemented by effective organisation to help employers to secure the most suitable workers, to help workers to find the most suitable employment, and generally, to ensure the necessary skills are available and are distributed among the various branches and areas.

The Preamble of the ILO Constitution contains another important reference to peace. It asserts that universal peace «can be established only if it is based upon social justice». Therefore, social justice is not the foundation of peace but a fundamental part of its superstructure. Consequently, the notion of peace cannot be limited to the negative conception of the prevention of war, but that it must be positive and dynamic<sup>163</sup>.

With the adoption at the 26th Conference of the ILO in 1944, the Declaration of Philadelphia restated the traditional objectives of the ILO and also focused its attention on two new directions, which are very important to confront the crisis of the COVID-19, namely: the centrality of human rights to social policy, and the need for international economic planning. With the end of the world war, it sought to adapt the guiding principles of the ILO “to the new realities and to the new aspirations aroused by the hopes for a better world»<sup>164</sup>.

161 ILO, “In the face of a pandemic: Ensuring Safety and Health at Work”, Geneva, April 2020, p. 9

162 ILO, “In the face of a pandemic: Ensuring Safety and Health at Work”, Geneva, April 2020, p. 29

163 Phelan, E., “The Contribution of the ILO to Peace”, *International Labour Review*, Vol. LIX, No. 6, June 1949, p. 608

164 Sulkowski, J., “The Competence of the International Labor Organization under the United Nations System”, *The American Journal of International Law*, No. 45 (2), 1951, p. 608

The recommendation N. 71 about transition from war to peace of 1944 proposed to promote peace and social justice in the aftermath of World War II through employment-based recovery and reconstruction. In accordance with ILO, “this approach continues to be highly pertinent in similar contexts although the majority of conflicts are now taking place within States”<sup>165</sup>.

Later, in 1998 the ILO adopted the ***Declaration on Fundamental Principles and Rights at Work*** by which it recalled that the ILO was founded in the conviction that social justice is essential to universal and lasting peace; the economic growth is essential but not sufficient to ensure equity, social progress and the eradication of poverty, confirming the need for the ILO to promote strong social policies, justice and democratic institutions; special attention should be given to the problems of persons with special social needs, particularly the unemployed and migrant workers.

These vulnerable labour groups were object of attention to ILO when recently stressed that the measures to address the COVID-19 pandemic as a health emergency also have a direct impact on markets, supply (production of goods and services), demand (consumption and investment) and the world of work. In this sense, this pandemic could have a disproportionate economic impact on certain segments of the population, which can worsen inequality affecting mostly some groups of workers –young and older workers, women and unprotected workers-<sup>166</sup>.

Due to the interconnection of the globalization, the outbreak of the COVID-19 has turned into a major pandemic disease. In light of this fact, the ***Declaration on Social Justice for a Fair Globalization***, adopted by the ILO Conference on 10 June 2008 in Geneva, is still relevant. This instrument is a powerful reaffirmation of the ILO values, and in particular reaffirms the linkage between world peace, human rights and social justice. As pointed out by Juan Somavia, « the Declaration comes at a crucial political moment, reflecting the wide consensus on the need for a strong social dimension to globalization in achieving improved and fair outcomes for all»<sup>167</sup>.

Promoting internationally recognized labour rights is an integral part of the ILO peacebuilding activities. With its tripartite structure, unique in the UN system, the Organization bases all decisions on the input of governments, employers and workers. This enable to build agreement and cooperation among the social partners. Social dialogue is vital tool for peacebuilding and longer-term post conflict security, which is the foundation for socio-economic development. In addition, the social dialogue has proved its worth in assisting countries to overcome economic crisis and restore social peace<sup>168</sup>.

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165 ILO, “ILO technical cooperation in fragile states”, 320th session, GNV, 13-27 March 2014, GB.320/POL/9, para. 4

166 ILO, “In the face of a pandemic: Ensuring Safety and Health at Work”, Geneva, April 2020, p. 9

167 ILO, “ILO Declaration on Social Justice for a Fair Globalization”, Geneva, 2008, p. 1

168 ILO, “Peacebuilding capacity inventory: reply by the ILO to UN questionnaire”, Geneva

Post-conflict, fragile and disaster-affected environment are characterized by instability, insecurity, poverty and inequality. Some 1.5 billion of people live in conflict-affected and fragile States and recent estimations indicates that this number is still growing. Inequality, lack of decent work opportunities and social exclusion are common characteristics of fragile situations<sup>169</sup>.

According to ILO, countries experiencing fragility, protracted conflict, recurrent natural disasters or forced displacement will face a multiple burden due to the current Coronavirus pandemic. They are less equipped to prepare for and respond to the COVID-19 as access to basic services, especially health and sanitation, is limited. During the 2014 outbreak of Ebola Virus Disease in West Africa, social unrest emerged in some of the affected countries, creating a vicious circle leading to even greater fragility. In this sense, ILO recommends the respect, the promotion and the realization of Fundamental Principles and Rights at Work, other relevant international labour standards, and human rights more broadly.

The UN Economic and Social Council adopted a resolution in 2012 by which reaffirms that building and strengthening resilience at the local, national and regional levels is emphasized as a critical element in reducing the impact of disasters. It also stresses the need for continued investment in preparedness, prevention, mitigation and response capacity. The ECOSOC Resolution reaffirms the significance of ensuring a smooth transition from relief to rehabilitation, reconstruction and development and encourages the private sector to make contributions<sup>170</sup>.

In this sense, the UN Working Group on Business and Human Rights delivered on 28 April 2020 a statement by which stressed that “the global pandemic and the economic crisis inevitably following in its wake has become an unprecedented test for governments and businesses not to lower human rights standards”. Consequently, the Working Group stressed that the UN Guiding Principles’ three pillars of “Protect, Respect and Remedy” provide a blueprint for the way forward. To get there, we need better collaboration involving all actors, with responsible governments and businesses leading the way<sup>171</sup>.

In a joint statement, several UN entities stressed that “the major economic and financial disruption brought by the COVID-19 crisis will most likely compound the region’s sluggish economic growth and pre-existing structural vulnerabilities”. This UN family suggested that the respect of human, labour, and children’s rights, the consideration of gender issues, the protection of the

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169 ILO, “ILO technical cooperation in fragile states”, 320th session, GNV, 13-27 March 2014, GB.320/POL/9, para. 2

170 UNGA Resolution, Strengthening of the coordination of emergency humanitarian assistance of the United Nations, Doc. E/RES/2012/3, 16 August 2012.

171 Statement by the UN Working Group on Business and Human Rights, “Ensuring that business respects human rights during the Covid-19 crisis and beyond: The relevance of the UN Guiding Principles on Business and Human Rights”, 28 April 2020

environment, and the promotion of integrity and anti-corruption, should be at the core of these immediate and long-term responses to foster sustainable enterprises and responsible business conduct<sup>172</sup>.

The notion of the right to life has extensively been elaborated by the ILO in relation to the working conditions of individuals as a means of strengthening its peace building commitment. The ***Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy*** includes a section entitled "conditions of work and life" in which regulates the following matters: wages, benefits and conditions of work, minimum age, safety and health, industrial relations, freedom of association and the right to organize, collective bargaining, consultation, examination of grievances and settlement of industrial disputes.

The improvement of conditions of labour has a direct effect in developing material well-being, in protecting and enhancing human dignity and the conditions of life of workers, and in advancing the economic security of the individual. These advancement will afford greater opportunities for the spiritual and political development of individuals. Up to the present, 189 Convention and 203 recommendations have been adopted on different fields, and these taken together constitute what is now commonly referred to as the International Labour Code<sup>173</sup>.

The idea of disruption of the economy because of the COVID-19 is shared by the whole UN system in its report on global solidarity. However, its conclusion about current crisis also indicates that "the COVID-19 pandemic can mark the rebirthing of society as we know it today to one where we protect present and future generations. It is the greatest test that we have faced since the formation of the United Nations, one that requires all actors -governments, academia, businesses, employers and workers' organizations, civil society organizations, communities and individuals- to act in solidarity in new, creative, and deliberate ways for the common good and based on the core United Nations values that we uphold for humanity"<sup>174</sup>.

Alternative measures have been taken in the KSA to promoting the worker's rights during the COVID19 Pandemic crisis, these include: activation of remote employment; the collection of municipal service fees due from the private sector has been postponed; foreigners whose residence permits have expired as of the date of their expiry are to be exempted from the paying the required fees, by extending their residence permits; the Saudi Arabian Monetary Authority (SAMA) has been launched a program worth 50 billion

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172 Joint Statement by the ILO, the OECD, the OHCHR, the REDESCA of the IACHR, the UNICEF, the UN Global Compact and the UN Working Group on Business and Human Rights, "Joining forces in Latin America and the Caribbean to help minimize the Coronavirus (COVID-19) crisis and foster responsible and sustainable businesses", April 2020

173 Phelan, E., "The Contribution of the ILO to Peace", supra n. 163, p. 613

174 UNITED NATIONS, "Shared responsibility, global solidarity: Responding to the socio-economic impacts of COVID-19", March 2020



Saudi riyals, to support the private sector to play its role in promoting economic growth; the human resources and social development system allocated SR 17.3 million to grow and to contribute to supporting economic growth and maintaining employment; issuing a Royal Decree ordering the allocation of SR 9 billion to compensate citizens working in facilities affected by repercussions of the pandemic and issuing a Royal Decree ordering the government to pay 60 percent of the Saudi employees' salaries for a period of three months amounting up to SR9 billion.

### **3.2. Food security**

UN Expert declared that many Governments' responses to COVID-19 have had devastating effects on people in poverty. Despite all financial support packages, the most vulnerable have been short- changed or excluded. Prioritizing the economic interests of the wealthiest, while doing little for those who are hard at work providing essential services, it is not very convenient for the society. He warned that the COVID-19 could push more than half a billion additional people into poverty<sup>175</sup>.

In the context of the struggle against the COVID-19, it is important to recall that the right to food is a right not only internationally recognized but even enshrined in many national<sup>176</sup> and regional<sup>177</sup> legal systems. This right includes not only the right of access to minimum nutrition, or subsistence, but also the right to be free from hunger. It is essential to assign specific roles and responsibilities to the various institutions involved in the issue of food security. These institutions should collaborate with each other in a transparent and effective manner. Moreover, it requires a policy of integration of different national jurisdictions to implement the right to food.

#### The Charter of the United Nations<sup>178</sup>, the Universal Declaration of Human

175 Press Release, Statement by Special Rapporteur on extreme poverty and human rights, Philip Alston, on "Responses to COVID-19 are failing people in poverty worldwide", 22 April 2020

176 The right to food is explicitly recognised as a right in 23 countries. On the other hand, 43 countries recognise the right to food in broader human rights or within the constitution as a directive principle or goal.

177 The 1988 Additional Protocol to the American Convention on Human Rights in the area of Economic, Social, and Cultural Rights or "Protocol of San Salvador" (Article 12), the 1990 African Charter on the Rights and Welfare of the Child, the 2001 African Commission on Human and Peoples' Rights recognition that the right to food falls under the African Charter on Human and Peoples' Rights, and the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa or «Maputo Protocol» (Article 15).

178 Art. 55: "With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: a. higher standards of living, full employment, and conditions of economic and social progress and development; b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Art. 56: "All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55".



Rights<sup>179</sup> and the International Covenant on Economic, Social and Cultural Rights<sup>180</sup> recognized the right to food. Since that lack of food and drinking water can become a cause of many conflicts and wars in the world, Heads of State and government from 187 countries gathered at the United Nations headquarters in New York in 2000 concluded that the challenge of XXI century was turn globalization into a positive force that could transform the lives of all citizens<sup>181</sup>.

The World Food Conference organized by Food and Agriculture Organisation (FAO) in November 1966 was the moment in where the world public opinion recognized the problems of food security and the need to regulate the right to food<sup>182</sup>. According to some experts, the root cause of hunger is not lack of food, but the fact that most of these people do not have access to food as a result to live in extreme poverty<sup>183</sup>. Therefore, the problem of lack of food is no longer just a problem of food security, but it is a right recognized by some courts<sup>184</sup>. The future of food is identified with the destiny of humankind and world peace.

As result of the ineffectiveness of international law such aid is not enough to guarantee the right to food. Therefore, the question of the right to food is closely linked with international law of human rights. In addition, it is stressed that research programs on hunger should include studies on the causes of violence, since extreme poverty and hunger is often the clear result of war or conflict.

The idea of the interdependence and indivisibility of all human rights is a founding principle of the United Nations and was officially recognised in the 1993 *Vienna Declaration and Programme of Action*<sup>185</sup>. In this sense, the right to food is considered interlinked with the following human rights in particular: right to life, right to livelihood, right to health, right to property, freedom of expression, freedom of information, right to education, freedom of association, and the right to water<sup>186</sup>.

179 Art. 25: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control"

180 Art. 11: "the right of everyone to an adequate standard of living for himself and his family, including adequate food" and "the fundamental right of everyone to be free from hunger"

181 United Nations Millennium Declaration, Doc. UNGA Resolution 55/2, 2000

182 FAO, Report of the World Food Summit, Rome, 13-17 November 1996

183 Eide and Kracht, "*Food and Human Rights in Development: Legal and institutional dimensions and selected topic*", Intersentia, 2005

184 Dutta, G., "Justiciability of the right to food", *International Journal of Scientific and Research Publications*, Volume 5, Issue 1, January 2015

185 Vienna Declaration and Programme of Action, World Conference on Human Rights, Vienna, 25 June 1993: "all human rights are universal, indivisible and interdependent and interrelated"

186 Pooja, A., "The Implementation of the Right to Food at the National Level: A Critical Examination of the Indian Campaign on the Right to Food as an Effective Operationalization of Article 11 of ICESCR", *Centre for Human Rights and Global Justice Working Paper No. 8, 2004*, New York: NYU School of Law

This idea is reaffirmed by the Committee on Economic, Social and Cultural Rights in its General Comment N. 12 as follows:

“... the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfillment of other human rights enshrined in the International Bill of Human Rights. It is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfillment of all human rights for all”<sup>187</sup>

As stressed by José Graziano da Silva - FAO Director-General, “Peace and food security are inextricably linked—we cannot achieve one without the other. By integrating food security and peacebuilding initiatives, we can work together to ensure that hunger is neither a cause nor a result of conflict.”<sup>188</sup>

For this reason, FAO strongly recommends that economic stimulus in all countries as a consequence of the COVID-19 pandemic must be focused on keeping the food supply chains functioning. Stimulus measures that tackle the current menace to food access should emphasize efforts to build resilience into food systems to safeguard them against future economic slowdowns and downturns. Avoiding hunger must be at the centre of the economic stimulus<sup>189</sup>.

The Constitution of FAO of 1945 recognises that «the Nations accepting this Constitution, being determined to promote the common welfare by furthering separate and collective action on their part for the purpose of raising levels of nutrition and standards of living of the peoples under their respective jurisdictions». In light of its mandate, peacebuilding is essential to the mission of FAO, which understands that a stable, peaceful environment is the foundation for lasting food security and sustainable livelihoods.

Food insecurity is deepest in conflict-affected countries, where it can be both a cause and a consequence of violence. Improving food security can make an important contribution to peacebuilding processes, reducing the risk of a relapse into conflict. Consequently, FAO recognized that “the COVID-19 pandemic could also have negative effects on social and political stability, creating the conditions for unrest, especially in the most vulnerable food crisis countries”. The impacts of the pandemic combined with restrictions on movement, soaring unemployment, limited access to food, and the erosion of already fragile livelihoods may fuel violence and conflict<sup>190</sup>.

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187 Committee on Economic, Social and Cultural Rights, General Comment No. 12 on the “The right to adequate food”, Doc. E/C/12/1999/5, 12 May 1999, paragraph 4

188 FAO, “FAO and Peacebuilding: Supporting peace through food security and resilience”, Rome, Italy, 2015

189 FAO, “COVID-19 global economic recession: Avoiding hunger must be at the centre of the economic stimulus”, Rome, Italy, 24 April 2020

190 FAO, “Anticipating the impacts of COVID-19 in humanitarian and food crisis contexts”, Rome, Italy, 4 April 2020

The outbreak of the Ebola virus disease in West Africa, the financial crisis of 2007–2008, or other crisis, could serve as an example as they all highlight the need to act quickly and anticipate the collateral effects of the COVID-19 pandemic. The Ebola virus disease in Liberia, Guinea and Sierra Leone has significantly challenged peacebuilding and stabilization processes related to public services and social cohesion.

Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. The four pillars of food security are availability, access, utilization and stability. Consequently, food security should be at the frontline of the response to the COVID-19<sup>191</sup>.

### 3.3.Education

The main risks identified by the Secretary-General for the next future of our societies because of the COVID-19 pandemic could be the following: erosion of the trust in public institutions, economic instability impacting in particular women, the postponement of elections or referenda, incentives for some actors to promote further division and turmoil in conflict situation areas, escalation of terrorism and bioterrorism, increase of supremacist attitudes, exploitation of hate speech against vulnerable groups and limitation of media and civic space<sup>192</sup>.

In order to combat the consequences derived from the COVID-19, it is vital to promote the right to education, which is an essential component of contemporary human rights law. Although the right to education is generally considered to be a cultural right, it is also related to civil, political, economic and social rights. Education is a precondition and the key to the enjoyment of all human rights. Taking into account that the right to education cannot be viewed in isolation, it can be concluded that the fulfilment of the right to education would allow the enjoyment of, *inter alia*, the right to freedom of opinion and expression and the right to participation of all human beings in a more just society<sup>193</sup>.

Most governments around the world have temporarily closed educational institutions in an attempt to contain the spread of the COVID-19 pandemic. These nationwide closures are impacting over 72% of the world's student population. In this context, UNESCO is supporting countries in their efforts to mitigate the immediate impact of school closures, particularly for more vulnerable and disadvantaged communities, and to facilitate the continuity of education for all through remote learning.

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191 FAO, "Extension and advisory services: at the frontline of the response to COVID-19 to ensure food security", Rome, Italy, 17 April 2020

192 See at <https://www.un.org/sg/en/content/sg/statement/2020-04-09/secretary-generals-remarks-the-security-council-the-covid-19-pandemic-delivered>

193 Report submitted by the Special Rapporteur on the Right to Education, Mr. Vernor Muñoz Villalobos, E/CN.4/2005/50, 17 December 2004, par. 66

As stressed in several international human rights instruments, education should be directed not only to the full development of the human personality and the respect of human rights and fundamental freedoms, but also to the promotion of mutual understanding and respect, gender equality, friendship among all nations, racial or religious groups and the maintenance of peace<sup>194</sup>.

The right to education requires enforceable individual entitlements *to* education, safeguards for human rights *in* education and instrumentalization of education to the enjoyment of all human rights *through* education. As stated by UNESCO, “the inclusion of human rights in education is a key element of a quality education”<sup>195</sup>. Richly endowed education systems may be faulted for their failure to halt intergenerational transmission of racism or xenophobia<sup>196</sup>. It follows that a successful human rights education system should be able to eliminate any and all types of inequality, exclusion or discrimination based on prejudices, bias and discriminations transmitted from generation to generation.

The right to education is the best way to combat intolerance and hatred. UN Expert has stressed that the COVID-19 pandemic has caused a flare-up in existing religious intolerance in many countries. The alarm to see the upsurge in incitement to hatred, scapegoating religious or belief communities is really high. Migrants, refugees and asylum seekers from different minority groups have also been similarly stigmatized. Those targeted also have faced verbal abuse, death threats, physical attacks and experienced discrimination accessing public services, including denial of vital health services<sup>197</sup>.

Another problem increased by the COVID-19 is the inequality, which is a cross-cutting variable that affects all social strata. Women constitute a main group affected by this inequality as shown by the increasing number of women victims of violence. Other groups seriously affected are children, indigenous people, persons with disabilities, refugees, asylum seekers, migrant workers, the elderly, minorities, displaced or people infected or suffering from AIDS<sup>198</sup>.

Educational statistics demonstrate how discrimination based on gender, race, ethnicity, religion, or language, combines to trap new generations of

194 Article 26.2 of the Universal Declaration on Human Rights, article 29.1 of the UN Convention on the Rights of the Child, article 13 of the International Covenant on Economic, Social and Cultural Rights and article 13.2 of the Protocol of San Salvador on Economic, Social and Cultural Rights

195 UNESCO Executive Board, Elements for an overall UNESCO strategy on human rights, (165 EX/10) para. 31

196 Report submitted by the by the late Special Rapporteur on the Right to Education, Ms Katarina Tomasevski, E/CN.4/2004/45, 15 January 2004, par. 53; Y. Danieli (Ed.) International Handbook of Multigenerational Legacies of Trauma. New York: Kluwer Academic/ Plenum Publishing Corporation. 1998

197 Statement by the Special Rapporteur on freedom of religion or belief , “UN expert warns against religious hatred and intolerance during COVID-19 outbreak”, 22 April 2020

198 Report submitted by the Special Rapporteur on the Right to Education, Mr. Vernor Muñoz Villalobos, E/CN.4/2006/45, 8 February 2006, par. 18

people in a vicious downward cycle of denied rights, where the lack of access to education leads to exclusion from the labour market, which then results in perpetuating and increasing impoverishment<sup>199</sup>. As stressed by the United Nations, the exclusion of the poorest from education perpetuates social inequalities in many parts of the world<sup>200</sup>. Denial of the right to education leads to denial of other human rights and the perpetuation of poverty.

In this line, a group of UN entities raised that more than ever, as the COVID-19 poses a global threat to our collective humanity, our primary focus should be on the preservation of life, regardless of status. This crisis demands a coherent, effective international approach that leaves no-one behind. Many refugees, displaced, stateless people and migrants have skills and resources that can also be part of the solution. They seek that “we cannot allow fear or intolerance to undermine rights or compromise the effectiveness of responses to the global pandemic”<sup>201</sup>.

As highlighted by the UNESCO *Declaration and Integrated Framework of Action on Education for Peace, Human Rights and Democracy*<sup>202</sup>, education should develop non-violent conflict resolution through the promotion of peace, tolerance, solidarity, compassion, sharing and caring. In the aftermaths of the COVID-19 human rights education should aim to build a universal culture of human rights through the encouragement and promotion of attitudes directed to peace building and maintenance<sup>203</sup>. Education, both formal as non-formal, is therefore a key element to achieving “sustainable development, peace and stability within and among countries”, by fostering social cohesion and empowering people to become active participants in social transformation<sup>204</sup>.

In the context and after of the COVID-19 spread, formal and non-formal education should promote empathy, respect, diversity, solidarity, understanding, peace and friendly relations among nations and all racial, ethnic or religious groups, and encourage the development of United Nations activities in pursuance these objectives<sup>205</sup>. Education should further provide children with the necessary tools and generic skills: a) cognitive (to know);

199 Report submitted by the by the late Special Rapporteur on the Right to Education, Ms Katarina Tomasevski, E/CN.4/2001/52, 11 January 2001, par. 45

200 United Nations, **1985** Report on the World Social Situation, New York, 1985, Sales No. E.85.IV.2, p. 34

201 Joint Statement , “The rights and health of refugees, migrants and stateless must be protected in COVID-19 response: A joint statement by UNHCR, IOM, OHCHR and WHO”, 31 March 2020

202 Declaration on the 44th session of the International Conference on Education (Geneva, October 1994) endorsed by the General Conference of UNESCO at its twenty-eight session, Paris, November 1995, par. 9

203 OHCHR, The Plan of Action for the First Phase (2005-2007) of the World Programme for Human Rights Education, Geneva, 2005

204 Dakar Framework for Action, Education for all: meeting our collective commitments. Text adopted by the World Education Forum, Dakar, Senegal, 26-28 April 2000, goal 6

205 Vienna Declaration and Plan of Action, World Conference on Human Rights, Vienna, 14 - 25 June 1993, U.N. Doc. A/CONF.157/24 (Part I) at 20 (1993), par. 33

b) procedure-instrumental (to learn acting); c) attitudinal (to be). These latter skills should be related to a concept of peace understood from a creative, empathic and non-violent perspective<sup>206</sup>. For this reason, schools should be identified and protected as sanctuaries and zones of peace<sup>207</sup> so that the lives of children and young people who are victims to violence and war may be rebuilt.

According to UN Experts, an important obstacle to universalizing the right to education is to consider education as superfluous for human survival and unnecessary for subsistence. The absence of education not only prevents the victims of armed conflicts and disasters from becoming self-sustaining but forces them to remain recipients of assistance<sup>208</sup>. The "survival package" of humanitarian relief should include not only the provision of water, sanitation, medical and psychosocial services, shelter, clothing and food, but fulfil the right to education as a primary need. Education is key to overcome the effects posed by the COVID-19 pandemic. The RSA through the King Salman Humanitarian Aid and Relief provides educational projects to the beneficiary countries.

The *Declaration and Programme of Action on a Culture of Peace* recognised education as a part of the culture of peace: "education at all levels is one of the principal means to build a culture of peace. In this context, human rights education is of particular importance"<sup>209</sup>. In addition, it identifies specific actions to promote the culture of peace through education (i.e. international cooperation, children, women, curricula, dialogue, conflict prevention and higher education).

In the right to education, the RSA has activated the remote education, during the COVID19 pandemic crisis, and several initiatives contributions aimed at promoting the right to education have been launched, including the "We Are All Giving" initiative, which included providing students with free SIM cards and tablets.

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206 The International Decade for a Culture of Peace and Non-violence for the Children of the World (2001 to 2010)

207 Dakar Framework for Action, goal 58

208 Report submitted by the by the late Special Rapporteur on the Right to Education, Ms Katarina Tomasevski, supra n. 9, par. 49

209 *Declaration and Programme of Action on a Culture of Peace*, UNGA Doc. A/RES/53/243, 6 October 1999, art. 4

## **PART IV: THE SAUDI ACHIEVEMENTS DURING THE STRUGGLE AGAINST THE COVID-19**

### **1. Sustainable Development Goals**

Although the number of cases affected by the COVID-19 and the death toll in the KSA is not so much high compared to other countries, the Government preferred to adopt measures as part of its efforts to prevent transmission of the COVID-19 infection and to protect the health of citizens and expatriates<sup>210</sup>.

In line of the most Governments in the world, on 6 March 2020 the Kingdom's government decided to restrict temporarily the entry into the Kingdom through its airports, roads and ports, and to limit the issue of new visa for those citizens coming from a country in risk. Additionally, on 16 March the Ministry of Interior announced additional measures based on the WHO's recommendations, such as the suspension to attend at work places, closure of commercial markets and malls, prevention of gatherings in public places designated for recreation, encouragement to companies to reduce the number of employees and promote teleworking.

Some experts stressed that the COVID-19 crisis is now a global one that has also morphed into larger and more global economic and social crisis. High income countries have done well to backstop their financial systems and have also begun to advance bold stimulus packages for recovery. However, emerging market and developing countries lack the wherewithal for such a response<sup>211</sup>. This is not certainly a good sign for achieving the Sustainable Development Goals (SDGs), in which the world was already falling behind in efforts to achieve them<sup>212</sup>.

The SDGs are a collection of 17 global goals designed to achieve a better and more sustainable future for all. The SDGs, set in 2015 by the UN General Assembly<sup>213</sup>, are intended to be achieved the 2030 Agenda, which is a plan of action for people, planet and prosperity aimed at strengthening universal

<sup>210</sup> On 30 April 2020, the Spokesman of the Ministry of Health Dr. Mohammed Al-Abdulaali said in a press conference that that the total cases tested positive for COVID-19 in the KSA reached 22,753 cases, of which 19,428 cases are active cases receiving medical care, and their health condition is mostly stable; with the exception of 123 cases receiving intensive care. The number of total deaths to 162 cases.

<sup>211</sup> Kevin, P., Gallagher, Willian R. Rring, and Jose Antonio Ocampo, *Celebrating the COVID-19 Crisis Response to the SDGs, United Nations*, 14 April 2020

<sup>212</sup> Subhanij, T. and Hasannudin, Z., *Financing SDGs under a new normal: Challenges and response to COVID-19 pandemic*, UN Economic and Social Commission for Asia and the Pacific, April 2020

<sup>213</sup> UNGA Resolution on "Transforming our world: the 2030 Agenda for Sustainable Development", Doc. A/RES/70/1, 25 September 2015



peace in larger freedom. The eradication of poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development.

To understand the Saudi commitment with SDGs in the current times of the COVID-19, it should be recalled that on 9-18 July 2018, a High-level Political Forum took place at the UN headquarter in New York to take stock of progress on the SDGs and to discuss progress, successes, challenges and lessons learned on the road to a fairer, more peaceful and prosperous world and a healthy planet by 2030.

In this UN context, the Saudi Ministry of Economy and Planning prepared in 2018 the first Voluntary National Review entitled "Towards Saudi Arabia's Sustainable Tomorrow", in which "the SDGs targets and indicators become incorporated into the government's detailed action plans and programs that are being developed and refined under the Vision 2030 framework". In this review, an assessment of linkages between the Vision 2030 goals and the 17 SDGs was conducted<sup>214</sup>.

The achievement of the SDGs is based on the constructive cooperation, sharing of experiences and best practices among countries and promoting peace, security and stability as a prerequisite for realization of sustainable development in its economic, social and environmental dimensions<sup>215</sup>. In accordance with the Saudi national review, the Ministry of Education was committed to promote a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development<sup>216</sup>.

Despite the unprecedented impacts on global economy because of the COVID-19, the Minister of Finance and Acting Minister of Economy and Planning Mohammed bin Abdullah Al-Jadaan, confirmed that the kingdom's government had reached advanced stages of implementing its plans under the Kingdom's Vision 2030. By achieving firmly the goals of the Kingdom's vision 2030<sup>217</sup>, the National Transformation Program (NTP) has accomplished significant achievements both locally and internationally since the announcement of the Kingdom's Vision 2030<sup>218</sup>.

As a member of the UN General Assembly, the KSA committed in realizing sustainable development globally, starting from the Saudi society, in which the said SDGs go in harmony with the Saudi Vision 2030. At the heart of this effort, the KSA elaborated the General Authority for Statistics (GASat), which

214 Ministry of Economy and Planning of the KSA, "Towards Saudi Arabia's Sustainable Tomorrow", p. 14

215 Ministry of Economy and Planning of the KSA, "Towards Saudi Arabia's Sustainable Tomorrow", p. 15

216 Ministry of Economy and Planning of the KSA, "Towards Saudi Arabia's Sustainable Tomorrow", p. 57

217 Al-Yaum newspaper, Editorial

218 Al-Riyadh newspaper, 31 March 2020



provides all the data and necessary information elaborated by the KSA in the realization of the SDGs in line of the Saudi Vision 2030. GAsStat follows up with the relevant authorities to ensure the availability of reliable data, to be used in measuring the SDG indicators, and determining the progress achieved<sup>219</sup>, even in the post-COVID 19.

As indicated by the GAsStat, the KSA assumed important compromises for the achievement of SDGs at both the national and international level. In particular, the KSA supports institutions and organizations which run special programs that are recognized by the international community in form of donations and humanitarian aid. The KSA Government pays special attention to food security, which makes KSA one of the world's major contributors to hunger control programs. Both education and health systems actually account for the largest share of the state budget allocation in line of the full accomplishment of SDG. Both the food security, health and education are important targets to be implemented in the post-COVID pandemic.

In order to accomplish the SDG, the KSA oriented its actions through the planning, implementation and reinforcement of specific programmes, which are aimed at achieving the different Goals envisaged in the 2030 Agenda and the Saudi Vision 2030.

In this vein, the KSA committed with concrete actions, which should be also accomplished in the post-COVID pandemic: end poverty in all its forms everywhere; end hunger, achieve food security and improved nutrition and promote sustainable agriculture; ensure healthy lives and promote well-being for all at all ages; ensure inclusive and equitable quality education and promote lifelong learning opportunities for all; achieve gender equality and empower all women and girls; ensure availability and sustainable management of water and sanitation for all; ensure access to affordable, reliable, sustainable and modern energy for all; promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation; reduce inequality within and among countries; make cities and human settlements inclusive, safe, resilient and sustainable; ensure sustainable consumption and production patterns; take urgent action to combat climate change and its impacts; conserve and sustainably use the oceans, seas and marine resources for sustainable development; protect, restore and promote sustainable use of terrestrial ecosystems; promote peaceful and inclusive societies for sustainable development, and provide access to justice for all and strengthen the means of implementation and revitalize the global partnership for sustainable development<sup>220</sup>.

219 General Authority for Statistics, Sustainable Development Goals (SDGs) in KSA (Status-quo Statistical Report), 2018, p. 2

220 General Authority for Statistics, Sustainable Development Goals (SDGs) in KSA (Status-quo Statistical Report), 2018, p. 144

On 17 April 2020, the Minister of Finance and the Acting Minister of Economy and Planning Mohammed Abdullah Aljadaan confirmed that the global economy during the current year 2020 will face the worst recession, that this recession will be far worse than during the global financial crisis and that the humanitarian impact from the COVID-19 pandemic is significant. However, the Minister also stressed that the KSA faces this global crisis from a position of strength, with ample reserve buffers and relatively low government debt. Recently, Credit Rating Agencies have broadly affirmed their positive assessments about the Kingdom's strong fundamentals and robust economy. This situation of stability will allow KSA to continue with its reforms in the framework of the Vision 2030 and SDG Goals.

Among the initiatives taken by the KSA, the Vision 2030's programs and initiatives aim at improving quality of life and eradicating poverty in all its forms are in line with the UN Sustainable Development Goals 2030. There are some actions, namely: establishment of 'Citizen Account,' which helps alleviate the direct and indirect impacts of the economic reforms on Saudi families; adoption of the methodology to calculate the absolute poverty line in the Kingdom and the National Environment Strategy, the National Water Strategy, and the Food Safety Strategy.

In order to stress the importance of respecting human rights in the struggle against the COVID-19 in the context of the 2030 Vision, it would be important to recall that on 2 May 2019, the OHCHR with the support of the United Nations Development Programme (UNDP) and the Saudi Human Rights Commission, organized a one-day workshop in Riyadh on "Human Rights as part of the Saudi Vision 2030, and the UN Sustainable Development Agenda for SDG's". The objective of the workshop was to increase the awareness of government officials of the SDGs and the 2030 Agenda and their inter-relation with the Saudi Vision 2030 and most importantly with human rights. They concluded that the introduction of new human rights reforms in light of the international standards and in compliance with the Saudi law is fundamental to achieve a more strong society.

Vision 2030 sets a separate strategic objective to increase women's participation in the labor market. The Vision further ensures women's rights in the fields of health, education, protection, employment and in being provided with a decent living standard. In accordance with the Goal 5 on quality education elaborated by GAsat, the KSA extended its program in the field of global citizenship education and education for sustainable development, including gender equality and human rights<sup>221</sup>. In this sense, several measures were taken in order to reinforce the role of women in

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221 General Authority for Statistics, Sustainable Development Goals (SDGs) in KSA (Status-quo Statistical Report), 2018, p. 46

society<sup>222</sup> and some associations offered considerable support to Saudi women in all areas<sup>223</sup>.

After his visit to the RSA, UN Expert in 2017 said that "... the radically new approach reflected in Vision 2030, the National Transformation Program 2020 and the Fiscal Balance Program recognizes the need to encourage full female participation in the labour market, which will drive the cultural changes needed to enable women to become both more economically productive and more independent"<sup>224</sup>. Consequently, the Saudi Vision 2030 could be a catalyst for realizing women's rights.

On the occasion of International Women's Day 2020, media stressed that the RSA sees women as one of the pillars of the Saudi Vision 2030<sup>225</sup>. In this context, Dr. Al-Awwad, President of the Saudi Human Rights Commission, said that women took great part in reforms related to human rights which the Saudi Vision 2030 adopted. He also stressed that World Bank's Women, Business and the Law 2020 report confirmed that the Kingdom ranks as the top reformer and top improver among 190 economies that it covers. It also placed Saudi Arabia first among GCC countries and second in the Arab world.

Despite the circumstances the world is passing due to the COVID-19 pandemic, the RSA has advanced its agenda on human rights in light of the commitments assumed in both the Vision 2030 and the 2030 Agenda. Some experts concluded that despite the spread of the COVID-19 pandemic, the reform machine in Saudi Arabia is still working and the outcome is evident for all".

During the hardship imposed by the COVID-19 pandemic and societal measures adopted to prevent its spread, on 25 April 2020 a royal decree ending the application of the death penalty for individuals convicted of crimes committed while they were minors was approved by the RSA<sup>226</sup>.

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222 Enabling women to hold leading positions in the government; By virtue of a Royal Order, dated 2013, 20% of the Shura Council (Consultative Council) seats are dedicated to female members; Creating over 450,000 jobs for women; An electronic portal for female job seekers; Developing productive projects for households (productive households); Launching a program for training women (Duroob); Launching of a program to support the transport of working women (Wu-sool); Launching of a program to support the hosting of children of working women (Qurrah); Developing the household affairs database; and Future Researcher initiative.

223 Prince Sultan bin Abdulaziz Fund for Women's Development; National family security program; Deem Al-Manahil Fund (Princess Madawi' fund for women development); Al-Nahda Women Charitable Society; Social Development Bank (SDB); Wafaa Institution for Women's Rights; and Mawadda Society.

224 Statement by the Special Rapporteur on extreme poverty and human rights, Philip Alston, "Saudi Vision 2030 could be a catalyst for realizing women's rights", 19 January 2017

225 Al-Riyadh newspaper, 9 March 2020

226 Dr. Al-Awwad said that the decree helps us in establishing a more modern penal code, and demonstrates the Kingdom's commitment to following through on key reforms across all sectors of our country as part of Vision 2030. The decree means that any individuals who received a death sentence for crimes committed while he or she is a minor can no longer face execution. See at <https://hrc.gov.sa/en-us/News/Pages/news803.aspx>

Additionally, a recent decision adopted by the Supreme Court eliminated the flogging as a potential punishment was approved. This decision ensures that those who were once sentenced with floggings, will now receive fines, prison sentences or any alternative sentence according to the law<sup>227</sup>.

As concluded by the OHCHR workshop in May 2019, the existing linkage between the 2030 Agenda and Saudi Arabia's Vision 2030 is fundamental to understand the progressive advancement of human rights within the KSA. The monitoring and evaluating process on the progress of implementing SDG's in the KSA is a key element to forge vibrant and dynamic societies, in which all Saudi citizens can achieve their expectations in the post-COVID pandemic. In this sense, Ms. Nathalie Fuster, UN Resident Coordinator in the KSA, openly applauded all human rights reforms carried out by the KSA, which she considers that are essential to its development and progress.

## **2. Peace and security**

In the context of the COVID-19, the UN Secretary-General issued a global appeal to all belligerents to down their weapons to help halt the spread of the new Coronavirus. On 8 April 2020, he welcomed the announcement of the "Coalition to Support Legitimacy in Yemen", of a unilateral ceasefire in Yemen. He added that this can help to advance efforts towards peace as well as the country's response to the COVID-19 pandemic. The Saudi Deputy Minister of Defense Prince Khalid bin Salman said that a two-week ceasefire announced by the Coalition to Restore Legitimacy in Yemen "will hopefully create a more effective climate to de-escalate tensions"<sup>228</sup>.

The same day of the announcement, United Nations Secretary-General's Special Envoy to Yemen Mr. Martin Griffiths highlighted that the announcement comes in support of the UN's peace process and the UN Secretary-General's call for a nationwide ceasefire in order to avert the grave risks of a COVID-19 outbreak in Yemen. Additionally, the Special Envoy stressed that "I am grateful to the KSA and the Coalition for recognizing and acting on this critical moment for Yemen. The parties must now utilize this opportunity and cease immediately all hostilities with the utmost urgency, and make progress towards a comprehensive and sustainable peace".

In order to progressively eliminate armed conflict and war and consequently to live in a context of peace, the protection of human dignity should be in the center of all decision-making processes in both the national and international level. In this sense, the coalition decision in Yemen is a useful mean aimed at promoting in the region positive measures in the economic, social and cultural fields through the respect of the right to life, peace and health.

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<sup>227</sup> According to Dr. Awwad, "This reform is a momentous step forward in Saudi Arabia's human rights agenda, and merely one of over 70 human rights reforms carried out in the Kingdom over the past five years". These reforms came according to the recommendations made by Human Rights Commission

<sup>228</sup> Asharq Al-Awsat newspaper, 9 April 2020

The right to life and security of people and their fundamental dignity is always under threat, even violated, in this type of dreadful situation. To achieve a genuine peace and stability, the countries in conflict should firstly immediately cease all type of violence (i.e. cease-fire). Secondly, States should re-establish again the full respect and implementation of fundamental rights and thirdly, to identify the most appropriate solutions for a peaceful settlement of the crisis and to promote a national dialogue and reconciliation. The non-commitment of these provisions could be considered a breach of international law.

This is the spirit of the UN Secretary-General' statement inspired in the KSA decision to declare the unilateral cease-fire:

“Only through dialogue will the parties be able to agree on a mechanism for sustaining a nation-wide ceasefire, humanitarian and economic confidence-building measures to alleviate the suffering of the Yemeni people, and the resumption of the political process to reach a comprehensive settlement to end the conflict”.

This positive perspective on peace was previously used in the *Istanbul Declaration*, adopted by the Red Cross and Red Crescent in its Twenty-first International Conference in 1969 in the following terms<sup>229</sup>: “Man has a right to enjoy lasting peace, that it is essential for him to be able to have a full and satisfactory life founded on respect of his rights and of his fundamental liberty”<sup>230</sup>.

In light of this new involvement in the conflict in Yemen, the international community<sup>231</sup>, parliaments<sup>232</sup> and regional organizations strongly welcome this Saudi ceasefire<sup>233</sup>. Some States from the MENA region also applauded this decision<sup>234</sup>.

229 Ramcharan, B., “The Right to Life”, *Netherlands International Law Review* (NILR), 1983, p. 307-308

230 International Review of Red Cross, Ninth year, n. 104, 1969, Para. 1 and 2, p. 620. See in [http://www.loc.gov/rr/frd/Military\\_Law/pdf/RC\\_Nov-1969.pdf](http://www.loc.gov/rr/frd/Military_Law/pdf/RC_Nov-1969.pdf)

231 The spokesman for the European External Action Service welcomed the announcement made the day before by Saudi Arabia, on behalf of the ‘Coalition to Support Legitimacy in Yemen’, of a unilateral two-week ceasefire in Yemen to prevent the spread of COVID-19

232 The President of the Arab Inter-Parliamentary Union Atef Tarawneh praised the announcement of the ceasefire as a positive and constructive gesture that reflects the principle of giving priority to the Arab interests as well as the humanitarian goals to alleviate the suffering of the Yemeni people, confront the spread of the deadly coronavirus, and create the conditions to activate diplomatic means and reach a comprehensive and just political solution to the crisis in Yemen.

233 The Secretary General of GCC, Dr. Naif Al-Hajraf expressed his hope that these efforts will create the condition to complete the implementation of Riyadh Agreement. The Secretary General of the Organization of Islamic Cooperation (OIC), Dr. Yousef A. Al-Othaimen commended the coalition’s announcement of its seriousness.

234 Tunisia’s ministry of foreign affairs expressed hope that this humanitarian truce would open the way wide for forging a permanent political solution in Yemen, confirming Tunisia’s keenness on the unity of Arab ranks and reiterating its support for all Arab and efforts aiming to reach a durable political breakthrough to the conflict.

The Yemen decision taken by the Coalition during the COVID-19 pandemic could be understood in the context of the long tradition in the Saudi foreign policy in the field of conflict resolution, mediation and the promotion of friendly relations among nations<sup>235</sup>. While all states in the international community have at least once acted as mediator, KSA has done so with above-average frequency, including in Yemen. As representative of the birthplace of Islam and the Custodian of the Two Holy Mosques, the Saudi leadership claims the role as the leader and mediator of the Islamic world<sup>236</sup>.

It should be recalled the establishment of the Saudi Development and Reconstruction Program for Yemen in 2018, which aims at providing assistance to the Yemeni government in all areas, such as security, transportation, health care, education, etc... The kingdom represented by the KSRelief, provided health assistance to Yemen, including medicines and preventive and curative medical supplies worth \$3.5 million, to confront the COVID-19 pandemic.

### 3. International actions

As a founding member of the UN in 1945, KSA has shaped its international policy in light of the purposes and principles enshrined in the UN Charter. KSA is party to 5 core international human rights instruments (CAT<sup>237</sup>, CRC<sup>238</sup>, CEDAW<sup>239</sup>, CERD<sup>240</sup>, CRPD<sup>241</sup>) and 3 Protocols (OP-CRPD<sup>242</sup>, CRC-OPAC<sup>243</sup> and CRC-OPSC<sup>244</sup>). It would be desirable that one day KSA could sign some or all of the remaining human rights treaties.

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Egypt renewed its support for the efforts of the KSA and the forces of the Coalition to bring about peace, security and stability in Yemen, in a manner that guarantees its unity and territorial integrity and alleviates the suffering of the Yemeni people.

The Prime Minister of Kuwait Sheikh Sabah Khalid Al-Hamad Al-Sabah stressed that this decision reflects a high awareness of the international emergency conditions imposed on the world and our region due to the spread of the Coronavirus and a sincere desire to spare the Yemeni society the consequences of this disaster.

235 Mediation efforts in the two Saudi sponsored Arab Peace Initiatives (1982 -2002), the 2007 Makkah Accords, the 1979 Taif Agreement and the 2011 GCC mediation plan for Yemen.

The Prime Minister of Kuwait Sheikh Sabah Khalid Al-Hamad Al-Sabah stressed that this decision reflects a high awareness of the international emergency conditions imposed on the world and our region due to the spread of the Coronavirus and a sincere desire to spare the Yemeni society the consequences of this disaster.

236 Fernandez Puyana, D., "The significance of the Saudi personal and diplomats at the United Nations system", *The Diplomat*, Journal of the Prince Saudi Al Faisal Institute for Diplomatic Studies Ministry for Foreign Affairs, Kingdom of Saudi Arabia, January 2020

237 Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment  
238 Convention on the Rights of the Child

239 Convention on the Elimination of all Forms of Discrimination against women

240 International Covenant on the Elimination of All Forms of Racial Discrimination

241 Convention of the Right of Persons with Disabilities

242 Optional Protocol of the Convention of the Right of Persons with Disabilities

243 Optional Protocol of Convention on the Rights of the Child on the involvement of children in armed conflict

244 Optional Protocol of Convention on the Rights of the Child on the sale of children child prostitution and child pornography

In accordance with Elcano's Global Presence Report 2017, KSA is in the 15 position, based on its powerful economy (G20), cultural attraction, education or military power. The first 10 positions are still dominated by 'old' and/or Western powers (with the remarkable exception of China). Japan, Russia, Canada, the Netherlands, Italy and Spain follow France in the ranking<sup>245</sup>.

The G20 is an international forum for the governments and central bank governors from 19 countries and the European Union (EU). With the aim to discuss policy pertaining to the promotion of international financial stability, the G20 has expanded its agenda since 2008, such as the COVID-19 pandemic. In this sense, the G-20 addresses issues and topics that go beyond the responsibilities of any one organization. The current Chairman of the G-20 is the King Salman bin Abdulaziz Al-Saud.

On 26 March 2020, the Saudi G20 Presidency organized a virtual Leaders' Summit chaired by the King Salman Bin Abdulaziz Al Saud with the aim of examining ways to unify efforts to confront the spread of the COVID-19 pandemic. G20 members were joined by leaders from invited countries<sup>246</sup> and international organizations<sup>247</sup>. G20 Leaders put forward a coordinated set of policies to protect people and safeguard the global economy. Additionally, the Summit was built on the ongoing efforts of the G20 Finance Ministers and Central Bank Governors, senior health, trade, and foreign affairs officials, to further develop the precise requirements and actions needed. The G20 leaders issued a final statement declaring their commitment to counter and curb the spread of this pandemic.

In the opening of the virtual Leaders' Summit, the King Salman bin Abdulaziz Al-Saud delivered a speech at the outset of the summit, in which stressed that "... the impact of this pandemic has spread to reach the global economy, financial markets, trade, and global supply chains, hampering growth and development and reversing the gains accomplished in the previous years". In this sense, the King Salman said that "we must also strengthen the global preparedness to counter infectious diseases that may spread in the future in different fronts", such as the trade, health and economic. Finally, the King Salman stressed that "the G20 has previously proven its effectiveness in mitigating the severity of the global financial crisis and its ability to overcome it. Today, through our cooperation, we are confident that we, together, will overcome this crisis, and move forward towards a future where all people thrive, prosper and are healthy".

245 Real Instituto Elcano, Royal Institute, Elcano's Global Presence Report, Madrid, 2017, p. 68

246 Spain, Jordan, Singapore, and Switzerland

247 United Nations (UN), World Bank Group (WBG), the World Health Organization (WHO) and World Trade Organization (WTO), the Food and Agriculture Organization (FAO), the Financial Stability Board (FSB), the International Labour Organization (ILO), International Monetary Fund (IMF), the Organization for Economic Cooperation and Development (OECD). Regional organizations will be represented by Vietnam the Chair of the Association of Southeast Asian Nations (ASEAN), South Africa the Chair of the African Union (AU), the United Arab Emirates the Chair of the Gulf Cooperation Council (GCC) and Rwanda the Chair of the New Partnership for Africa's Development (NEPAD).



In a letter addressed to the King Salman bin Abdulaziz Al-Saud on 23 March 2020, the Secretary General Antonio Gutierrez highlighted that the United Nations stands ready to work with the G-20 and. He added that a unified message of concerted action from G-20 is needed now more than ever. In this sense, the Secretary General shares with His Majesty three critical areas for discussion and decision making, namely: first, coordination and cooperation to suppress the virus; second, we must minimize the social and economic impact of the COVID-19 for everyone and stimulate a faster recovery everywhere and third, we must reaffirm our common responsibility to recover better, with more inclusive and sustainable models of development. On the other hand, on 27 March 2020 the WHO thanked the G20 countries for their commitment to help the world in tackling the novel Coronavirus pandemic (COVID-19), saving the global economy and directing supply chains to confront the virus. In the final communique issued by Extraordinary Virtual Summit, the G20 leaders affirmed commitment to provide full support to the WHO's mandate in coordinating international efforts to combat the pandemic, including protection of front-line health workers and provision of medical supplies, particularly diagnostic tools, treatments, medicines and vaccines. The final communique also reminded that Global action, solidarity and international cooperation are more than ever necessary to address this pandemic.

Since the outbreak of the COVID-19 pandemic, the G-20 Presidency has convened several sectorial meetings at the level of Ministers in order to unify efforts of the countries of the largest economic group in the world to take urgent and scheduled measures to support of the health efforts, especially in the poorest countries. Optimism remain present for the efforts exerted by the Kingdom on activating the direct dealing with the repercussions of the current crisis with a collective position of G20, and cooperation with international health and economic organizations concerned with these developments<sup>248</sup>.

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248 Al-Bilad newspaper, 17 April 2020



In particular, the high ministerial meetings coordinated by the G-20 Presidency led by the KSA were important to find common global actions in the struggle against the effects of the COVID-19 pandemic in the field of trade<sup>249</sup>, energy<sup>250</sup>, health<sup>251</sup> and agriculture<sup>252</sup>.

The G-20 is an important forum for driving a global response during times of uncertainty. In the Saudi Arabia's responsibility towards this crisis, the KSA has pledged USD 500 million to relevant international organizations to support global efforts in combating the COVID-19 pandemic. The KSA through its G20 Presidency also suggested to inject more than USD 5 trillion into the global economy to offset the economic and financial impacts of the pandemic. The KSA provided also assistance to China, namely by securing medical equipment and supplies via a number of international companies to combat the COVID-19.

KSA continues its humanitarian actions during this crisis throughout supporting and financing the World Health Organization to combat the epidemic, in addition to the Yemen Humanitarian Response Plan with USD 500 Million and the medical supplies to Palestine with USD 2.5 Million.

The KSA, as the holder of the G20 Presidency, has taken its political, economic and humanitarian responsibility to address Coronavirus (COVID-19) pandemic and its impacts regionally and globally.

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249 On 30 March 2020, an extraordinary meeting held by the Trade and Investment Ministers G20 took place via conference. They affirmed that COVID-19 pandemic is a global challenge that requires coordinated response, in which efforts unite to tackle this common threat, stressing that the time has come for the international community to work more than ever to double coordination and cooperation to protect Human life.

250 On April 11 2020, energy ministers of the G-20 issued a statement at the end of the extraordinary meeting, in which G20 Energy Ministers concluded that the current crisis has also contributed to the destabilization of global oil and gas markets and compromises energy security for many nations. They also committed to take all the necessary measures to ensure the balance of interests between producers and consumers, the security of our energy systems and the uninterrupted flow of energy.

251 On April 19 2020, the G20 Health Ministers held a virtual meeting to further coordinate efforts in combating COVID-19. G20 Ministers emphasized that people's health and well-being are at the heart of all decisions taken to protect lives, tackle illness, strengthen global health security, and alleviate the socio-economic impacts resulting from COVID-19.

252 On 21 April 2020, the extraordinary meeting of G20 Agriculture Ministers committed to cooperating closely and taking concrete actions to safeguard global food security and nutrition. They reaffirmed the importance of working to ensure the continued flow of food, products, and inputs essential for agricultural and food production across borders and guarded against any unjustified restrictive measures.



## CONCLUSIONS

The research entitled "National and global actions in the struggle against COVID 19: the Saudi's contribution to this goal as Chairman of the Group of Twenty (G-20)" has as objective to explain from the human rights education perspective a crisis which affects to the full enjoyment of peace and security, human rights and development. The conclusions could be as follows:

1. The health is protected by the International Humanitarian Law in armed conflicts. It demands parties to protect the physical or mental health and integrity of persons who are in the power of the adverse Party or who are interned, detained or otherwise deprived of liberty. States are required to maintain a functioning healthcare system in place as part of their obligation to fulfill the right to health, including in situations of armed conflicts. KSA is part of the most international humanitarian treaties regulating the right to health.

2. Several global and regional human rights instruments also recognize the right to health. The right to health is closely related to and dependent upon the realization of other human rights, as contained in the International Bill of Rights. Everyone has the right to health and nobody should be discriminated on the ground of race, colour, sex, descent, or national or ethnic origin. In the COVID-19 context there are some specific groups affected by this pandemic (i.e. older people, children, people with disabilities, women and girls).

3. The organized health systems are barely 100 years old. The RSA was ranked in 2020 by the World Population Review among the 26 best countries in providing high quality healthcare. Violence is a leading worldwide public health problem. Consequently, conflict resolution is an essential aspect of good public health practice. The right to health is as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health. UN Assembly adopted a resolution entitled "Global solidarity to fight the Coronavirus disease 2019 (COVID-19). RSA in its capacity as holder of the G-20 Presidency, pledged \$500 million to international organizations to support the global efforts in combating the Coronavirus pandemic.

4. States should ensure that medicines are available, accessible, culturally acceptable, and of good quality. Developed States also have a responsibility to take steps towards the full realization of the right to health through international assistance and cooperation. The prevention, treatment and control of diseases are central features of the right to health. Current

health inequalities regarding access to medicines demonstrate the need for States to respect their obligations under international law to protect the right to health. In the struggle against the COVID-19, people in poverty are disproportionately threatened by the Coronavirus. Human rights should be respected to tackle the public health threat posed by the COVID-19 pandemic. Both the King Salman Humanitarian Aid and Relief Centre (KSrelief) and the Oslo-based Coalition for Epidemic Preparedness Initiative (CEPI) supported financially the quest for rapid development of a vaccine for the COVID-19. The President of Costa Rica proposed on 24<sup>th</sup> March 2020 to WHO the creation of a free access repository and in September 2020 the creation of the Fund to Alleviate COVID-19 Economics (FACE).

5. The COVID-19 outbreak has forced governments to put in place policies to contain the spread of the disease among their population in the context of a State of Emergency. In general terms the measures enacted by States on the basis of the protection of public health to fight the COVID-19 are in conformity with the ICCPR. However, UN urgently remind States that any emergency responses to the Coronavirus must be proportionate, necessary and non-discriminatory. In the fight against the COVID-19, derogation requires that the scale of threat be exceptional and affect the State's fundamental capacity to function effectively, and impact the State's core security, independence and function.

6. States parties cannot resort to emergency powers to derogate the non-derogable provisions of the Covenant, such as the right to life, the prohibition of torture, the prohibition of slavery or slave-trade and servitude. These non-derogable provisions under a state of emergency have become customary international law, which is considered by the United Nations, and its member states to be among the primary sources of international law. Like the majority of member States of the United Nations, KSA is also bound by the international obligations regarding to the non-derogable rights under the state of emergency of the COVID-19 pandemic. A marker of customary international law is consensus among states exhibited both by widespread conduct and a discernible sense of obligation.

7. The United Nations has stressed that we are combating the COVID-19 to protect the lives of all human beings. Invoking the right to life reminds us that all States have a duty to protect human life. The right to life has properly been characterized as the supreme human right, since without effective guarantee of this right, all other rights of the human being would be devoid of meaning. The strengthening of international peace constitutes the most important condition and guarantee for the safeguarding of the right to life. In a context of armed conflict and violence, the right to life is the most relevant fundamental human right in perished. The SC recognized that a just and lasting peace includes their right to live in peace within secure and recognized boundaries free from threats or acts of force.

8. The most common public health measure taken by States against the COVID-19 has been restricting freedom of movement: the lockdown or stay-at-home instruction. Liberty of movement is an indispensable condition for the free development of a person. State can restrict this freedom only to protect national security, public order (ordre public), public health or morals and the rights and freedoms of others.

9. The COVID-19 outbreak confronts the international system with a severe crisis, affecting both individual citizens' lives and society as a whole. The COVID-19 crisis is a global situation that could lead to an unstable and dangerous framework affecting an individual, group, community, or whole society. In order to qualify the COVID-19 as a crisis, some authors clarify this matter by defining the notion of «crisis management » as the process by which an organization deals with a disruptive and unexpected event that threatens to harm the society or its stakeholders.

10. The UN defines humanitarian crisis as an event or series of events that represents a critical threat to the health, safety, security, or well-being of a community or other large group of people usually over a wider area. The current crisis of the COVID-19 should be understood in the context of the UN legal humanitarian framework. The Secretary General of the United Nations Antonio Gutierrez launched on 25 March 2020 the "COVID-19 Global Humanitarian Response Plan". The UN action to fight against the COVID-19 pandemic is coordinated in light of the the UN General Assembly resolution 46/182 devoted to the humanitarian emergency assistance of the United Nations.

11. Some challenges posed during the post- COVID-19 could be the future of work, the food security and education. In order to mitigate the effects of a crisis of the COVID-19, government responses need to focus on health protection and economic measures. In the context of the struggle against the COVID-19, it is important to recall that the right to food is a right, which includes not only the right of access to minimum nutrition, but also the right to be free from hunger. The economic stimulus in all countries as a consequence of the COVID-19 pandemic must be focused on keeping the food supply chains functioning. Food insecurity can be both a cause and a consequence of violence. Education should be directed to the full development of the human personality and the respect of human rights and fundamental freedoms. The right to education is the best way to combat intolerance and hatred.

12. Despite the circumstances the world is passing due to the COVID-19 pandemic, the RSA has advanced its agenda on human rights. More reforms are essential to its development and progress. The Kingdom's Vision 2030 and SDGs are an effective way to introduce new laws aimed at protecting human rights and making a vibrant society respectful of diversity and culture.

13. In the context of the COVID-19, the UN Secretary-General issued a global appeal to all belligerents to down their weapons. In this context the "Coalition to Support Legitimacy in Yemen" declared a unilateral ceasefire in Yemen. This ceasefire paved the way for the resuming of the political process between the Yemeni parties in order to reach a comprehensive solution. The international community applauded this peace action during the time of the COVID-19. Conflict resolution, mediation and the promotion of friendly relations among nations through diplomacy has a long tradition in Saudi foreign policy.

14. The Saudi G20 Presidency organized a virtual Leaders' Summit with the purpose of advancing a coordinated global response to the COVID-19 pandemic and its human and economic implications. Since the outbreak of the COVID-19 pandemic, the G-20 Presidency has convened several sectorial meetings at the level of Ministers in order to unify efforts of the countries of the largest economic group in the world to take urgent and scheduled measures to support of the health efforts, especially in the poorest countries.

## **FINAL REMARKS**

### **Peace without Borders**

On 19 December 2016, the UNGA, in response to the world-wide demand from grassroots civil society, adopted a Declaration on the Right to Peace, in which the Foundation Peace without Borders (Spain) played a fundamental role of mobilization and awareness before the institutions of the United Nations.

The message stemming from the Declaration on the Right to Peace should convince all members of the UNGA to provide unconditioned support to the Declaration as a signal of the renewed commitment of the international community for the effectiveness of human rights international law and of the United Nations Charter.

In the present dramatic suffering of the human condition worldwide because of the COVID-19, the Declaration is sending to all peoples a strong signal of the capacity of the United Nations to provide peace and development for the security and well-being of all members of the human family, and in particular from the MENA region.

Now that we are well into the 21st century many organizations, peace activists, citizens and governments strongly demand the adoption of policies aimed at preventing wars and conflicts and the United Nations should provide an effective response in the post-COVID 19.

This gradual change of paradigm is necessary because there will always be children, young people, adults and older people of different races and cultures who peacefully resist losing their legitimate right to dream of a world filled with peace and without hatred. For many people of good faith the dreams of brotherhood and hope for mankind result in the demand of universal peace in a region hit by conflicts and wars.

The implementation of the right to enjoy peace, human rights and development will surely contribute to the strengthening of international cooperation and multilateralism and will also influence the current objectives of the United Nations as a fundamental step towards the promotion of peace, tolerance and friendship among all peoples.

In times of the COVID-19, the obligation of the international community is to hear the voice of the voiceless, which strongly demands the right to live in a world free of wars and conflicts!!





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The current international context demands an expansion of training and educating for peace, especially with regard to open and increasingly more complex conflicts, interrelations between local, national, regional and global spheres and strong but ominous links between politics and criminal activity. The University provides such a response through the ongoing academic training of future leaders of Governments, non-governmental organizations and the private sector on peaceful conflict resolution and the relationship between peace, development, human rights and environmental protection as the foundation for economic development and increased equality.



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