

COVID-19 IN THE ACTIVITIES OF THE HUMAN RIGHTS COUNCIL IN 2020-2021 (44TH TO 46TH SESSIONS)

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This note covers activities of the Human Rights Council at its 44th to 46th sessions (June 2020 to March 2021). During the 43rd session (suspended in March 2020 and resumed in June 2020 due to COVID-19), the number of COVID-related activities remained negligible, for this reason HRC43 is not included into the present analysis. However, it is important to mention the **President’s statement PRST 43/1 on human rights implications of the COVID-19 pandemic** adopted through [silence procedure](#) on 29 May 2020.

The PRST paved the way for subsequent resolutions on human-rights based response to the COVID-19 crisis. It recognized the active role of the HRC mechanisms, including the special procedures, as well as the human rights treaty bodies in highlighting the human rights implications of the COVID-19 pandemic and offering guidance to States in ensuring a human rights-compliant response to the pandemic. It also called upon States to ensure that all human rights are respected, protected and fulfilled while combating the pandemic, and that their responses to the COVID-19 pandemic are in full compliance with their human rights obligations and commitments.

I. Panel discussions and other meetings

A. HRC44

On 14 July 2020, the Council held its [annual full-day discussion](#) on the human rights of women, pursuant to HRC resolution 6/30. The second panel of the 2020 annual discussion addressed the **impact of COVID-19 on women’s rights** and discussed how the COVID-19 pandemic has exposed and compounded gender-based discrimination and at the same time has offered new opportunities to build back more equal societies. During the panel discussion, speakers emphasized that the pandemic has affected women and girls disproportionately, and called for redressing the causes of inequalities.

B. HRC45

On 17 September 2020, pursuant to HRC resolution [42/23](#), the Council held its [biennial panel discussion](#) on the right to development on the theme ‘**COVID-19 and the right to development: we are all in this together**’. Representatives of the WHO and UNCTAD participated in the discussion which focused on strengthening international cooperation and solidarity in the fight against the COVID-19 pandemic.

C. HRC46

Four out of six panel discussions or meetings held during HRC46 focused on COVID-19.

On 22 February 2021, the Council held its [annual high-level panel discussion](#) on human rights **mainstreaming** on the theme ‘The state of play in the fight against racism and discrimination 20 years after the adoption of the Durban Declaration and Plan of Action and the exacerbating effects the COVID-19 pandemic has had on these efforts’. High-level representatives of United Nations agencies and funds shared their views, good practices and challenges, including those related to the negative impact of the COVID-19 pandemic, in the fight against racism and discrimination. President of the 75th session of the General Assembly, UN Secretary-General, High Commissioner for Human Rights, as well as high-level representatives of UN-Women, WHO and UNESCO participated in the discussion.

On 26 February 2021, the Council held a [meeting](#) on the role of **poverty alleviation** in promoting and protecting human rights, pursuant to its resolution [43/21](#). One of the objectives of the meeting was to highlight the threat posed by poverty to the enjoyment of all human rights in particular in the context of the coronavirus disease pandemic (COVID-19) and the necessity of enhancing the role of poverty alleviation in promoting and protecting all human rights.

[Annual full-day meeting](#) on the **rights of the child** took place on 1 March 2021. The meeting focused on the rights of the child and the Sustainable Development Goals. It identified the implications of a child rights approach for the Decade of Action to accelerate delivery on the Sustainable Development Goals (SDGs), including how children being left behind within and beyond the context of the COVID-19 pandemic can urgently be reached.

[Debate](#) on the midterm review of the International Decade for **People of African Descent** Commemoration of the International Day for the Elimination of Racial Discrimination took place on 12 March 2021. It was aimed, inter alia, at taking stock of the impact of the COVID-19 pandemic on the education, development and empowerment of youth and children, in particular of African descent, with a focus on racial discrimination.

II. SG/HC/OHCHR reports

At HRC44, on 30 June 2020, the **High Commissioner** presented her [annual report](#) (postponed from HRC43) and updated the Council on **human rights concerns related to COVID-19**.

At HRC45, on 14 September 2020, the Council held an enhanced interactive dialogue on the **oral update of the High Commissioner on the human rights impact of the coronavirus disease (COVID-19) pandemic**, pursuant to President’s statement [PRST 43/1](#).

At HRC46, on 25 February 2021, the Council considered **report of the High Commissioner on the impact of the COVID-19 pandemic** on the enjoyment of human rights around the world, including good practices and areas of concern ([A/HRC/46/19](#)). The report highlighted the extent to which the pandemic has exposed systemic gaps in human rights protection that have undermined resilience. The High Commissioner presented select good practices of Member States as they attempt to deal with the global health crisis. She recommended to address human rights throughout the response and recovery to the pandemic in order to build a more sustainable, equitable and secure future for people and for the planet.

Secretary-General’s report on the impact of the coronavirus disease (COVID-19) on the realization of economic, social and cultural rights ([A/HRC/46/43](#)) is aligned to the theme of the 2021 high-level political forum on sustainable development. It considers SDGs in the context of recovering better from the pandemic while addressing inequality, creating a new social contract and securing the health of the environment and the planet.

III. Resolutions

A. Overview

Since June 2020, the COVID-19 pandemic has been addressed, on average, in 60% of all resolutions adopted by the Human Rights Council (*Table 1*).

Table 1. HRC resolutions referring to COVID-19

HRC session	Total number of resolutions	COVID-related resolutions	%
HRC44 (June 2020)	23	14	61%
HRC45 (September 2020)	35	21	60%
HRC46 (March 2021)	30	16	53%

More than half of resolutions mentioning COVID-19 (57%) were adopted under item 3, relating to thematic human rights issues, while 35% were adopted under items 2, 4 and 10, traditionally dedicated to country-specific issues.

Resolutions mention COVID-19 in the context of a variety of **economic, social and cultural rights**, such as rights to education, food, safe drinking water and sanitation, and **civil and political rights**, such as the right to peaceful protests.

Among many **thematic** resolutions, reference to COVID-19 was made in resolutions on environment and climate change, independence of lawyers, international solidarity, international cooperation, local government, good governance, safety of journalists, national human rights institutions. It was also mentioned in resolutions aimed at **countering** extreme poverty, trafficking in persons, female genital mutilation, as well as in resolutions aimed at **reducing the negative impact** of foreign debt, unilateral coercive measures, use of firearms, private military and security companies and illicit funds.

COVID-19 was also referred to in resolutions concerning the human rights of various **groups**, such as women and girls, indigenous peoples, people of African descent.

B. Resolutions dedicated to COVID-19

With respect to the COVID-19 pandemic, two new resolutions were adopted by the Council.

In its resolution [46/14](#)* ‘Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic’, the Council expressed serious concern over the disparity between developing countries and developed countries in terms of the distribution of COVID-19 vaccines, which prevents the entire international community from achieving the complete elimination of COVID-19 as soon as possible, and hampers progress in the realization of the 2030 Agenda for Sustainable Development. It called for intensified international cooperation to overcome the pandemic and to realize the 2030 Agenda. It also urged States to facilitate the distribution of COVID-19 vaccines and to address the pandemic, in accordance with international human rights

* Until the official text of all resolutions adopted at HRC46 become available, kindly refer to the provisional texts (L documents) posted on the session’s [web page](#).

obligations and the SDGs and stressed that response to the COVID-19 pandemic should go alongside advancing the realization of the Sustainable Development Goals.

In its resolution [44/2](#) ‘The central role of the State in responding to pandemics and other health emergencies, and the socioeconomic consequences thereof in advancing sustainable development and the realization of all human rights’, the Council recognized that the poor and the most vulnerable people are the most affected by the COVID-19 pandemic, and that the impact of the pandemic will have repercussions on development gains, hampering progress in the achievement of the SDGs. It reiterated the critical importance of the means of implementation of the 2030 Agenda, while being mindful of the impact of high debt levels on States’ ability to withstand the impact of the pandemic while advancing sustainable development.

C. COVID-19 in other thematic resolutions

Resolutions listed in Annex 1 to this note recognize the negative impact of COVID-19 on the enjoyment of human rights around the world, especially its disproportionate impact on persons in **vulnerable groups** and marginalized situations ([44/23](#)). Among groups disproportionately affected by the pandemic, various resolutions list women and children ([44/4](#), [44/17](#)), older persons sustaining disproportionately higher rates of morbidity and mortality ([44/7](#)), indigenous peoples, their ancestral territories and sacred sites ([45/12](#)), people living in poverty ([45/14](#)) and persons with disabilities ([46/10](#)). In addition, it is noted that the pandemic has increased the use of digital technologies and vulnerable groups are at higher risk due to connected misuse ([44/4](#)).

As far as the effect on **women** is concerned, resolutions note the increase in domestic violence during the coronavirus disease (COVID-19) pandemic and the risk of firearms being used to commit such violence ([45/13](#)), as well as the risk of driving international, regional and national efforts away from the prevention and elimination of female genital mutilation and other harmful practices ([44/16](#)).

Among other categories significantly impacted by the pandemic, resolutions refer to prisoners ([45/32](#)) and journalists and media workers ([45/18](#)). In particular, resolution [45/18](#) notes that the COVID-19 crisis increases the vulnerability of journalists and weakens media sustainability, independence and pluralism and worsens the risk of the spreading of **misinformation** and disinformation by limiting access to a wide range of reliable information and opinions.

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- **3 billion** people worldwide lack basic hand-washing facilities at home, which is the most effective method of preventing the spread of COVID-19 ([45/8](#))
 - COVID-19 pandemic has ended global progress in poverty reduction, pushing up to **150 million** people into extreme poverty by 2021 ([46/8](#))
 - Owing to the pandemic, the total number of people estimated to be suffering from acute hunger has doubled, increasing from **130 million in 2019 to 265 million** by the end of 2020 ([46/19](#))
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It is noted that the COVID-19 crisis **exacerbates pre-existing forms of inequality** and systemic discrimination ([44/17](#), [45/7](#), [45/8](#), [45/14](#), [46/13](#)), exacerbates food insecurity ([46/19](#)), increases poverty and hunger and reverses hard-won developmental gains, hampering the achievement of the Sustainable Development Goals ([45/14](#), [46/10](#)) and reversing the Agenda's gains ([45/14](#)).

Many resolutions focus on **damage and increasing threat** to various areas, such as loss of life and livelihoods and the disruption to economies and societies ([44/13](#)), justice systems ([44/9](#)), global travel and commerce ([44/18](#)), physical and mental health and the livelihoods of people ([45/14](#)), right to education and the educational disruption experienced by learners ([44/3](#), [45/32](#)). Of particular concern is the stigmatization, xenophobia, racism and discrimination, including racial discrimination, surfacing in the COVID-19 pandemic in many parts of the world, as well as hate speech ([46/13](#)).

In general, it is noted that COVID-19 caused severe **economic recession**, affecting both developed and developing economies ([46/8](#)) and that developing countries require massive liquidity and financing support to deal with the immediate fallout resulting from the pandemic. Many countries remain vulnerable to debt crisis, including a number of least developed countries and small island developing States.

The majority of resolutions offer important guidance on human-rights-compliant **response to the pandemic**. In short, emergency measures taken by States in response to COVID-19 must be necessary, proportionate to the evaluated risk and applied in a non-discriminatory way, have a specific focus and duration, and be in accordance with the State's obligations under applicable international human rights law ([44/9](#), [44/20](#), [46/4](#)).

Many resolutions emphasize the **importance of human rights in shaping the response** to the pandemic ([45/22](#)). In particular, it is noted that health risks posed by the COVID-19 pandemic should not be used to restrict human rights and fundamental freedoms, such as the rights to freedom of peaceful assembly, of expression and of association, in an unnecessary or disproportionate manner, and that any restriction of human rights guaranteed by international instruments must fulfil the strict requirements laid down in those instruments ([44/20](#)).

As per adopted resolutions, other aspects of **human rights-compliant response** to the pandemic may include the following:

- Ensure human rights-based and gender-responsive approach in their responses to the pandemic ([44/17](#));
- Support substantive gender equality ([44/17](#));
- Ensure access to justice and respect for the right to a fair trial ([44/9](#));
- Ensure responsible business conduct during the crisis ([44/15](#));
- Encourage all stakeholders to work in collaboration with indigenous peoples' representatives and institutions and to include their specific needs ([45/12](#), [46/4](#));
- Facilitate contributions by civil society as well as the private sector to such responses ([46/4](#));
- Recognize the important role of national human rights institutions in highlighting the human rights implications of the pandemic, including offering guidance to States in ensuring a human rights-compliant response ([45/22](#));
- Ensure access to timely and accurate information online and offline ([46/4](#));
- Cooperate with journalists, the media and civil society organizations to assess the damage that the COVID-19 pandemic is inflicting on the provision of vital information to the public ([45/18](#));
- Recognize the essential role of local government in ensuring a human rights-compliant response at the local level ([45/7](#));
- Recognize that transparent, accountable and participatory government, responsive to the needs and aspirations of the people is necessary in confronting such crises as the coronavirus pandemic ([45/9](#));
- Assume the central role of the State in responding to pandemics and other health emergencies ([46/13](#));
- Address any weaknesses in the way public services are being delivered, including in the areas of health, education, justice and other areas, and to increase accessibility to them, including through new communications technology, thus mitigating the impact of the COVID-19 pandemic on the enjoyment of all human rights ([45/9](#)).

In addition, a number of thematic resolutions highlight the importance of **international solidarity and cooperation** for effectively addressing the challenges of the pandemic ([44/11](#), [44/18](#)), and the need to enhance technical cooperation and capacity-building to support the efforts of States to promote and protect human rights in the context of their response to and recovery from the pandemic ([45/32](#)). Resolutions highlight the importance of coordinated efforts at the national, regional and international levels ([44/22](#)) and the importance of a democratic and equitable international order for effectively addressing the pandemic ([45/4](#)). Equitable access to safe, effective and affordable medical supplies, medicines and vaccines, particularly in developing countries, is also attributed to international cooperation ([46/13](#)).

IV. Reports of special procedure mandate holders and other mandates

Reports of the following special procedure mandate holders submitted for consideration during HRC44-HRC46 focused on the pandemic:

- Report of the Special Rapporteur on the right to education addressing the impact of the COVID-19 on the right to **education** ([A/HRC/44/39](#));
- Report of the Special Rapporteur on the promotion and protection of the right to **freedom of opinion and expression** 'Disease pandemics and the freedom of opinion and expression' ([A/HRC/44/49](#));

- Report of the Special Rapporteur on contemporary forms of **slavery** addressing the impact of the coronavirus disease pandemic on contemporary forms of slavery and slavery-like practices ([A/HRC/45/8](#));
- Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and **waste** addressing duty to prevent exposure to COVID-19 ([A/HRC/45/12](#));
- Report of the Working Group of Experts on People of **African Descent** analyzing the connections between the coronavirus disease (COVID-19) pandemic, police impunity and global protests ([A/HRC/45/44](#));
- Report of the Special Rapporteur on the **sale and sexual exploitation of children** addressing the impact of the coronavirus disease on different manifestations of sale and sexual exploitation of children ([A/HRC/46/31](#));
- Report of the Special Rapporteur in the field of **cultural rights** addressing COVID-19, culture and culture rights ([A/HRC/46/34](#));
- Report of the Special Representative of the Secretary-General on **Violence against Children** providing an overview of efforts to safeguard children's freedom from violence and to advance the 2030 Agenda for Sustainable Development, and also on the immediate and longer-term impact of the COVID-19 pandemic on children's protection and wellbeing ([A/HRC/46/40](#)).

Annex I. List of HRC resolutions and PRST mentioning COVID-19

Session	Resolution/PRST	Title	Item
HRC43	PRST/43/1	Human rights implications of the COVID-19 pandemic	1
HRC44	44/2	The central role of the State in responding to pandemics and other health emergencies, and the socioeconomic consequences thereof in advancing sustainable development and the realization of all human rights	2
	44/3	Right to education	3
	44/4	Trafficking in persons, especially women and children: strengthening human rights through enhanced protection, support and empowerment of victims of trafficking, especially women and children	3
	44/7	Human rights and climate change	3
	44/9	Independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers	3
	44/11	Mandate of the Independent Expert on human rights and international solidarity	3
	44/13	Extreme poverty and human rights	3
	44/15	Business and human rights: the Working Group on the issue of human rights and transnational corporations and other business enterprises, and improving accountability and access to remedy	3
	44/16	Elimination of female genital mutilation	3
	44/17	Elimination of all forms of discrimination against women and girls	3
	44/18	Enhancement of international cooperation in the field of human rights	3
	44/20	The promotion and protection of human rights in the context of peaceful protests	3
44/22	The Social Forum	5	

	44/23	Contribution of respect for all human rights and fundamental freedoms to achieving the purposes and upholding the principles of the Charter of the United Nations	8
HRC45	45/2	Strengthening cooperation and technical assistance in the field of human rights in the Bolivarian Republic of Venezuela	2
	45/4	Mandate of the Independent Expert on the promotion of a democratic and equitable international order	3
	45/5	Human rights and unilateral coercive measures	3
	45/7	Local government and human rights	3
	45/8	The human rights to safe drinking water and sanitation	3
	45/9	The role of good governance in the promotion and protection of human rights	3
	45/12	Human rights and indigenous peoples	3
	45/13	Human rights and the regulation of civilian acquisition, possession and use of firearms	3
	45/14	Eliminating inequality within and among States for the realization of human rights	3
	45/15	Situation of human rights in Yemen	2
	45/16	Mandate of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies	3
	45/18	The safety of journalists	3
	45/19	Situation of human rights in Burundi	4
	45/20	Situation of human rights in the Bolivarian Republic of Venezuela	4
45/21	Situation of human rights in the Syrian Arab Republic	4	

	45/22	National human rights institutions	8
	45/24	Mandate of the Working Group of Experts on People of African Descent	9
	45/26	Technical assistance and capacity-building for Yemen in the field of human rights	10
	45/27	Assistance to Somalia in the field of human rights	10
	45/32	Enhancement of technical cooperation and capacity-building in the field of human rights	10
	45/35	Technical assistance and capacity-building in the field of human rights in the Central African Republic	10
HRC46*	46/1	Promoting reconciliation, accountability and human rights in Sri Lanka	2
	46/2	Promotion and protection of human rights in Nicaragua	2
	46/3	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, and the obligation to ensure accountability and justice	2
	46/4	Human rights, democracy and the rule of law	3
	46/7	Human rights and the environment	3
	46/8	Effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights	3
	46/10	Question of the realization in all countries of economic, social and cultural rights	3
	46/11	The negative impact of the non-repatriation of funds of illicit origin to the countries of origin on the enjoyment of human rights, and the importance of improving international cooperation	3

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46/13	Promoting mutually beneficial cooperation in the field of human rights	3
46/14	Ensuring equitable, affordable, timely and universal access for all countries to vaccines in response to the coronavirus disease (COVID-19) pandemic	3
46/17	Situation of human rights in the Democratic People's Republic of Korea	4
46/19	The right to food	3
46/21	Situation of human rights in Myanmar	4
46/22	Situation of human rights in the Syrian Arab Republic	4
46/23	Situation of human rights in South Sudan	4
46/30	Cooperation with Georgia	10