

The present document is Franciscans International's second individual public statement on the COVID-19 pandemic. The [first](#), published on 4 April 2020, relayed from a human rights perspective the information and grave concerns we have been receiving from Franciscans and other partners in various countries. It was followed by a series of collective statements¹ which FI contributed to, endorsed, and promoted. FI will issue further specific statements as the situation evolves and as information from our network reaches us.

Geneva/New York, 27 April 2020.

Almost a month has passed since FI's first statement on COVID-19 and responses to the pandemic from a human rights perspective.

Members of the Franciscan Family, as well as other partners in FI's network who work at the local level across the world, continue to witness and support people's struggles against the virus and, even more so, against the severe impacts that many State actions and omissions in response to the pandemic have on people and the planet.

FI remains committed to pursue its work of collecting the information received through Franciscans and other partners. With this second statement, FI also reflects on the crisis in relation to some of the fundamental concerns it raises and addresses calls for action accordingly. These calls are primarily addressed to United Nations bodies and experts, as the UN Human Rights Council will hold its next virtual meeting on 30 April 2020 for an informal conversation with some of the human rights independent experts on specific country or thematic issues that it appoints. These experts, the UN Special Rapporteurs and members of UN Working Groups, have issued useful collective and individual statements, analyses, and [guidance](#) to States on the crisis. The global response, however, has yet to correspond to the magnitude of the problem.

In this regard, one overarching issue that we highlighted in our first statement and that has also been strongly expressed at top levels of the UN, is the tremendous challenge for global governance and the rule of law that this crisis represents. UN High Commissioner for Human Rights Michelle Bachelet, spoke on 9 April 2020, during a virtual meeting with the UN Human Rights Council, of "a colossal test of leadership". We cannot help but note that this crisis is happening while we are celebrating the 75th anniversary of the UN Charter—a pivotal piece of multilateralism, international cooperation, and respect for human rights.

With this milestone of 75 years of post-World War II multilateralism in mind, it is even clearer that the COVID-19 pandemic puts us at a crossroad: either we learn from the crisis and respond with systemic

¹ Collective statements on the occasion of the virtual meeting of the UN Human Rights Council with the High Commissioner for Human Rights on 9 April 2020, accessible at: https://franciscansinternational.org/news/news/human-rights-council-gathers-for-virtual-meeting-on-covid-19/?no_cache=1&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Baction%5D=detail&cHash=866aa570c7e321b34ff88caa66f4a61e. The collective statement of ESCR-Net on COVID-19 and corporate accountability, accessible at: https://www.escr-net.org/sites/default/files/attachments/corporateaccountabilitycovid19_eng.pdf; and the collective statement of ESCR-Net on COVID-19 and climate justice, accessible at: https://www.escr-net.org/sites/default/files/climate_covid-19_eng.pdf

changes to the structural issues that the pandemic so bluntly exposes, or we return to business as usual as soon as we can and sweep these issues under the carpet until the next crisis.

FI underscores two key issues that illustrate the need for global governance, international cooperation and solidarity, concerted and coherent action, and for a systemic change: the links between COVID-19 and poverty, COVID-19 and environmental justice, and their intersection.

COVID-19 and poverty

In many ways, the COVID-19 pandemic has acted as a magnifying glass on structural human rights issues. As the UN High Commissioner for Human Rights put it: “No country was prepared for this shock, which in every State has been exacerbated by inequalities, particularly in access to health-care, social protections and public services.”²

While we do not want to deny the gravity of the direct consequences of COVID-19 on health and lives, we want to highlight the situation of the ‘indirect’ victims of the virus: the ones who may not die because of the virus itself but from the impacts of State policies that are at best inefficient to reach them or worse directly targeting and killing them.

One example is presented in a recent statement by two Special Rapporteurs, who denounce Brazil’s irresponsible economic and social policies in response to the crisis for putting “lives at risk.”³ The situation that has been described by FI’s partners in the Philippines is also particularly illustrative.

The Philippines government has decided to provide 18 million families with emergency cash assistance through the Department of Social Welfare and Development (DSWD) to help during the COVID-19 pandemic. However, there have been several allegations with regard to the lack of transparency in the distribution of these funds. FI received information that the distribution was based on the latest population census, conducted in 2015, even though the population has increased since then. As result many people, especially the poor and the homeless, are not registered and therefore cannot receive financial assistance. Another issue that has been brought to FI’s attention is the alleged discriminatory and arbitrary distribution of the public aid through some local heads of communities (*Barangay Kapitan*) who have excluded several families.⁴

The current health crisis hits the poor the hardest and exposes the gross inequalities in access to food, shelter, and health care⁵ and exacerbates existing human rights issues in the Philippines, including those arising from the ongoing ‘war on drugs’. While it might be considered necessary to implement a lockdown to slow the spread of the coronavirus, the government has not taken sufficient measures to mitigate the impacts of closures on the poor. This has especially affected those living in slum areas or

² COVID-19 pandemic - Informal briefing to the Human Rights Council - Statement by Michelle Bachelet, UN High Commissioner for Human Rights, 9 April 2020, accessible at: <https://www.ohchr.org/en/newsevents/pages/media.aspx>

³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25842&LangID=E>

⁴ Information received from the Franciscan network in the Philippines

⁵ Article in The Interpreter: Philippines: Covid-19 will devastate the poor, see <https://www.lowyinstitute.org/the-interpreter/philippines-covid-19-will-devastate-poor>

who are homeless, and who are unable to work and earn money to purchase food, and in some cases are left out from this list of beneficiaries for government assistance.

As results, the poorest are also among those who are most severely affected by the pandemic. Non-governmental organizations, church institutions, civic groups, and private initiatives have stepped in to help people to meet their basic needs. However, in certain cases priests who help to feed the poor have been accused of being part of “leftist organizations” and for “misusing” the distribution of food aid to recruit people to campaign against the government. Some priests have even been arrested under this pretext.⁶

There are about 4.5 million homeless people in the Philippines out of a population of about 106 million, about 3 million of them in Manila, according to the Philippine Statistics Office.⁷ Their main sources of income include begging and collecting and reselling plastic and metal scraps.⁸ While the government has officially provided some temporary shelters during the pandemic, FI has received a report that a significant number of them still move around the city during the lockdown, looking for work or food to survive. In several testimonies, people living in poverty said that they are more likely die of hunger than from COVID-19.

Again, the example of the Philippines is only one among many. Similar situations have been reported in other countries such as the Democratic Republic of the Congo, where our partner is concerned that hunger in the poorest areas would cause more deaths than the virus. In the past few weeks, a number of articles have been published showing that the poor are more likely to be negatively affected by the virus due to the higher prevalence of chronic health conditions, which put people at increased risk of developing severe forms of the disease. Low socio-economic status is among the three risk factors for COVID-19, together with old age and pre-existing health conditions.⁹ This has already been concretely seen in various countries including Spain and the United States (USA).¹⁰ As the UN High Commissioner for Human Rights stated in her speech of 9 April: “The epidemic has clarified the need to increase our efforts to ensure that all people, including the most vulnerable, benefit from development.”¹¹

The disproportionate impacts of the pandemic are not only linked to inequalities within countries but also raise the issue of blatant inequalities between countries globally and even in the same region. As our partner in Vanuatu wrote: “We have only two respirators in a country of 307,145 people.”¹² Similarly, the capacities of public health systems in Africa are generally too limited to absorb a pandemic. However, these capacities also drastically vary from one country to another. This, combined

⁶ See <https://gulfnews.com/world/asia/philippines/philippines-teeming-manila-slum-chafes-under-covid-19-lockdown-1.71028464>

⁷ See <https://www.pna.gov.ph/opinion/pieces/230-day-of-the-homeless-poor->

⁸ See <https://www.aljazeera.com/news/2020/04/poverty-punished-philippines-tough-virus-pandemic-200413063921536.html>

⁹ See <https://www.nytimes.com/2020/03/15/world/europe/coronavirus-inequality.html>

¹⁰ On Spain, see for instance <https://www.theguardian.com/world/2020/apr/01/poor-and-vulnerable-hardest-hit-by-pandemic-in-spain>; on the USA, see <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>

¹¹ COVID-19 pandemic - Informal briefing to the Human Rights Council - Statement by Michelle Bachelet, UN High Commissioner for Human Rights, 9 April 2020, accessible at: <https://www.ohchr.org/en/newsevents/pages/media.aspx>

¹² W. Missack and Fenton Lutunatabua, *How to help climate-vulnerable nations during the Covid crisis*, accessible at: <https://www.newsroom.co.nz/2020/04/23/1140213/how-to-help-climate-vulnerable-nations-during-a-double-crisis>

with other external factors such as the density of urban areas and the situation of displaced persons, enhance inequalities between countries within the same region.¹³

The World Bank estimates that, as a consequence of the COVID-19 crisis, “the number of people pushed into extreme poverty will be roughly between 40 and 60 million. In the more pessimistic scenarios, global poverty in 2020 would be close to the level in 2017—meaning that world’s progress in eliminating extreme poverty would be set back by three years.”¹⁴

Just as poverty is linked to a of other human rights issues, so too is environmental justice. Both are very much intertwined as the UN Special Rapporteur on human rights and the environment highlighted recently, “accelerated deterioration of the environment [will] have negative impacts on a wide range of human rights including the rights to life, health, water, culture, and food (...). People living in areas that have experienced higher levels of air pollution face increased risk of premature death from COVID-19. Similarly, access to clean water is essential in preventing people from contracting and spreading the virus (...) The global pandemic highlights the vital importance of a safe, clean, healthy and sustainable environment.”¹⁵ This has been reported for instance in the USA, where chronic conditions like asthma that make COVID-19 more deadly, are more prevalent in low income minorities.¹⁶

Climate change, environmental justice, and COVID-19

As FI underscored in its first statement, a number of top UN voices have drawn attention to the links between environmental destruction and COVID-19. The UN High Commissioner for Human Rights stated on 9 April that “protecting the environment, ensuring biodiversity, is the best way to protect human health and wellbeing, including from pandemics. Environmental degradation and biodiversity loss create the conditions for the type of animal-to-human zoonosis that has repeatedly resulted in vital epidemics.”¹⁷

The UN Secretary General himself has made several clear statements, including on the occasion of this year’s Earth Day,¹⁸ with six action points for a ‘greener’ post-COVID-19 world. He also urged States to comply with their commitments of increased ambitions for the reduction of carbon emissions their renewed Nationally Determined Contributions.¹⁹ In that regard, as our partner in Vanuatu wrote about

¹³ See for instance an analysis of risk factors in African countries at: <https://africacenter.org/spotlight/mapping-risk-factors-spread-covid-19-africa/#health>

¹⁴ Estimates by World Bank Development and poverty experts, published at World Bank Blog <https://blogs.worldbank.org/opendata/impact-covid-19-coronavirus-global-poverty-why-sub-saharan-africa-might-be-region-hardest>

¹⁵ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25794&LangID=E>

¹⁶ <https://www.vox.com/2020/4/11/21217040/coronavirus-in-us-air-pollution-asthma-black-americans>

¹⁷ COVID-19 pandemic - Informal briefing to the Human Rights Council - Statement by Michelle Bachelet, UN High Commissioner for Human Rights, 9 April 2020, accessible at: <https://www.ohchr.org/en/newsevents/pages/media.aspx>

¹⁸ <https://www.un.org/press/en/2020/sgsm20051.doc.htm>

¹⁹ https://twitter.com/antonio_guterres/status/1254942640988184576?s=20



the double disaster of COVID-19 and the tropical cyclone Harold: “It is a wake-up call to remind us that the climate crisis is not slowing down despite the COVID-19 pandemic”.²⁰

However, in parallel to these important calls, FI and its civil society allies working on climate change and human rights, and more generally for environmental justice, are very concerned about the harmful actions and omissions of States. These concerns are shared, among others, by the UN Special Rapporteur on human rights and the environment who deplored that, instead of stepping up their environmental and climate actions, “a number of governments announced that they are lowering environmental standards, suspending environmental monitoring requirements, reducing environmental enforcement, and restricting public participation.”²¹ This has notably been the case in the USA.²²

In this regard, FI was again told by partners in its network that mining continues as an ‘essential’ activity in various countries and that illegal mining activities have increased as authorities and concerned populations have reduced ability to monitor and control.²³ In Venezuela, the government is promoting mining in environmentally fragile and vital Amazon regions.²⁴ In South Africa, the government amended the Disaster Management Act regulations to allow mining companies to ramp up operations by 50% of their production capacity during the nationwide lockdown.²⁵

Similarly, colleagues from Brazil reported that, although commodity prices for minerals have decreased, mining companies are keen to keep up production levels even while putting their workers and neighboring communities at risk. This has proven to be especially true in areas where mines are isolated with little infrastructure and services and far from the oversight of any environmental authorities. On top of that, in this crisis, mining companies in Brazil are selling themselves as safe and essential activities through doing some charity with hospitals as their contribution to the COVID-19 response.

The context and impacts surrounding mining during this pandemic illustrate incoherence, vicious circles, and structural issues that will push us into the next crisis if they are not addressed.

This is also true for climate change, now that major international climate and environmental conferences have been postponed.²⁶ Due to the lockdowns in response to the COVID-19 pandemic,

²⁰ W. Missack and Fenton Lutunatabua, *How to help climate-vulnerable nations during the Covid crisis*, accessible at: <https://www.newsroom.co.nz/2020/04/23/1140213/how-to-help-climate-vulnerable-nations-during-a-double-crisis>

²¹ See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25794&LangID=E>

²² See E.P.A. Weakens Controls on Mercury, The New York Times, 16 April 2020, <https://www.nytimes.com/2020/04/16/climate/epa-mercury-coal.html>; see also Trump Administration Weakens Auto Emission Standards, NPR, 31 March 2020, <https://www.npr.org/2020/03/31/824431240/trump-administration-weakens-auto-emissions-rolling-back-key-climate-policy>

²³ See for instance: <https://www.bnamerica.com/en/features/mining-in-latin-america-an-essential-activity>

²⁴ See <https://kape-kape.org/2020/04/22/gobierno-legaliza-y-promueve-la-mineria-en-zonas-fluviales-vitales-para-la-amazonia/>

²⁵ See <https://www.mining-technology.com/mining-safety/covid-19-south-africa-mining-sector>

²⁶ The Conference of the Parties of the UN Framework Convention on Climate Change (COP26) that should have taken place in Glasgow has been postponed to 2021, and thus key global efforts to discuss and address the issue of climate change have also been postponed. We need to keep in mind that COP25 in Madrid failed to agree on several key points for the implementation of Paris Agreement, including on the issue of so-called “carbon trading”. This year’s COP26 was expected to be crucial as States are requested to review and renew their Nationally Determined Contributions (NDCs) with their commitment to curb the global



global economic activities have slowed down in an unprecedented way. Satellite images show the unusual improvement of air quality in many big cities and industrial areas around the globe. In the last decade, the UN Framework Convention on Climate Change (UNFCCC) has been struggling to convince its Member States to drastically reduce their emissions, knowing that if there is no change the earth's temperature will increase in a way that it will not be able to recover from. We must not forget that in its latest 2020 'Report of The Global Climate in 2015 - 2019' the World Meteorological Organization found a continued increase in carbon dioxide (CO²) emissions and an accelerated increase in atmospheric CO² concentration with growth rates of 20% higher than for the previous five-year assessment period.²⁷

Although we may hope that the improvement of air quality during the period of COVID-19 lockdown may encourage continued action that leads us out of our climate crisis, it is unlikely to have a significant impact overall. Air pollution might even increase at rates higher than predicted as economic sectors seek to recover quickly.

During the 2007 - 2008 economic crisis, air pollution dropped by 1.4% worldwide, but went up to 5.9% in 2010 as the economy was recovering.²⁸ During the lockdown due to COVID-19 in China, it was estimated that carbon emissions fell by approximately 25%.²⁹ However, new data shows that air pollution has bounced back to pre-lockdown levels, raising the possibility that some industries have increased production to make up for lost time.³⁰

Several States have recently used COVID-19 as an excuse to avoid fully implementing environmental policies, which are expected as part of their efforts to curb the emissions. For example, Poland, one of the main coal producers in Europe, has asked the European Union (EU) to scrap its Emission Trading System or to exempt the country from the scheme, so that it can use the fund to fight the effects of the health crisis.³¹ The EU Trading Emission is part of European efforts to combat global warming. The Czech Republic has also asked the EU to abandon its Green Deal in order to concentrate more on its COVID-19 response. Currently the EU is discussing the adoption of the Green Deal, which mandates its members to achieve net zero greenhouse emissions by 2050.³²

Taking into consideration the discrepancy between top UN voices and the various national realities, FI makes the following conclusions and calls to action.

emissions. The previous NDCs submitted in 2015 have proved to be insufficient, therefore States are expected to boost their ambitions, not to delay them. Other environmental summits which are significant to the climate change issues are also postponed. The COP16 of the Convention on Biological Diversity (CBD) scheduled to take place in Kunming, China in October 2020 has been postponed, as well as series of preparatory meetings. Similarly, the UN Ocean Conference scheduled to take place in Lisbon, Portugal in June 2020 is also postponed.

²⁷ See https://library.wmo.int/doc_num.php?explnum_id=9936

²⁸ See for instance https://www.globalcarbonproject.org/global/pdf/pep/Peters_2011_Budget2010.pdf

²⁹ See https://www.carbonbrief.org/analysis-coronavirus-has-temporarily-reduced-chinas-co2-emissions-by-a-quarter?utm_content=bufferae67b&utm_medium=social&utm_source=twitter.com&utm_campaign=buffer

³⁰ See <https://www.telegraph.co.uk/news/2020/03/31/china-air-pollution-bouncing-back-shutdown-eases/>

³¹ See <https://www.reuters.com/article/us-health-coronavirus-poland-ets/eu-should-scrap-emissions-trading-scheme-polish-official-says-idUSKBN2141RC>

³² See <https://www.euractiv.com/section/energy-environment/news/czech-pm-urges-eu-to-ditch-green-deal-amid-virus/>

Recommendations / Call to action

To the UN Human Rights Council and its Special Procedures

We acknowledge and welcome all the contributions that UN special procedures have made so far, **warning Member States and the international community of threats to and violations of human rights** within their respective mandates and offering guidance and recommendations.

We also acknowledge and welcome the [statement](#) made on 26 March 2020 by 60 UN special procedures mandate-holders who joined forces affirming the right to live-saving interventions without exception.

However, we consider that **the situation requires a more system-wide response, and we encourage further coordinated action and increased joint work of the Special Procedures.** Their findings, guidance and recommendations should be systematically compiled and disseminated within the UN system as well as to States, notably through UN country teams, to ensure their operationalization.

Special Procedures' guidance should be taken into consideration by States under review when they elaborate their Universal Periodic Review (UPR) reports, including mid-term reports. The guidance should also be taken into consideration by reviewing States, UN and other stakeholders throughout the upcoming UPR processes, when they assess the compliance of national COVID-19 measures with human rights.

Furthermore, some actors have called for the UN Human Rights Council to hold a special session. **If there is such a special session in the coming months, or any other Council sessions, the exceptional circumstances we are facing should not *de facto* mean a diminished role for civil society participation,** including through submissions and statements.³³

In any event, any upcoming actions by the UN Human Rights Council, including as suggested by its President regarding oral updates by the UN High Commissioner for Human Rights at its next two sessions and a future report on COVID-19 and human rights to be presented to its 46th session next year, should send a strong signal that **human rights cannot be an afterthought or a mere rhetorical element** as it was during the 2007 - 2008 financial crisis.

Accordingly, **the Human Rights Council should strengthen the mandate of, and provide the means for, the Office High Commissioner for Human Rights (OHCHR)** to play a fundamental role in any interagency mechanisms that are put in place (see below).

³³ For a more comprehensive analysis of the obstacles that civil society, especially in the Americas, faces with regard to virtual UN meetings and possible solutions to mitigate, please see the collective statement joined by FI, accessible at: https://franciscansinternational.org/fileadmin/media/2020/UN_Sessions/Covid19/COVID-19_Accessing_UN_Mechanisms.pdf

To other UN human rights bodies

We also urge the rest of **the UN human rights system to react and give this crisis the attention it deserves**, to address both its direct impacts and the structural issues it has highlighted and exacerbated in all countries of the world.

In this regard, **the meetings of UN Treaty Bodies should be ensured, even if virtually, for as long as it may be necessary to ensure participation in periodic reviews**. The UN should be flexible with regard to deadlines and format, and accept additional information, especially from civil society, on the impact of the pandemic on the rights under their respective treaties.

To the overall UN system

We **acknowledge and welcome the various statements issued by the UN Secretary General**, such as his policy brief on COVID-19 and Human Rights,³⁴ his statement on this year's Earth Day,³⁵ as well as the creation of his UN COVID-19 Response and Recovery Fund.

As in previous crises, the creation of operational/funding entities that should ensure interagency work and coordinated response is important. However, **the UN Human Rights Council and its Members will have to ensure that this coordination and ability of the various relevant agencies to act are not side-lining human rights** but are integrating them fully and thus that the OHCHR can play the role it should play.

We also urge Members States and the UN itself to **draw lessons from this crisis and take them into due consideration while they work towards a future UN**, including with respect to the institutional architecture that is needed to face such crises and to effectively prevent and better address them. This should thus have an **impact on the upcoming UN reforms, towards more articulation and coordination between human rights, development and peace with human rights playing a fundamental role** as per the Call to action for Human Rights of the UN Secretary General.

FI's priority demand remains in favor of increased policy coherence in compliance with human rights. **As we see a growing call**, especially by top UN officials such as the UN Secretary General and the UN High Commissioner for Human Rights, **that the Agenda 2030, its Sustainable Development Goals (SDGs), and its core principle of "leaving no one behind" are our best tools in these times**, FI underscores the effective link that still needs to be made with the corresponding human rights standards. **If States continue to ignore human rights standards and principles like accountability and rule of law, there will be no accountability for the progress or lack thereof towards SDG 1 and eradicating poverty or SDG 6 and giving everyone access to safe drinking water. If States continue to delegate measures to achieve the SDGs**

³⁴ https://www.un.org/sites/un2.un.org/files/un_policy_brief_on_human_rights_and_covid_23_april_2020.pdf

³⁵ <https://www.un.org/press/en/2020/sgsm20051.doc.htm>

to the private sector, while simultaneously failing to hold businesses accountable for their human rights records or obstructing UN processes which seek to eliminate such impunity, public services will continue to be dismantled, inaccessible to all, and unable to respond to future shocks. If SDG 8 and its aspirations for more “economic growth” are yet another pretext to continue business as usual and pursue the same model of economic development that is still heavily dependent on unsustainable industries and the extraction of natural resources, then the Agenda 2030 will not help.

Last but not least, while COVID-19 presents a severe crisis to a world already facing the threat of climate change, it also shows that States can act when compelled to. In 2020, State parties to the UN Paris Agreement on Climate Change are expected to submit their updated and reviewed Nationally Determined Contributions (NDCs). However, as of April 2020, only 10 States have done so. **While acknowledging the severe impacts of COVID-19 at all levels, it should not be used as an excuse for States to avoid their legal obligations to raise their ambitions** of keeping the global average temperature to well below 2°C above pre-industrial levels. Nor should it be an excuse to abandon efforts to limit the temperature rise to 1.5°C above pre-industrial levels, or to avoid the irreversible impacts if they fail to do so. **The climate actions in the renewed and updated NDCs should include robust human rights-based social and environmental safeguards; ensure access to information and public participation and ensure an independent, equitable, accessible, legitimate, rights-based, and transparent grievance mechanism.**