

Preventing the Abuse of Human Rights through Public Health Emergencies

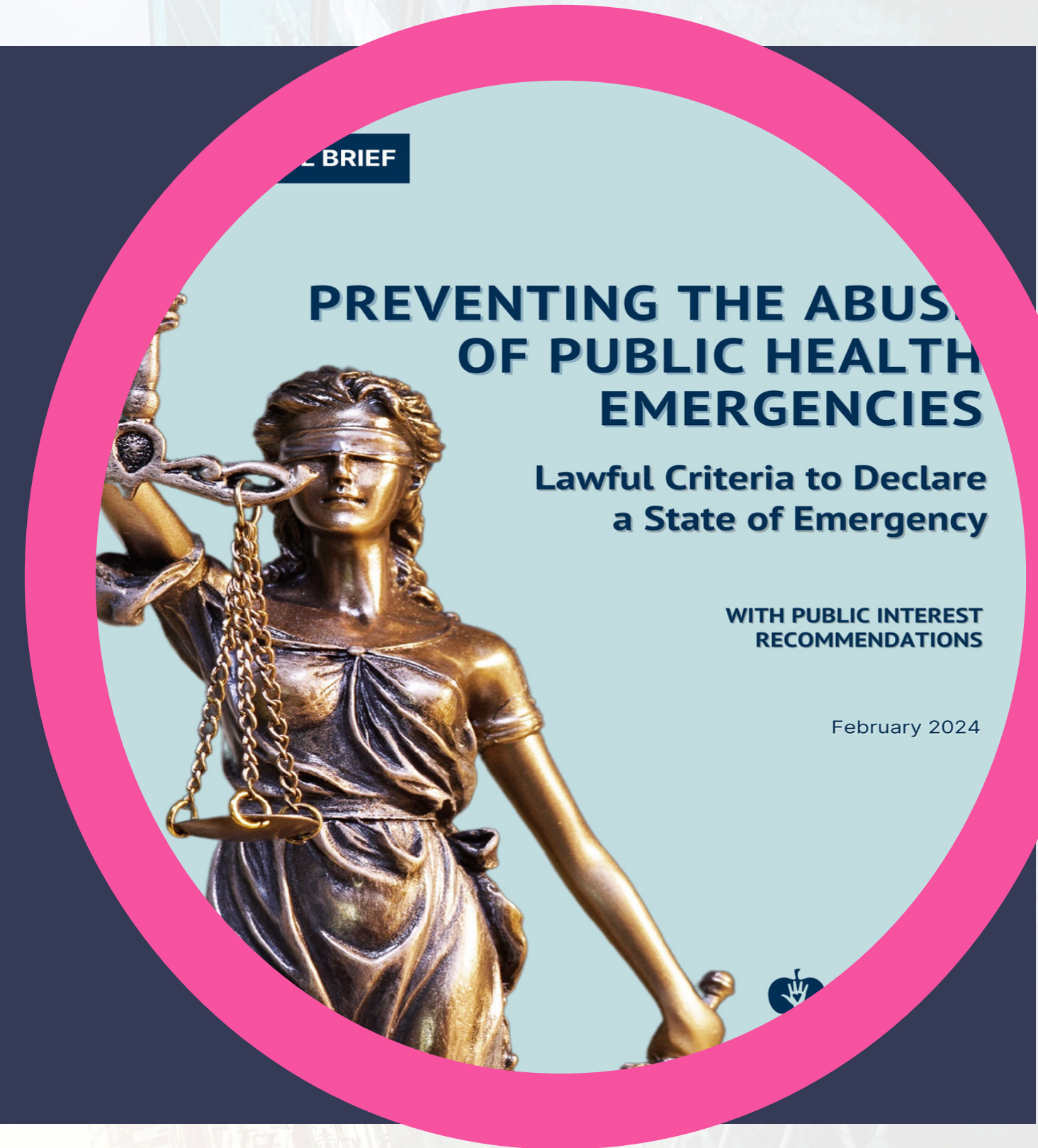
THE FOUR INTERNATIONAL LAW CRITERIA

With Recommendations

Presented By

Shabnam Palesa Mohamed

Human Rights Activist - Journalist - Lawyer



Introduction



Covid-19 is a 'Trojan Horse' event that enabled:
a) human rights and freedoms to be trampled,
b) dangerous medical interventions to be normalised,
c) and an unprecedented transfer of wealth to take place from ordinary people to the super-rich.

There is deep concern too that this was just a trial run, and that the imminent promulgation of the World Health Organization's (WHO's) 'Pandemic Treaty' and amended International Health Regulations will take these tyrannical measures to an entirely different level.



WHAT DID WCH DO?

- In response to these legitimate concerns, in February 2024, the World Council for Health (WCH) published a Legal Brief on Preventing the Abuse of Public Health Emergencies.
- This ground-breaking document explains how governments used the declaration of an unjustifiable state of emergency as a legal instrument to deny people human rights and freedoms and to grant themselves extraordinary powers.



Notes

The arguments presented in this thoroughly referenced document show that the Covid-19 event never actually met any of these criteria.

Thus, as it did not meet the legal conditions of an emergency 'threatening the life of a nation', all derogation measures such as lockdowns, mask mandates, school and small business closures, travel restrictions, and harmful vaccine mandates, were illegal breaches of International Human Rights Law (IHRL)



The authors of the Legal Brief maintain that had people been properly informed about:

- the requirements of IHRL
- and the prerequisites necessary to declare a legitimate state of emergency,

these gross violations of fundamental human rights would not have been possible.



... the widespread misuse of emergency measures during the course of the COVID-19 pandemic has confirmed the view that, de facto, there “are no ultimate institutional safeguards available for ensuring that emergency powers be used for the purpose of preserving the Constitution.”

What is the WCH Legal Brief About

During the Covid-19 period, unlawful, pseudo-legal emergency regulations breached the fundamental human rights of billions of people globally

The critical question that should have been addressed at the time and regularly, was whether the threat posed by Covid-19 represented a public health emergency that threatened the life of the nation.

The Legal Brief presents 4 criteria to determine if a state of emergency should be lawfully declared.

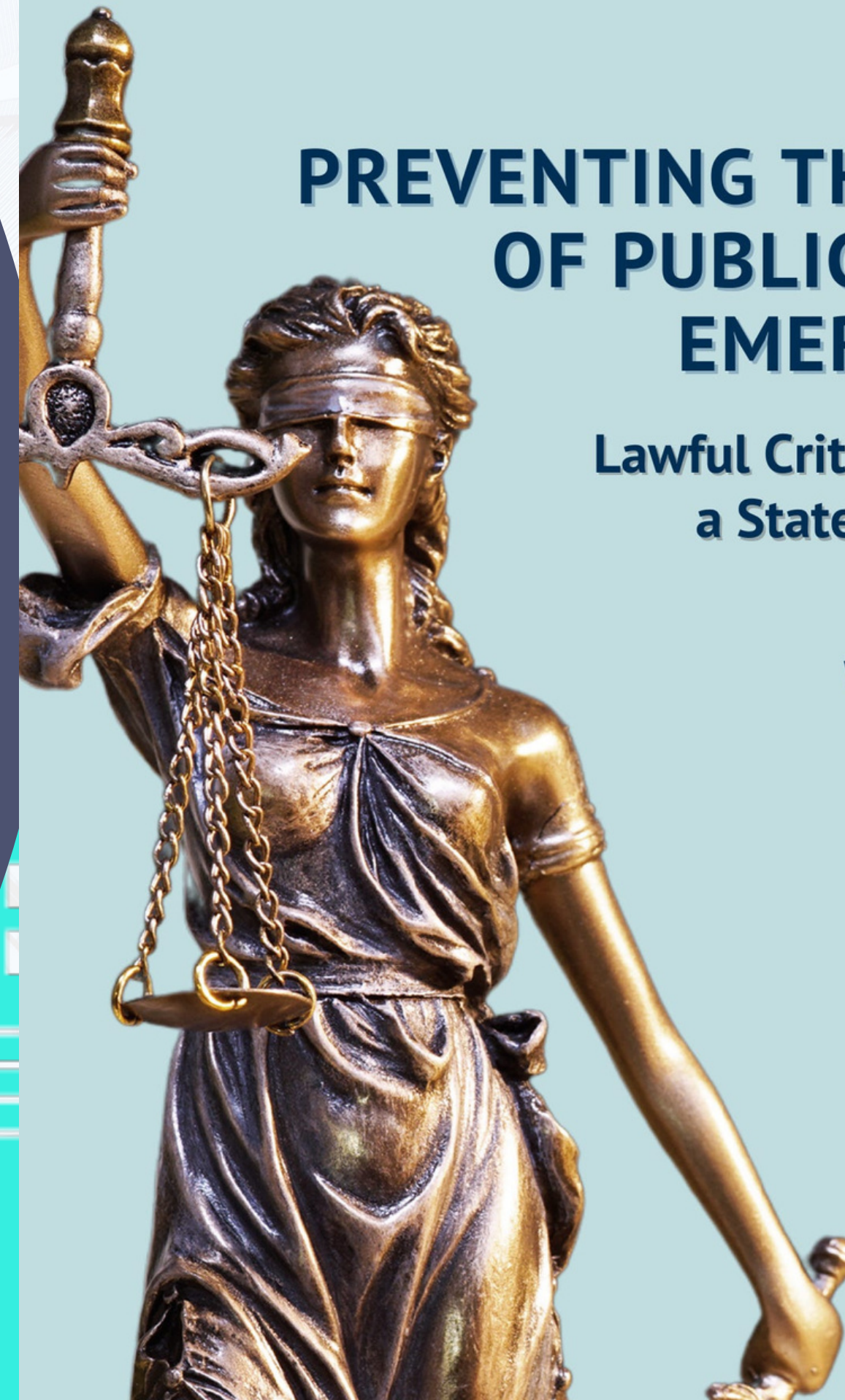
 LEGAL BRIEF

PREVENTING THE ABUSE OF PUBLIC HEALTH EMERGENCIES

**Lawful Criteria to Declare
a State of Emergency**

WITH PUBLIC INTEREST
RECOMMENDATIONS

February 2024



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The Criteria to Lawfully Declare A State of Emergency

Prior to the declaration of a state of emergency, the onus is on the government to show that the public health crisis ‘threatens the life of the nation’ and that this threat meets the following key criteria: The threat must be:



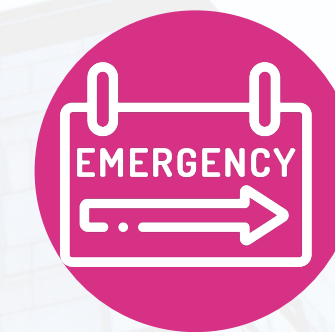
Be Actual or Imminent



involve the whole nation;



place the continuation of the organised life of society at risk of extinction; and



be so extraordinary that ordinary measures for protecting public health and order are clearly inadequate.

A public health emergency that does not meet any one of the above criteria would not constitute a legitimate threat to ‘the life of the nation’. Any human rights-infringing public health measures instituted pursuant to such a public health emergency would be illegitimate in terms of normative standards of international human rights.

Covid-19 did not qualify

Illegal Breaches

The arguments presented in this thoroughly referenced document show that the Covid-19 event never met any of these criteria.

Thus, as it did not meet the legal conditions of an emergency 'threatening the life of a nation', all derogation measures such as lockdowns, mask mandates, school and small business closures, travel restrictions, and harmful vaccine mandates, were illegal breaches of International Human Rights Law (IHRL).

»»» Chose to follow WHO

All States have a legal obligation to enact public policy that protects, respects, and ensures fundamental human rights.

Furthermore, certain norms and fundamental human rights exist that can never be violated, not even during a state of emergency.

Instead, during Covid-19, governments around the world chose to follow the recommendations of WHO, ignore the rights of citizens, and enact oppressive public health

It is also of huge concern that human rights organisations failed to hold governments to account for their abuse of emergency measures.



Acting Ultra Vires

Throughout history, it is evident that one of the principal tools employed by tyrannical governments to deny people their basic human rights and freedoms has been the baseless declaration of a state of emergency. Unsurprisingly then, the central legal instrument abused by governments during the COVID-19 pandemic was the declaration of an illicit state of emergency, which granted governments and their public health authorities extensive, unprecedented and unilateral powers.



This directly led to and facilitated unjustifiable gross violations of fundamental human rights for almost three years. This ultra-vires abuse of authority would not have been practically possible had the general public, legal practitioners, health practitioners, politicians, and the media been adequately informed regarding the requirements of International Human Rights Law (IHRL) and the lawful benchmarks needed to declare a legitimate, minimal and temporary state of emergency.

Limitations of Rights

The IHRL standards that authorities must follow are clear regarding how limitations on essential human rights should be handled during public health emergencies. The requirements for any emergency measures derogating from covenant obligations are that they should, inter alia:



- respond to a genuine, imminent, immense public or social need;
- be imposed by law and not imposed arbitrarily;
- be balanced and proportionate to the threat;
- be strictly required by the demands of the situation;
- be no more restrictive than needed to accomplish the purpose;
- and • be non-discriminatory to any specific group.

International Law

Article 4(1) of the ICCPR explicitly determines that:

In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the State Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law



The International Law Association Paris Minimum Standards of Human Rights Norms in a State of Emergency further define a public emergency as: an exceptional situation of crisis or public danger, actual or imminent, which affects the whole population or the whole population of the area to which the declaration applies and constitutes a threat to the organized life of the community of which the State is composed.

Human Rights Standards

- The international public health community should employ evidence-based policies to control the spread of disease and safeguard the public's health without infringing human rights.
- From a legal perspective, there was no justification to respond differently to COVID-19 than to other transmissible diseases with similar crude mortality rates, such as certain types of influenza and other respiratory diseases.

Benefits of Setting Marketing Targets

- Human rights standards and principles contained in the International Covenant on Civil and Political Rights (ICCPR), the Siracusa Principles and the Paris Minimum Standards, specific to public health emergencies, comprise effective, practical criteria that State Parties need to observe to in order to honor their treaty obligations with regard to protecting and ensuring the human rights of all within their national borders.

Recommendations

The only defense that can guarantee this is the people's own knowledge of the law, proactive legal action, and their determination to ensure that their governments do not abuse their discretionary power by imposing self-serving, biased, or arbitrary limitations on fundamental human rights.

To prevent future public health emergencies, of any kind, resulting in similar human rights abuses, [the Legal Brief therefore recommends the following actions](#)

What Can We Do



Education

To educate the public regarding the criteria to declare a legitimate state of emergency;



IHRL Panels

To establish panels to monitor adherence to IHRL and communicate violations; and



Advocacy

To establish activist groups to take necessary proactive education and advocacy actions



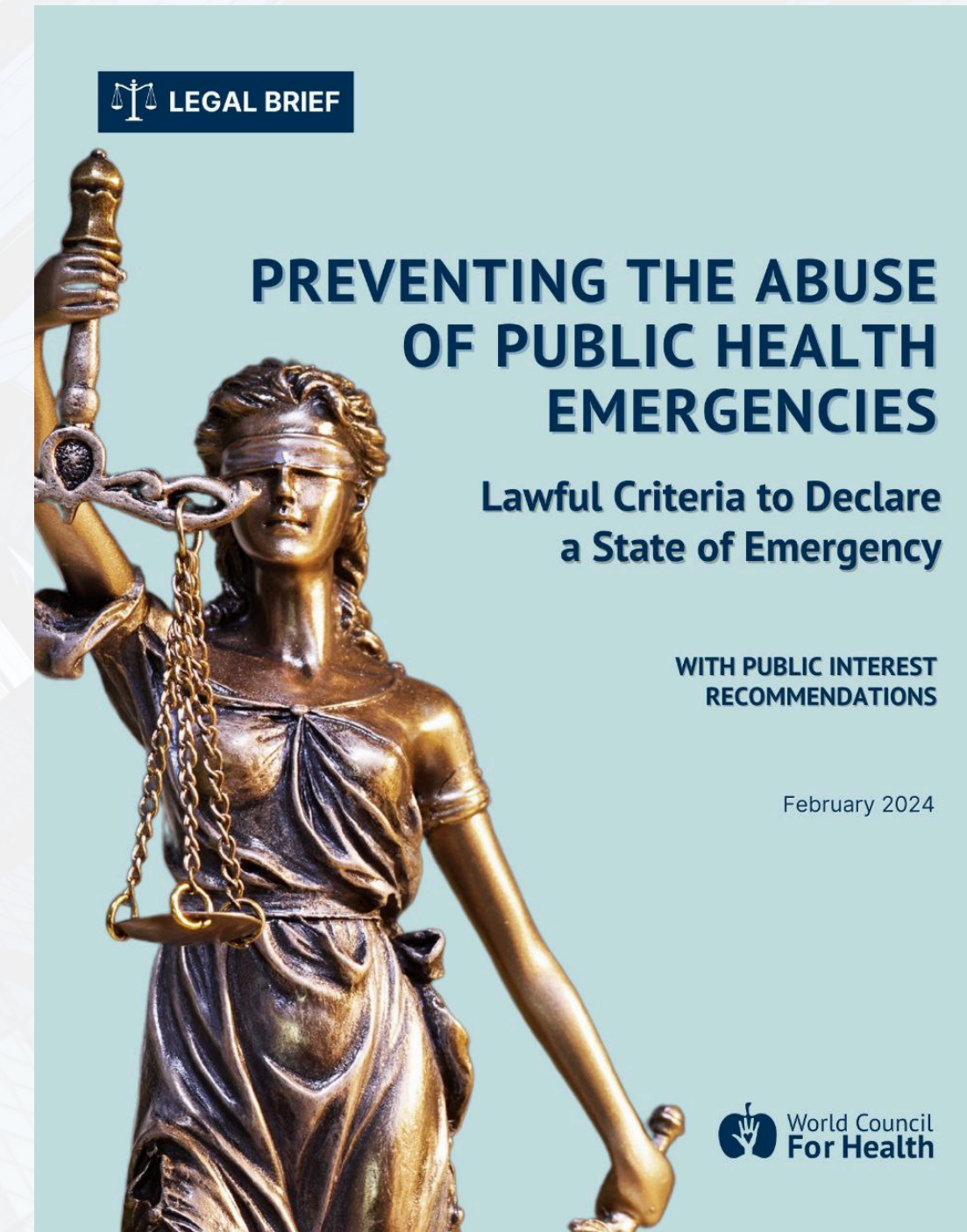
Lawful Action

To litigate proactively and/or use common and/or natural law to assert our rights

What you will gain

The purpose of this document is:

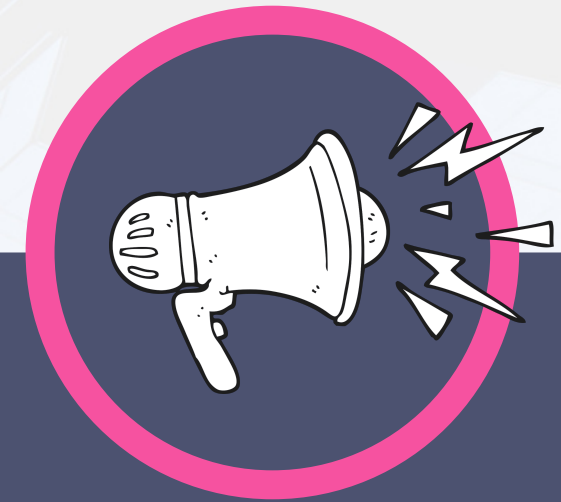
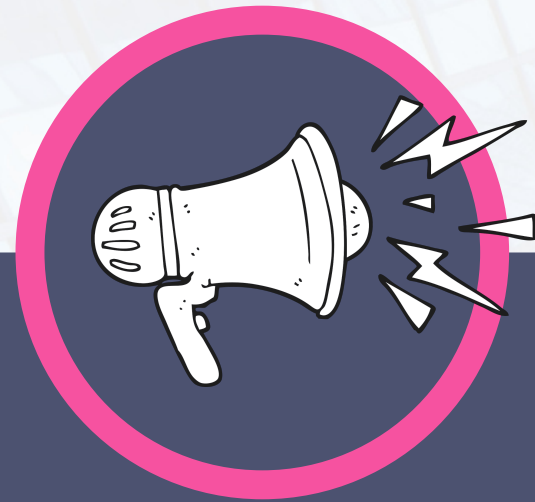
- a) to educate the public, legal practitioners, health practitioners, and government officials about how to ascertain the presence or absence of a bona fide (genuine) public health emergency.
- b) to set out the legal criteria and minimum thresholds necessary to declare a legitimate and lawful state of emergency.
- c) to prove these criteria were never met during the COVID-19 era.
- d) to prevent the future abuse of emergency provisions.
- e) to highlight that certain jus cogens norms and fundamental human rights can never be violated, not even during a declared state of emergency, for example, “the right to be free from medical experimentation without free and informed consent.”



How did they do it?

- The abuse of emergency provisions over the past three years has again brought to the world's attention the complicated relationship between the declaration of a 'state of emergency' and the protection of essential human rights.
- Controversially, the World Health Organization (WHO), an agency of the United Nations, 'declared' COVID-19 a pandemic on March 11, 2020. This was followed by many countries across the world instituting severe emergency measures, resulting in widespread violations of basic human rights.
- Governments abused the declaration of a state of emergency, revealing a brash and cavalier indifference towards IHRL and the lawful limits to policymaking. Indeed, emergency measures were misused "as a nefarious government technique, rather than an exceptional temporary measure."
- Unlawful COVID-19-related pseudo-legal emergency regulations breached the fundamental human rights of billions of people globally.

Know your Rights



- Certain fundamental human rights can never be suspended under any circumstances, not even during a lawful state of emergency. Article 4 of the ICCPR specifies a list of fundamental human rights from which no derogation is allowed.
- This list includes, inter alia: • *The right not to be arbitrarily deprived of life;* • *The right not to be subjected to torture;* • *The right not to be subjected to cruel, inhuman or degrading treatment or punishment;* and
- • *The right not to be subjected to medical or scientific experimentation without free and informed consent.*
- Other jus cogens norms include prohibitions on crimes against humanity, war crimes, genocide, and slavery.

Know your Rights



- All States have a legal obligation to enact public policy that protects, respects, and ensures fundamental human rights in line with their international treaty obligations.
- Bolstered by the recommendations of the WHO, numerous governments – almost all of them State Parties to the ICCPR (ratified by 173 governments worldwide, including the United States of America, the United Kingdom, and all European Union Member States) – decided to take unbalanced, illegal, and oppressive public health actions that disregarded the following rights of citizens:
 - The right to life;
 - The right to freedom from medical experimentation without free and informed consent;
 - The right to freedom of movement;
 - The right to the equal protection of the law; and
 - The right to freedom of thought, conscience, and religion.

Country Perspectives



- In Brazil, the government's inadequate response to the pandemic resulted in severe shortages of medical supplies and oxygen, exacerbating the health crisis.
- In India, marginalized communities faced barriers to accessing healthcare services, leading to disproportionate rates of infection and mortality.
- In China, strict lockdown measures in Wuhan and other cities led to widespread confinement and restrictions on movement, without adequate safeguards for essential needs.
- In Australia, harsh border closures and quarantine measures resulted in violations of the right to freedom of movement, particularly for individuals seeking asylum or stranded overseas.
- In South Africa, migrant workers and refugees faced discrimination and stigmatization, hindering their access to essential services and healthcare.
- In the United Kingdom, elderly individuals in care homes were neglected and deprived of adequate protection, resulting in high rates of infection and mortality.
- The Philippines government faced scrutiny for its heavy-handed approach to enforcing lockdown measures, including the use of military and police forces to quell protests.
- United States: The government faced criticism for its treatment of migrants and asylum seekers, including the continued detention of individuals in overcrowded and unsanitary conditions.
- The military in Myanmar faced condemnation for its brutal crackdown on protests during the pandemic, including the use of excessive force, arbitrary arrests, and widespread human rights abuses against civilians.
- Belarus: The Belarusian government faced allegations of using the pandemic as a pretext to crack down on dissent and protests.

Monitoring + Reporting Panel

- The International Health Rights Monitoring and Reporting Panel (IHR MRP)
- Is a multidisciplinary body comprising of experts from various fields, including civil society, health workers, law, advocacy, academia, media and international relations.
- The panel will: monitor, document, and report on adherence to health human rights standards and identifying instances of violations around the world.
- If you would like to support this critical initiative, contact me via the website www.WorldCouncilforHealth.org / Shabnam@theWC4H.org



Conclusion

- **Rudimentary requirements for the declaration of a lawful state of emergency were never met.** This should never be allowed to recur. The systematic violation of human rights undermines national security and public order and constitutes a threat to international peace and stability.
- The inexplicable silence and inaction from major human rights NGOs, the United Nations Human Rights Commission (UNHRC), and other regional human rights judicial forums in the face of the most pervasive abuse of emergency declarations and egregious violation of international human rights law by G20 nations and other states, is a cause for extreme concern. **It is indicative that the current IHR juridical order and checks and balances are severely compromised and not functioning.**
- From a practical standpoint, the rampant abuse of emergency measures since the onset of the COVID-19 pandemic confirmed the view that, de facto, there “are no ultimate institutional safeguards available for ensuring that emergency powers be used for the purpose of preserving the rule of law.” **This can only be assured by the people’s own knowledge of the law, proactive legal action, and their determination to ensure that their governments do not abuse discretionary power by imposing self-serving, biased, or arbitrary limitations on fundamental human rights.**

Thank You

Please donate to support our work
WorldCouncilforHealth.org

Shabnam Palesa Mohamed



Shabnam@theWC4H.org

Activist - Journalist - Lawyer

Chair: Law and Activism Committee

Steering Committee and Board: WCH

