

# COVID-19 and the Shadow of Inequality: Unmasking Marginalization in Universal International Human Rights

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## Abstract

The impact of the COVID-19 pandemic on the concept of universal international human rights is examined in this paper, particularly in relation to the marginalisation and discrimination experienced by certain groups. Using a social constructivist approach and focusing on human rights legal discourse, this paper examines case studies from Lebanon and China, where the pandemic has highlighted the embedded inequality and marginalisation faced by specific groups within international human rights legal practises. According to the paper, the pandemic has highlighted the inadequacy of international human rights law as well as tensions within the concept of universal international human rights. This paper highlights the erosion of social contracts between individuals and states, as well as among states, in international society by analysing the cases of Palestinian refugees in Lebanon and China's zero-COVID policy. It contends that the concept of universal international human rights is socially constructed and based on the Western liberal and individualist tradition, which empowers states to marginalise and silence individuals while empowering dominant liberal powers to use the concept as a political tool to marginalise specific regimes. The COVID-19 pandemic has thrown the original balance off-kilter and heightened the antagonistic relations between oppressed and oppressors. This paper advocates for the recognition of institutional inequalities and the urgent development of compensation strategies for the 'dark side' of human rights. It suggests that future research should concentrate on how compensation strategies for marginalised groups can be developed collaboratively in order to push international society towards greater inclusivity and diversity. The fight for universal human rights will continue, but the COVID-19 pandemic will be remembered as a watershed moment in the debate over these rights.

## Keywords

Human Rights, Covid-19 Pandemic, Marginalisation.

## 1. Introduction

The COVID-19 pandemic is a global catastrophe. Governments have reacted to the crisis by adopting different forms of regulations to contain the virus. It is important to analyse the effect of the pandemic on the concept of universal international human rights. The measurements states took have often been considered as challenging the human rights because they involved policies such as constraining people's right to move and to work and restricting freedom of speech (Repucci and Slipowitz 2020). At the same time, states' practices during the pandemic provide a useful framework for future development of the human rights, which may stimulate the transformation of some moral imperatives into legal entitlements (Sekalala et al. 2020, 1). There are three kinds of discourses around human rights: philosophical, legal, and political (Evans 2005). This essay will mainly use the legal discourse, which focuses on 'formal rights' that have been established through conventions and declarations. The essay will also examine

the political use of the international human rights. By adopting the social constructivist tradition and analysing case studies, the essay argues that COVID-19 has highlighted the embedded inequality and marginalisation certain groups face within the legal practices of international human rights.

The first section will provide a detailed explanation and theoretical foundation for the concept of the universal international human rights, the second section provides a literature review on COVID-19 and human rights, and a social constructivist explanation of how the pandemic highlights the theme of marginalisation. The third section will examine the case of Palestinian refugees in Lebanon, its social context, and the social contract between the government and its citizens. The section also employs the case in which China perceives its zero-COVID policy as a political project, deconstructs the social contract between the state government and international society, and analyses how China's success in implementing regulations through the social construction of ideas suggests a dark side to the politicised human rights project.

## 2. The Concept of Universal International Human Rights

The concept of human rights, deeply rooted in the Enlightenment, has always been Western-oriented. Despite ongoing debates, a global consensus exists regarding the universal nature of international human rights values. Institutions on human rights, such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), confirm this consensus through various declarations and conventions. The underlying assumption of international human rights laws is that the norms and values they embody can be applied universally to all human beings, across cultures and regime types. By asserting the universality of human rights, such laws imply that all individuals must have equal access to rights and empower them to defend their rights through legal means.

However, the idea of universality in international human rights faces several tensions and challenges, including cultural relativism and the marginalization of certain groups. Consequently, alternative perspectives on international human rights have emerged, informed by postcolonial, feminist, or critical race theories. These approaches challenge the dominant liberal narrative and address the limitations of the universal international human rights framework. For example, scholars such as Evans (2005) argue that political discourses surrounding the relationship between human rights, power, and interests are often marginalized, necessitating a deeper analysis of human rights through a political lens. In addition to the marginalization of political discourses, academia often overlooks the fact that the concept of human rights is a double-edged sword. The frequently uncritical liberalist analysis in philosophy discourses considers universal human rights as "settled norms" that ignore the dynamic and constant changes in human rights. Legal discourses typically focus on creating more international law to fill existing gaps rather than discovering the fundamental causes of problems. Most traditional mainstream scholarships ignore the notion of 'power' within human rights discourses. However, it is essential to deconstruct the purpose of certain human rights concepts to determine whether they serve to sustain a power structure or effectively challenge existing power relations.

Therefore, addressing the concept of human rights through its relations to power is crucial, with critical theories playing an essential role in questioning neutrality and deconstructing the dynamics of human rights. Within critical theories, 'silence' is a concept introduced by Bhabra and Shilliam (2018) to describe the condition for human rights abuses. Silence is a constitutive feature of discourse and practices that cannot be simply understood as absences. Silence is a systemic element that can be stressed in the problem of inclusion, exclusion, and participation. In the book edited by Bhabra and Shilliam (2018), along with other authors, they interrogate the concept of human rights through silence. They are concerned with incorporating silence

into the liberal human rights project by deconstructing and reconstructing initial paradigms that produced silences. The act of silencing is embedded in the heart of the liberal human rights project, which is rooted in the production of silencing and constantly reproduces silence in liberal institutions.

First, silence constitutes an act of agency and describes the prowess of subjugation (Baxi 2018). The framework of silences involves recognizing the history of silences, the production and reproduction of silences, and the practice of governance in human rights. It is essential to recognize that human rights are rooted in a history of silences, in the process of inclusion and exclusion of particular traditions, with silences acting as co-constitutive of the voice of universal human rights (Bhambra and Shilliam 2018). The production of silences is a denial of certain opinions through institutional strategies. Major subjects marginalize voices from ill-fitting subjects and keep them silent in the process of pacified inclusion (Bhambra and Shilliam 2018). The reproduction of silences is involved in formal institutional practices as well as everyday life, and the act of 'giving voice' is itself an act of reproducing silences. As a result, some voices tend to be marginalized and unrepresented in discussions of human rights. The institutional level of production and reproduction of silences in human rights can be observed in the act of 'governance' (Baxi 2018). Governance exercises normative control over the meanings and content of human rights and develops arrangements that justify the silencing power as serving the public interest. In other words, the power and act of silence is the ability to decide who may and may not 'speak', the content, timing, and intent of 'speaking', and the act of 'giving voice' is itself an act of reproducing silences. As a result, some voices tend to be marginalized and unrepresented in discussions of human rights. The institutional level of production and reproduction of silences in human rights can be observed in the act of 'governance' (Baxi 2018). Governance exercises normative control over the meanings and content of human rights and develops arrangements that justify the silencing power as serving the public interest. In other words, the power and act of silence is the ability to decide who may and may not 'speak', the content, timing, and intent of 'speaking'.

Furthermore, silences have two functions as an aspect of speech (Bhambra and Shilliam 2018). Silences provide space for the articulation of words, allow the voice to be understood, and highlight the fact that 'speaking' is not a revealed experience but the production of understanding that experience. Therefore, recognizing silences in human rights can open up the possibility for 'what is said to be different' and challenge the core of the liberal human rights project (Bhambra and Shilliam 2018). The importance of analyzing silences within the human rights framework lies in its challenge to 'universality', which is the central claim of liberal human rights projects. Bhambra and Shilliam (2018) describe the liberal notion of human rights as a 'false universalism'. The existing framework of human rights was developed through a liberalist tradition and had the intent to 'civilize' the 'uncivilized' part of the world. The so-called universal human rights, adopted by many scholars and represented in international human rights bills, are an unjustified project that should be contested (Dimitrijevic 2018). Scholars and legal practitioners often view the universality of human rights as a settled, uncontested concept that can unite and include all human beings on the globe. However, considering the concept of 'silences', it provides a contested basis for universal human rights that argues the universalization of human rights is a particular manifestation of a specific culture. Moreover, it opens the debate on universal human rights by claiming the nature of the project as a never-completed one. Specifically, silences can reveal the culpability of liberal human rights projects regarding race. The Universal Declaration of Human Rights (UDHR) uses terms like 'everyone' and 'no one' that seemingly include all individuals, but these are indeed hollow signifiers that ignore and overlook the unjust history of human rights in terms of excluding certain ethnicities and races. Therefore, the act of silence can be observed in institutional injustice and marginalization (Baxi 2018).

### 3. Covid-19 Pandemic and International Human Rights

The COVID-19 pandemic clearly revealed the inadequacy of international human rights law. State governments exercise their 'monopoly on the legitimate use of physical force' (Weber 1946) to derogate human rights in the name of protecting public health. Derogations of human rights include suspension, deviation, or elimination of legal obligations (Hafner-Burton et al. 2011; Richards and Clay 2012; Richards and Clay 2012). The issues of marginalisation and discrimination are exposed during these derogations so that the normally balanced interaction between the reality and the social project of human rights wrapped by the 'ideal' was distorted, and the 'moral vision' (Donnelly 1989, 17) becomes insignificant compared to political practices under global health emergencies. Following the announcement of the end or the loosening of pandemic regulations in most countries, many scholars started contributing to the discussion on COVID-19 and human rights. Scholars generally agree that the pandemic questioned the effectiveness of international human rights institutions but adopt different ways to approach the problem (Bennoune 2020, 668). Scholars such as Scheinin (2020), Sekala et al. (2020), and Edgell et al. (2021) focus on analysing whether pandemic regulations violate human rights. They acknowledge the derogation of certain kinds of rights during the pandemic but also apply the Siracusa Principles to account for these derogations by considering derogation measures to be reasonable as long as they fall within the scope of legality, necessity, and proportionality. These arguments try to reflect pandemic regulations under the existing international human rights framework but argue that democracies, which are mostly the creators of the human rights institutions, did not violate the principles they set. As Scheinin (2020) argues, 'Much of the cake of human rights remains untouched' after the declaration of the global emergency regarding the pandemic. However, conflicts arise when states take the measurements of 'legality, necessity and proportionality' themselves. Based on their consideration of the interests of the whole of society, they neglect the derogation of the rights of marginalised people. During the pandemic, marginalised groups faced structural inequalities and 'have been disproportionately represented among the dead' regardless of the International Covenant on Civil and Political Rights (ICCPR) clearly stating that 'derogation must be non-discriminatory' (Bennoune 2020, 668).

Another stream of academics is analysing the consequences of human rights violations by considering different regime types (Cepaluni 2022, Frey et al. 2020). They argue that there is no evidence to indicate that the regulations of autocratic governments were more effective at reducing travel. In contrast, the lockdown policies imposed by democratically accountable governments were 20% more effective (Frey et al. 2020, 1). However, authoritative regimes like China and North Korea are undoubtedly more effective at population control, as their low mortality rate and confirmed cases indicate (Chiozza and King 2022, 247). Articles specifically discuss human rights practices and the resulting COVID-19 performance of certain authoritative regions and countries, but they continue to marginalise some countries. Because these marginalised countries presumably have more regulatory power over citizens during ordinary times and are accused of violating human rights, their position in regard to human rights violations in emergency situations is considered unimportant. Consequently, the marginalised groups within such countries are silenced twice. Their human rights cannot be protected via the universal international human rights when the state cannot or is not willing to speak for them.

The legal discourse of human rights, international laws created sets of rules but did not explain the origins of 'human rights' (Wheatley 2019, 31). This led to an invisibility of and acquiescence to inequalities embedded in the system. To examine the idea of marginalisation, a social constructivist approach will be used. Social constructivists argue that "the idea and practices concerning human rights are created by particular historical, social, and economic

circumstances” (Stammers 1995, 489). In other words, there are no so-called natural rights that people are born with, but rather a socially constructed concept that arises from constant interactions between individuals and states. The basis of these interactions is the construction of a social contract to maintain a stable social order. The government, as the representative of the collective will of the people, promises its citizen access to certain rights but, at the same time, requires them to demise some other rights. International law can set the boundaries of the social contract between states and their citizens to some extent. The system of international law and the human rights institutions is itself a type of social contract, a precondition for states to join the existing international liberal order and to be able to interact with other states on an equal and sovereign basis. States transfer the international system of human rights back to their domestic laws, perpetually re-constituting actors through social practices and interactions and practices and thus turning this Western-origin human rights value into ‘universal international values’ (Stammers 1993, 72). Two kinds of power relations exist in social contracts of the human rights regime: the relation of the hegemonic power in the international system to other states and of states to individuals. As the creators and defenders of the international human rights order, hegemony has the right to interpret international provisions and can define to whom they apply as well as what circumstances count as violations. Likewise, the power relations between states and individuals allow states to determine who will be covered by human rights and whose rights will be sacrificed in the face of emergent human rights derogations. The embedded power structures became more visible during the COVID-19 pandemic. The pandemic underlined the erosion and even failure of existing social contracts (Kjaerum 2021, 299). Therefore, this essay will use two non-liberal states, Lebanon and China, as case studies, to argue that the pandemic highlighted the problem of marginalisation within the idea of universal international human rights and question the effectiveness of international legal institutions of human rights.

## **4. Embedded Marginalisation and Discrimination of Universal International Human Rights**

### **4.1. Silence of The Marginalised Group**

Everyday silencing has been a problem for socially disadvantaged individuals. According to Bhambra and Shilliam (2009), silencing signifies the absence of voices and is acknowledged as a defining characteristic of discourse and practice. Typically, silenced groups do not have equal access to human rights and cannot advocate for themselves. The problem of marginalisation was exacerbated during COVID-19 due to the event’s limited resources and urgent nature. In the name of preserving the maximum interests of society, state governments allocate resources and protect human rights with a preference for certain people over others. Thus, governments cannot comply with the articles of international human rights law, such as the ICESCR, to ensure that everyone has the right to the highest achievable standard of health “without discrimination of any kind”. However, the marginalisation is not due to COVID-19 or other emergencies; instead, it results from structural discrimination within the social system. The pandemic demonstrates that states have the preeminent right to defend and monitor international human rights law. This repressive, intra-structural power makes it challenging for state residents to express themselves. The state created a “hierarchy” within the international human rights system when it was established domestically (Du Plessis 2021, 28; Crawley 2020). This phenomenon has been tacitly accepted and sustained by the system due to discrimination against certain groups, which require external agents to voice their demands. However, for marginalised groups in non-liberal states, such external assistance is unreliable and only sometimes available. Since external actors are frequently constrained and motivated by their

political interests, they will frequently only advocate for the marginalised group if this action meets their political demands.

One method of establishing a hierarchical society is to restrict the definition of “individuals” within the international human rights framework. As the leading player in international law, the United States has the power to define “human beings” by recognising individuals as its citizens. If the state government does not grant a person the status of an ordinary citizen, that person will lose all the rights to which he or she is entitled under international human rights law. During a pandemic, this disempowerment reflects a lack of fundamental rights to work, education, and health care (Dempster et al. 2020, 9). Minorities will be more susceptible to the virus due to pre-pandemic inequalities than more privileged populations (Chiozza and King 2022, 249). The following section will use refugees as an example of marginalised groups to illustrate how the net of power acts around this marginalised group and how COVID-19 highlighted the effects of an unequal power structure.

Refugees are a marginalised group in most societies, as they cannot live as ordinary citizens in their host country after fleeing their home country for various reasons. Refugees are deprived of their home country’s protection and ordinary citizenship. This group is given symbolic definitions and is positioned in international relations in a variety of ways: as living examples of the brutality of conflicts (Goodwin-Gill, 2008), as “others”, and as threats to the national security of the hosting countries (Huysmans 2006). During the pandemic, refugees were subjected to two forms of violence barely protected by international human rights law: 1) structural abuse due to a long history of stigmatisation; 2) unequal resource allocation. Due to their perceived identity as resource abusers in the host country, refugees face restrictions in all facets of their lives. They are typically restricted to working in the lowest-income sectors (Safouane 2019). In such situations, they are more likely to lose their jobs, increasing homelessness and food insecurity. In addition, their health will deteriorate due to being denied access to health care. COVID-19 is not an exception to the numerous pandemics in history that have stigmatised marginalised groups by accusing them of being unhygienic (Bieber 2020; Gover et al. 2020). After their health has been severely compromised, refugees are stigmatised as “transmitters of viruses,” allowing the government to restrict their access to health care and allocate fewer resources to them (Hill et al. 2021). As a result of the unequal distribution of resources, the marginalised refugee population has been pushed further from the rights that others take for granted (Crawley 2021).

As a state located in the turmoil of the Middle East, Lebanon has the highest per capita number of refugees in the world, with 1.5 million Syrian refugees and 480,000 registered Palestinian refugees (UNHCR). The government’s near-failure following the 2019 demonstration and the aftermath of the 2020 Beirut port explosion have exacerbated the emergency of the epidemic crisis, resulting in a scarcity of resources, so that the problems of marginalisation in international human rights can be highlighted more effectively during COVID-19. Palestinians are even more marginalised than Syrian refugees in Lebanon because they have fewer international supporters (Fiddian-Qasmiyeh and Qasmiyeh 2020, 351). To maintain religious balance, the Lebanese government denied citizenship to the predominantly Sunni Muslim Palestinian population. In so doing, the Lebanese government further denies Palestinians’ fundamental civil, political, economic, and social rights by denying their subjectivity as recognised individuals (Kitamura et al. 2018). This overwhelming web of power pervades every aspect of the Palestinian refugee’s life, reshaping the concept of “individuals” in the human rights law and highlighting that the definition of such a concept is not natural or biological but political and societal. The anthropological machine produces Palestinian refugees in Lebanon as non-humans; consequently, they cannot fight for their rights because their voices are invisible to society. As a result, there is a significant disparity in the distribution of resources. The Ministry of Public Health (MoPH) of Lebanon reports that only 5.26% of its population has

been administered to refugees. Because of this, the mortality and confirmation rates in Palestinian camps are significantly higher than in other groups (Kaloti and Fouad 2022, 1). Considering the government's inability and unwillingness to allocate resources equitably, international organisations, in their capacity as nominal monitors of international human rights law, will ensure that the state complies with the law. For instance, the World Bank and United Nations agencies collaborated with the Ministry of Public Health to fund vaccines for Palestinian camps and actively promoted the projects. However, most refugees refused after offering vaccination because they lacked confidence in the Lebanese government (World Bank, 2021). Consequently, another layer of marginalisation power emerges: the social contract between refugees and the government has been broken. People no longer expect to trade rights for other rights, nor do they view the government as a protector of their human rights. It is due to the government's initial stigmatisation and dehumanisation of Palestinian refugees, which causes them to mistrust the government's ability to provide rights. They would like to resist the system, but their only power is to reject and disbelieve the government's discourse, which will move them further away from rights protection. When the majority believes that the silenced population will benefit from compensation measures, the reality is that the social contract and trust have been broken or have never been established. Consequently, the marginalised group will use restitution to demonstrate that their voice has always been muted. Meanwhile, the COVID-19 pandemic brought to light the pre-existing inequality and marginalisation embedded in the legal practises of international human rights, as well as the disintegration or breach of the social contract between the margins of society and their government.

#### **4.2. The Political War on Universal International Human Rights**

Following a discussion of the deterioration of the social contract between individuals and states, COVID-19 addressed the social contract conflicts between states and international society. Existing universal international human rights values are based on Western liberal narratives of individual rights and are rooted in Western history and culture, as argued previously. In the process of globalisation, governments are socialised and assimilated into the international liberal order when they join the international system by adopting various institutions. Nevertheless, states have ingrained cultural traditions and historical contexts that cannot be altered. Consider one of Hofstede's (2015) cultural dimensions as an illustration. Differences in the efficacy of the international human rights institutions can be explained by the different natures of East Asian collectivism and Western individualism. East Asian nations such as Japan and China can implement more stringent regulations that the populace can readily adopt during the pandemic because their culture places less emphasis on protecting individual rights (de Kloet 2020). In a collectivist society, individual liberty is secondary to collective welfare. The collective society's value choice makes people more likely to prioritise collective health over liberty rights (Savulescu et al. 2020, 628). As a result of this inherent tradition, people in collectivist societies may be more willing to cede their rights to the government, resulting in a social contract that occasionally exceeds international legal boundaries. Non-liberal authoritarian states with a collectivist tradition have always been accused, within the already marginalised cultures of human rights discourses, of violating human rights, which are sometimes justified as cultural practices. Since neither international society nor international organisations are an authority in the case of a powerful state, international human rights law holds less sway over them. In terms of international human rights issues, however, being accused results in losing the right to free speech and diminished discursive power. During the COVID-19 pandemic, the power relations between the dominant western states and the marginalised states have shifted, as numerous western states violate human rights. As a result, the existing social contract is being eroded and marginalised into an adversarial relationship between marginalised states and the system. Making the COVID-19 became "a showdown of the two fundamentally different political and economic systems", highlighting the political nature

of international human rights institutions (Alon et al. 2020, 158). The following will use China as an example of a marginalised state currently willing to challenge the international human rights discourse to argue that COVID-19 reveals the dynamic nature of so-called universal international human rights.

In light of the unresolved debate surrounding the precise origins of the COVID-19 virus, China, as a highly populous authoritarian state, has become the focal point of numerous academic discussions related to the pandemic. When considering human rights issues, scholars generally acknowledge the effectiveness of China's stringent policies in containing the virus but argue that its regulation constitutes "a human rights tragedy" (Wang 2021). In the early stages of the pandemic, China adopted a rapid lockdown policy, utilising tracking apps, drones, and other technological means of population control to limit the spread of the virus as quickly as possible. The number of COVID-19 cases per million people worldwide is approximately 80,000, while in China, there are only 700 cases (John Hopkins University). Considering the effectiveness of the "Chinese model" in preventing COVID, many democracies began regulating travel, and 22 democracies have launched digital surveillance programmes like China's (Eck and Hatz 2020). However, some argue that while democratic principles are being violated in responding to the pandemic, the virus-fighting effectiveness has hardly improved (Maerz et al. 2020). This occurrence revives the debate between individualism and collectivism. China's policies were quickly and effectively implemented because they are based on a collectivist tradition, which makes the policy-making process faster than in democracies and the people more willing to obey the government's orders (Li 2009). Despite opposition from the populace, democratic characteristics impede the government's response in democracies (Cheibub 2020; Yao 2022). As a regime historically on the margins of the international liberal order, China views the COVID-19 pandemic as an opportunity to demonstrate its system's superiority. Observing that democracies are violating human rights and perceiving themselves to have a more effective system, China views the pandemic as a chance to demonstrate the superiority of its system. In the international arena, the balance of the existing social contract is being eroded, allowing China to use its successes in virus combat to fight for the right to establish or modify the current system and to determine universal international human rights. As much literature suggests, the result of COVID-19 is the acceptance of surveillance, which leads to "a slippery slope toward authoritarianism" (Barcelo et al. 2020) and the rise of authoritarianism in numerous states (Liu and Zhao 2022).

Thus, after COVID-19, universal human rights values have shifted from a set of affirmed legal articles to a dynamic concept being pulled by both rebels and system defenders. This result confirms that the concept of universality in international legal practises is socially constructed and used as a political instrument to increase the discourse power of states. However, marginalised people's rights are frequently sacrificed during the political conflict. In China, to demonstrate the benefits of its institutions, the government continues to implement the zero-COVID policy, which maintains and even imposes more stringent measures than in the early stages of the pandemic. People's freedom of movement is restricted, all aspects of their lives are regulated, and the regulation itself is responsible for many people (VOA News 2022). These policies neither complied with derogation principles nor garnered significant international attention. China violates the legality, necessity, and proportionality principles. Typically, the imposed policies involve controlling and transporting disproportionately large populations relative to the virus infection rate. In addition, the official state media, People's Daily (2022), published articles on the zero-COVID policy for three consecutive days. China violates the ICCPR's emergency measurement requirements, including a reference to "duration." In addition to violating the rights articulated in the ICCPR, which the government should never violate, such as the right to life (Article 6) and freedom from cruel and inhuman treatment (Article 7), the government also violates the rights articulated in the ICCPR, which it should never violate.



However, the lack of international attention renders the existing international human rights law insignificant compared to the ongoing political conflict.

Such is a consequence of marginalisation within the framework of universal international human rights and, more importantly, the use of it as a political tool. As a state that has been marginalised in discussions, China is frequently accused of human rights violations in political matters. There are two reasons why the COVID-19 regulation has received little international attention among the Chinese. First, external actors have little political incentive to speak on behalf of the group, and it takes work to intervene in the ongoing regulations. Outsiders assume that people have a reciprocal social contract with their government because they are stifled by state censorship. Silence implies natural acceptance and compliance. States must cede more rights to freedom and autonomy to the state in exchange for a more stable and secure environment, as stipulated by the authoritative contract (Wang 2021). Nevertheless, according to the social constructivist viewpoint, forming a social contract does not necessitate a straightforward conceding procedure. Unbeknownst to individuals, the surrender of rights is rooted in a system. In this case, silencing indicates both an active power that prevents people from expressing their opinions and an underlying power that deprives people of their sense of rights. Consequently, a dilemma rooted in the concept of universal international human rights law was highlighted during the pandemic. Their society and culture shape people's knowledge of rights, so it is difficult for an individual in a situation of violence to "recognise consciously the subtle intonations of power and domination, which are legitimised and rationalised as 'normal'" (Thapar-Björkert et al 2016, 158). Since the power of society to shape individuals is systematic, if people are participating in violence without being aware of it, it is not violence for them (Donnelly 1984, 400). As a result of the Chinese government's emphasis on the severity of COVID-19 symptoms and the significance of winning the political war, people frequently adopt the narratives and conform to the new social contract under emergency conditions. In such situations, it is difficult to break the contract externally, whereas the support of the people can empower the state to compete for discourse power in international society.

Therefore, COVID-19 reveals the socially constructed nature of the international human rights institution. Individual governments in the international system form social contracts with their citizens, using international human rights values to limit the scope of the contracts. However, because the COVID-19 regulations in China fundamentally challenged the fundamental rights of living in universal human rights, it was never anticipated that the state government or a specific culture socially constructing the concept of "human rights" could extend the boundaries of the social contract to this extent (Donnelly 1984, 419). Moreover, their causes are the marginalisation of specific cultures and regimes and the institutions' covertly political goals. Typically, dominant powers use international human rights laws to constrain other nations by requiring them to endorse these values in exchange for the right to interact and participate in the international community. However, this established social contract may be broken in times of emergency. The creators of COVID-19 are eroding the human rights values that had been so effectively protected. Furthermore, by recognising the political power of human rights institutions, some states that have been oppressed and marginalised may revolt and seek to establish a new standard or set of values based on their culture and philosophies. As a result of COVID-19's political war on human rights, authoritative nations may be demonstrating the incapability of "western" human rights' excessive individualism in practice, and the world may be moving toward an authoritative century (Ogden 2022). In this instance, however, the people inside are stifled and unaware of their rights violated. Further research can be conducted using cultural relativism as a lens. The concept of international universal human rights will continue to exist in the global order, but it may be reconstructed through constant interactions, resulting in a new human rights standard.

## 5. Conclusion

This essay uses the legal discourses and practices of universal international human rights as an entry point to analyse the theme of marginalisation that the COVID-19 pandemic highlighted via the cases of Lebanon and China. By adopting the social constructivist tradition, this essay recognises the erosion and breaking of social contract between individuals and states as well as among states in international society. This essay argues that the concept of universal international human rights is socially constructed and based on the Western liberal and individualist tradition. The concept grants the state the power to marginalise and silence individuals while empowering the dominant liberal powers to use the concept as a political tool to marginalise certain regimes. The COVID-19 pandemic disrupted the original balance and escalated the antagonistic relations between the oppressed and oppressors.

Universal human rights as a social project should represent the positive aspirations of international society (Bennoune 2020, 666). However, just like many other ideologies, they were developed in a certain time and a certain culture. They are unlikely to be unbiased or to not be used to suppress actors that deviate from its original vision of empowering people. However, it is important to acknowledge the inequalities within institutions, and it is urgently necessary to develop compensation strategies for the 'dark side' of human rights. Globalisation has brought states closer, and multiple layers of different actors such as NGOs, international organisations, and transnational businesses are playing key roles in global governance (Franck 2001, 204). Further investigations can focus on how compensation strategies for marginalised groups can be developed collectively to push international society towards more inclusivity and diversity. As Douzinas (2000, 239) suggests, 'Human rights are both the malady and its cure, both the poison and its antidote, a veritable Derridean pharmakon'. The struggle for universal human rights will continue, but COVID-19 will remain a significant turning point.

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