



IMPACT OF PANDEMIC ON HUMAN RIGHTS

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Abstract:

In the present condition, of the ongoing pandemic of corona virus disease 2019(COVID-19), there is a worldwide unrest. The pandemic has resulted in social and economic disruption, giving rise to global recession. Food security, public health and employment, labour issues, in particular- workers health and safety, protection of labour rights, are the matters require particular attention. Similarly, special attention also must be paid to the situations of women, children, disabled persons, aged people, Dalits, basically the marginalized classes. Different forms of support for shelter, food relief, employment retention is very important. In designing and implementing such measures it is essential that government works with utmost care in protecting the human rights of the individuals, sometimes the government is required to take certain extreme steps which may eliminate the individual's rights to freedom of movement and association, as when the mandates of public health require measures like quarantine in the interest of the greater population. History too has such examples where stringent measures to curb the epidemic taken by the authority were overthrown by the general people (Rand case, Pune, 1897). Such situations need a delicate hand. Many Human rights documents acknowledge this need for extreme measures, but prioritize public health only as a method of last resort. Message of UN Secretary General Antonio Gutteres, "The COVID-19 pandemic is a public health emergency, it is an economic crisis, social crisis and a human crisis that is fast becoming a human rights crisis "Human Rights responses can help beat the pandemic, putting a focus on the imperative of healthcare for everyone. The world has witnessed many such pandemics. Covid 19 is just one type; we have got a small experience. It is a need of an hour to preserve human life and sustain it. In the face of crisis, we must lead with science and humanity.

Key words: Global recession, Human rights, Quarantine, Health care.

Introduction

The Philosophy of Man describes, Man is the finest, most superior and the most lovable creature on earth. All human beings are created in the image and likeness of the Divine and therefore have equal dignity with equal human rights. In the words of Prof. Harold Laski, "Rights, in fact are those conditions of social life without which no man can be his best self."

What are human rights?

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, region, language, or any other status. We are equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Human Rights are universal rights, they are natural rights, in born rights and so on and so forth.

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of



Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.

We live in a world troubled by inequality and contradiction. Our parliaments have outlawed a range of inhumane practices and passed laws intended to ensure fair treatment for all, yet human rights organizations remind us that for many of the world's 6 billion human beings, life continues to be a painful struggle for existence against injustice and abuse.

Universal and inalienable

The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration on Human Rights in 1948, has been reiterated in numerous international human rights conventions, declaration and resolutions.

Interdependent and indivisible

All human rights are indivisible, whether they are civil and political rights such as the right of life, equality before the law and freedom of expression; economic, social and cultural rights, such as the rights to work, social security and education, or collective rights, such as the rights to development and self-determination, are indivisible, interrelated and interdependent. The improvement of one right facilitates advancement of the others. Likewise, the deprivation of one right adversely affects the affects others.

Human rights are the basic fundamental rights of every Human being.

There are a variety of human rights, including:

Civil rights (such as the right to life, liberty and security),

Political rights (like right to the protection of the law and equality before the law),

Economic rights (including right to work, to own property and to receive equal pay),

Social rights (like right to education and consenting marriages),

Cultural rights (including the right to freely participate in their cultural community), and

Collective rights (like the right to self-determination).

What is pandemic?

According to the WHO, a pandemic involves the worldwide spread of a new disease. While an epidemic remains limited to one city, region, or country, a pandemic spread beyond national borders and possibly worldwide.

A disease becomes an epidemic when the number of people with the infection is higher than the forecast number within a specific region. If an infection becomes widespread in several countries at the same time, it may turn into a pandemic.

A new virus strain or subtype that easily transmits between humans can cause a pandemic. Bacteria that become resistant to antibiotic treatment may also be behind the rapid spread. Sometimes, pandemics occur when new diseases develop the ability to spread rapidly, such as the Black Death, or bubonic plague. Humans may have little or no immunity against a new virus and it may start to spread easily, and a pandemic may result. A pandemic affects a higher number of people and can be more deadly than an epidemic. It can also lead to more social disruption, economic loss, and general hardship on a wider scale.

COVID-19 Pandemic and Human rights:

A human crisis that is fast becoming a human rights crisis these are the words of United Nations Secretary-General Antonio Guterres describing the responses of governments around the globe to the pandemic of COVID-19.



The remarks of the World Health Organization Director General's statement on COVID-19 gave much importance to the issues of protecting health, social disruption, minimizing economic loss and respecting human rights. The framing of human rights acted as a strong pillar that could strengthen the effectiveness of global attempts to address the pandemic of COVID-19.

Human rights are non-discriminatory, meaning that all human beings are entitled to them and cannot be excluded from them. Of course, while all human beings are entitled to human rights, not all human beings experience them equally throughout the world. Many governments and individuals ignore human rights and grossly exploit other human beings.

Right to Health:

The right to health is the economic, social, and cultural right to a universal minimum standard of health to which all individuals are entitled. The concept of a right to health has been enumerated in international agreements which include the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of Persons with Disabilities.

The right to health is the basic right of every human being provided to them from the very beginning of their life. And now, in the most crucial time during this pandemic, health services are considered to be the most necessary and are inclined to be given the utmost priority. India is a member of the International Covenant on Economic, Social, and Cultural Rights (ICESCR). It specifically deals with a person's right to enjoy the highest achievable mental and physical health. Hence, the government should take a proper initiative for providing adequate health services of superior quality and satisfactory medical care should be given to people to prevent threats to public health. However, there are still some areas where health inequalities can be spotted where the elite people are provided with better health care than the people who cannot afford it. According to India's largest national survey of June 2018; only about 10% of the poorest one-fifth Indians in rural and urban India (9.8%) had any form of health insurance, which concludes how lack of money impacts health. This type of discrimination should be stopped and all people should be treated equally right to health is a fundamental right. Not only this but there are many more areas which need concern and hence the government should pay significant attention to things like non-discrimination, transparency, and, respect for human dignity & some other rights which authority of the state needs to protect as they are core & integral parts assigned in the right to health during this dreadful time of the pandemic. To make the vaccine /medicine/treatment available to all irrespective of cost is the timely requirement. Though providing proper safety and care to population is a very big task in itself still the government must not in such a time neglect human rights, rather it's a time where it needs to safeguard Human rights the most, to make peace with the ongoing situation.

Right to Privacy

Right to privacy is guaranteed under ICCPR in the form of Article 17. The main concern regarding this is an application called Arogya Satu launched by the government of India. It works on the principle tracking of Covid-19 which lets people know if they were near any infected person or not. Even though it is said to be encrypted, but its location tracking feature is not supposed to be sent to the third-party apps. It has a feature of sending reports of individuals to government. Furthermore, it has the threat of surveillance of citizens and it has come to notice of people that it can be misused if it falls in the wrong hands. The lack of confidentiality of reports of people who were only suspected to be infected positive was uploaded on the social media sites creating such a sensitive issue into a nuisance. These resulted in threats and danger to those people and their families by others. This was a clear violation of Article 17 stating the



Right to Privacy as it was direct interference from the state into their privacy.

Right to free movement

The Indian government is directed to ensure safeguarding people under international human rights and rectify their mistake done in the period of this lockdown. Article 12.1 of International Covenant on Civil and Political Rights which India also follows as the member. It states the right to liberty of movement within the territory of the country. As per 12.3, only exceptional circumstances can lead to restriction of this right, including protection of public health.

Since the lockdown has come into effect many incidents of migrant wage labours walking hundreds of kilometres back to their native places and villages as no other option is left out with them as with the closing down of small and non-essential business and closing down of transportation of all public owned basis and therefore having lost all the means of income. The people are stressing more on their existence in lockdown rather than the disease itself.

People are dying due and facing some serious mental health issues such as anxiety. Such harsh conditions imposed on people by the administration in the lockdown in addition to the closing of the business, which was the only source of livelihood, has proved to be challenging for the common man. Marginalised classes like women, people with disabilities, Dalits, aged people, children, sexual minorities and also the daily earners are the ones to whom the government is trying to reach by providing this daily wage, food and shelter home and making necessary arrangements for their transportation to their home safely. The scenario of such strict restrictions on mobility has created an excuse for the brutality caused by the police on common people. Police are using excessive force on the citizens by assaulting them even if they move out for some essential work or purchasing some groceries.

In designing and implementing measures it is essential that government works with utmost care in protecting the human rights of the individuals. But in this regard, sometimes the government is required to take certain extreme measures which may eliminate the individual's rights to freedom of movement and association, as when the mandates of public health require measures like quarantine in the interest of the greater population. But if such matters are not delicately handled can witness a condition that can overturn the efforts put forth by the Government. Our History has such instances to narrate.

How oppressive containment measures during Poona plague led to assassination of British officer:

It all started in 1896 when the deadly plague reached Pune. It had initially affected the coastal cities with ports, but owing to its proximity to Mumbai, Pune too had been affected by it. By the beginning of January 1897, it had become nothing short of an epidemic. In just a month, about 0.6% of Pune's population had succumbed to the disease. Nearly half of the population had run away from the city. It was then that the Colonial government had decided to put serious measures in place to curb the spread of the plague. It formed the SPC and made Rand the commissioner of the committee in Pune. Rand had initially provided some relief—establishing a hospital, quarantine camps, in addition to disinfecting affected areas. However, soon as the operations to curb the plague had started, Rand began his reign of terror. He deployed forces who had full authority to barge into any house and upset the belongings. The troops stripped men, women and children naked for “check-ups”, sometimes even in public, and evacuated them to hospitals or quarantined them. At times they also destroyed property without due permission. These initiatives soon paved the way and ignited the fire of anger among the minds like the Chapekar brothers which led to assassination of British officer.

‘Crises should not be used as a pretext to suppress rights in general—or freedom of assembly in particular’

Voluntary self-isolation measures are more likely to induce cooperation and protect public trust than coercive



measures. When quarantines or lockdowns are imposed, governments are obligated to ensure access to food, water, health care, and care-giving support. Governments have to ensure that the public health emergencies are not used as a pretext for rights infringements. It is imperative that crises are not used as a pretext to suppress rights in general.

Conclusion:

Preserving Life is important, if there are life threatening situations then Human rights can take a back seat. As a citizen of India, Domicile of the State of Maharashtra and with an expertise in Human Rights subject, I put forth the observations and my personal opinions.

Our generation for the first time faced this pandemic, but it is not the last time.

Worldwide Government organisations, NGOs. Industries, Individuals no one was prepared for such type of pandemic. Individual savings were wiped out. Housing, Hotel, Tourism industries suffered losses. We all have learnt lessons from this and would come out with better preventive and corrective measures in future pandemic. Loss of life, Economic disruption can be controlled. General discussions/brain storming deliberations /preparation to finalise on the response for the next pandemic at any level is possible now for Government organisations, NGOs. Industries, Individuals.

Significant Findings:

Found that there is no uniform way of reporting COVID-19 cases. In the countries like China and in Middle East, the governments control the information and there is no free press.

India also has discrepancies---

When we see State wise active COVID-19 cases -Maharashtra and Kerala top the list. While the states like U.P, Bihar didn't show any increase in number of cases. Why? Because the reporting procedure is not accurate. There is a proper reporting procedure for cases in developed States while procedure is different in less developed States.

Record of number of patients is not properly documented. Data is not 100% reliable. States of U.P, Bihar had their elections, rallies etc. Labourers also migrated from Maharashtra to their hometown, still the number does not increase. (Even the same applies in rape cases).

During this pandemic, Human Rights were waived off for certain time but a check is required whether they are restored. Normal citizens ought to be aware about their human rights and fight for it. **Life is more important and human rights too.**

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