VIOLATION OF HUMAN RIGHTS AMID COVID-19

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To deny people their human rights is to challenge their very humanity - Nelson Mandela

ABSTRACT

Covid-19 brought a pause to the world and everything shifted online. The Government of India tried to mitigate the spread of coronavirus by introducing an emergency measure of country-wide lockdown that restricted the economic and social rights of individuals restraining them from moving freely. Schools and workplaces were closed, public gatherings were cancelled and necessary home confinement regulations were mandated to prevent the virus from spreading. This countrywide lockdown majorly affected the vulnerable class of the society i.e., the poor. The basic human rights of people which includes the right to food, clothes and shelter were infringed due to loss of employment and lack of social support. The second wave of Covid-19 proved to be more fatal as it had serious outcomes through spiralling cases, decreased supplies of necessary medicines, and a rising number of deaths, especially in the young generation. This steep rise in the number of cases added to the crimes of black marketing and the basic right to healthcare was not accessible. Throughout this, the principles of human rights were barely addressed despite how significantly important these rights are to the people. The Indian Judiciary also failed to protect the basic rights and dignity of its citizens in such crucial times. This article discusses the discriminatory impacts of Covid-19 on the different sections of society and their struggles against vulnerabilities. This article also lays down various suggestive recommendations which could have been adopted by the people and governments to curtail the impact. This piece also lays down a comparison with international standards and suggests effective measures to protect the human rights of the citizens of India.

Key Words: Human Rights, Covid-19, United Nations, India, Impacts, Measures.

INTRODUCTION

Human beings are dignified individuals and have drafted the principles of human rights in order to ensure that the dignity of every individual is equally respected. In the context of the novel coronavirus pandemic, the health of the individuals is linked with their human rights. This practice of establishing a linkage between health and human rights is not new as it was first identified during the HIV/AIDS pandemic, which has laid the basis for the foundation of human rights against Covid-19. The global outbreak of the coronavirus pandemic put the whole world into an unprecedented crisis. It was a public health emergency that required a worldwide response to deal with its social, economic and political consequences, and the priority was to save lives. Countries were left with no choice but to impose extraordinary measures like lockdowns to curb the transmission of virus which in result restricted the freedom of movement and the freedom to enjoy other human rights. These measures were necessary to prevent Covid but at the same
time, they inadvertently created an impact on people’s lives, livelihood and securities, snatching their access to basic healthcare, food, education, shelter, work, water and sanitation. The crisis of Covid-19 intensified the vulnerabilities of the least protected sections of society and highlighted the urgent need to focus on social and economic inequalities, inadequate healthcare and public security structure. Every strata of the society including men and women, migrants, refugees, minorities, children, adults, old-aged, people with disabilities, LGBTQIA people were affected differently. Acknowledging the issue, The United Nations laid down three rights at the frontline to fight against the pandemic which included the right to life and duty to protect life, the right to health and access to healthcare, and the central challenge to freedom of movement.

UNITED NATIONS REGULATIONS
In the wake of COVID-19, The United Nations quickly addressed the issue and presented a manual on Human Rights and Covid in April 2020.\(^1\) It laid down three frontline rights that provided immunity to people against the pandemic. First, the right to life and duty to protect life, the right to health and access to healthcare, the central challenge to freedom of movement.


workers, police administration, media personnel and the infected ones were exempted from the restrictions but the rest of the population had to confine itself within the four walls.

**DISCRIMINATORY IMPACTS OF VIRUS**

Covid-19 infected every section of the society including the young, old, rich, poor, men and women and did not discriminate on the basis of race, religion, colour, sex, gender identification, birth, disability, social or ethnic origin, nationality, property or any other status. But certainly, it did not equally impact everyone as it created inequality that fuelled the spread resulting in the deepening of inequalities. It was evident with the long-queued discrepancy and unbalanced health determinant that affected individuals and communities disproportionately with loss of lives and livelihood. States were responsible to ensure everyone’s protection which required special measures for the most affected communities and strict actions against the multiple intersecting forms of inequality and discrimination. They strategically planned every possible way to deal with the impacts of this deadly virus but unfortunately, the pandemic exposed its ugly side of discrimination. The incidents of racism, xenophobia and attacks against the people victimised religions for spreading the virus. In some countries including India, frontline health workers, who predominantly were women, risked their lives to save the people and were also attacked by mobs.

Deep-rooted gender discrimination, increased instances of domestic violence in lockdown, higher socio-economic risks and the role of frontline workers exposed women to higher insecurities.\(^4\) As Marginalisation creates Vulnerabilities, the pandemic raised concern for the most helpless section of the society revealing the disproportionate impact on the poor which caused loss of employment. The older generation was already at a high risk of infection and were also subjected to domestic abuse at home, age discrimination, isolation without access to necessary services and poor treatment at the institutions. Religious, ethnic and racial minorities are often looked down on in society and were discriminated with severe treatment by the law and inadequate access to health care which led to the higher rate of infection in the society. Internally displaced persons, migrants and refugees across the world faced the loss of employment, inequalities and difficulty in returning to homes since the borders of various countries were closed. About 167 countries closed their borders, out of which 57 were not ready to negotiate with people seeking shelter. Thousands of people were deported or pushed back to the dangerous environment resulting in overcrowding of migrants, IDPs and refugees with limited access to food, health care and sanitation. This pandemic also intensified the already critical situation for native people who were facing discrimination, inequalities and stigmatization which resulted in the lack of proper health care and other essentials,

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creating cultural and existential threats to the people. The situation was worse for people with disabilities especially for those having underlying health conditions as it was difficult for them to take cautionary steps to protect themselves. This outbreak of virus threatened the independence of the disabled who lived by themselves but were dependent on outside factors for accessing food, health care and basic necessity. The rapid spread of the virus also affected prisoners and detainees which included both children and adults. The prison houses were overcrowded and the incidents of mass escapes and riots within the jail were reported. This developed a need to release prisoners of the selected category, minor or political offenders, people in pre-trial detention, unlawfully detained and those who were about to complete their sentence and resort bail to the offenders of non-cognizable offences. The people of LGBTQIA community were also not spared as they faced discrimination in seeking health care facilities and there were reports of them being exploited by the police and various other organisations which made them vulnerable to cruelty and violated their human rights.

**HOW INDIA WAS AFFECTED?**
The first wave of this deadly virus most affected the already affected vulnerable section of society. Due to the nationwide lockdown and closing down of shops and industries, the labour class was left with nothing and they had to migrate to the villages to survive. But with transportation and accommodation being stagnant, people along with their wives and children had to walk miles on foot. This also resulted in exposing them to the deadly virus and rage of police. According to the survey conducted by The Hindu, 90 per cent of the 11,159 migrant workers from different states did not receive daily wages from their employer which contributed to the lack of ration at their homes. In such vulnerable conditions, the migrants were more prone to financial, psychological, social and emotional traumas which in turn violated their fundamental rights under the Constitution of India. Uttar Pradesh being the biggest hub of labourers, the State Government passed a resolution which exempted the employers with the provisions of the Industrial Disputes Act, 1947 making the labourers vulnerable to exploitation by their employers and snatching their job security. The Central Government and the State Governments have the authority on the subject of labour as it falls under the concurrent list as provided by the Constitution of India. Covid-19 not only affected the migrants economically but also created a high degree of fear and anxiety among the labourers of contacting the virus. Many reports stated the cases of migrant workers having depressive psychotic disorders and nervous breakdowns. Since the migrant labourers are considered as the most marginalised class of the society depending upon the daily wages for living, they needed the utmost understanding, sympathy and aid.

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of the community in times of distress. Also, the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) Scheme, 2005 saw a steep rise in the enrolment of migrants who shifted with their families to their native places. This created differences between the already registered workers and the newly enrolled migrants returning to their homes in search of work. As this scheme guarantees a hundred days of employment to labourers, the liability was shifted to creating new job opportunities for the people enrolled as the amount of work available was limited. However, these schemes are confined to limitations which made it incapable of providing jobs to all resulting in the failure of the government to protect its important factor of manpower. Therefore, migrant workers were not able to access their right to food and shelter, concerning a major infringement of their basic human rights.

Just when people thought the crisis was over and slowly started returning to the track, the second wave of Covid-19 knocked on their doors. This time with more brutal and damaging effects, trapped people of all generations and death tolls doubled in a day. According to a study by the National Clinical Registry\(^9\), the average age of Covid-19 patients hospitalised was 50.7 in the first wave but it drastically dropped to 48.7 which indicated that younger people were more affected by the virus and were hospitalised. The mortality rate was also increased by 3.1 per cent during the second wave. Due to this sudden upsurge in cases, shortage of medical staff, hospital beds and properly equipped ventilators arose and caused a huge caseload on the entire healthcare system of India. People were not able to access their basic right to proper medical treatment which violated their human rights. As people were struggling for breath, the unfair practices of black marketing of oxygen cylinders and injections were also reported who turned the situation of crisis into an opportunity to yield excessive profits.

**SUGGESTIVE MEASURES**

The crisis of Covid-19 provided a mirror to the adaptability of human beings and gave a lesson that the way humans respond to the circumstances can determine the shape of the future: Be it better or worse. It was critical to consider that while dealing with the short-term crisis, long-term goals should not be compromised. This crisis exposed the situation of public services and the way they are delivered and the inequalities which restrict access to such services especially in a developing country like India. Human Rights aids people to react to the primary concerns by forming strategies for prevention for the sake of the future and responsibilities of the coming generation. Therefore, it is important that the states, their governments, judiciaries and organisations should ensure that humanitarian laws and human rights standards are addressed effectively.

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The maximum number of resources available at national and cross-national levels should be utilised to provide quality, accessibility and availability of medical care without any discrimination on any basis. The Governments are responsible to provide access to basic necessities and income security to the marginalized and vulnerable class of the society to uplift their existence. Concrete recovery plans and their strict implementation to address the disproportionate effect on different sections of society is necessary to deal with the aftermath. The meaningful involvement of all representative sectors of society in framing out the policies and decision making could be a great output yielding exercise for the nations. The Media, which is considered as the fourth pillar of democracy, can also play an important role by vanishing rumours or misinformation by providing clear, accurate and evidence-based information to the masses without any suppression. Also, the powers of emergency should not be used as a ground to quash objections, silence journalists or human rights activists or to falsely implement actions that are irrelevant to the crisis.

It should be ensured that the measures adopted in medical emergencies have a specific aim and duration, and are proportionate, legal and mandatory to combat its impacts and protect public health. Another important issue of data privacy should also be addressed to safeguard privacy and data using new technologies for surveillance and monitoring.

The pandemic has created a major impact on women affecting their access to sexual and reproductive health rights by exposing them to domestic and other gender-based violence. The government should also take initiatives in mitigating this impact and ensure equal representation of women in policy formation and decision making. The measures should be taken to relieve the situation of other vulnerable groups of the society that includes migrants and refugees to ensure their safety and dignity. Global unity and cooperation plays an important role in combating any holocaust and in a situation where Covid-19 has proved to be no less than a health catastrophe strengthening public unification and providing adequate healthcare is vital. Nations should also take lessons from the situation of crisis to provide a more efficient system that underlies human rights concerns and vanishes inequalities of the society to present a more sustainable world for the coming generation.

CONCLUSION

Human Rights plays a key role in shaping the response against the pandemic focusing on public health and other wider impacts on individual’s lives and livelihoods. They provide a basis for emerging from the crisis with development, harmony and more reasonable advancements. Human Rights are the basic requirements of people that need to be always protected for the well-being of mankind and are not limited only to the crisis. Upholding human rights can not only ensure the upliftment of people but also establishes


their trust in the government by unification and cooperation. Although the Government of India took some concrete steps to mitigate the spread of coronavirus, there was a scope for better implementation of measures that could have helped in reducing the damages. The pandemic was not a situation to neglect human rights, in fact it was a crucial time when human rights were needed more than ever to provide a pathway to achieve adequate sustainable development and promote harmony. The aim of protecting human rights is threefold as it effectively strengthens the global response of immediate health threats, combats the extensive effect on individual’s lives and prevents intensifying existing issues or creating new ones to provide a better tomorrow for coming generations.

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