Whither Human Rights in the Times of Covid

January 11, 2021

WHY IS IT ALWAYS THE POOR MIGRANT WORKER?

Gasoline Bath at US-Mexico Border in 1917

Chemical Solution Bath - Uttar Pradesh in 2020

CONDEMNABLE INHUMAN ACT WITH NO SCIENTIFIC BASIS! SHAME THAT PEOPLE RETURNING HOME WERE SUBJECT TO THIS.

UN Special Rapporteur (June 15 to July 03) noted that it is concerning to see the adoption of **sweeping emergency laws and measures to deal with Covid19**

The Siracusa Principles (1984) on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights

*"No state party shall, even in time of emergency threatening the life of the nation, derogate from the Covenant's guarantees of the right to life; freedom from torture, cruel, inhuman or degrading treatment or punishment, and from medical or scientific experimentation without free consent…. **These rights are not derogable under any conditions even for the asserted purpose of preserving the life of the nation.**"*

Human Rights Violations under various categories (PHM Report)

- Humanitarian Crisis

- Police/Armed Forces Brutalities

- Attacks on Media, Human Rights Activists and Curbing Freedom of Expression

- Xenophobia and Communalisation

- Flouting WHO Guidelines for Quarantine

- Denial of Health Services in case of Non-Covid Ailments

- Infringement of Labour Rights

- Surveillance by State

- Political Targeting and Heightening of Atrocities in already Disturbed Areas

Humanitarian Crisis

- In India, the sudden lockdown initiated a mass reverse migration of workers, especially in the unorganised sector, from cities to towns and villages. Such mass movement of people was witnessed for the first time since 1947.

- Thousands of Nepalese coming from India were not allowed to enter the country and stranded in boarder for several days without any basic support no medical services, resulting in several deaths after they entered the country

- UN World Food Programme has estimated that due to the economic effects of COVID-19 spread, nearly 43 million people in nine countries of Africa

- Gender Base Violence in different forms escalated during lockdown (Nepal, India). School closures across countries have reportedly exposed children to human rights abuses, no arrangements for disabled school-going children

Police/Armed Forces Brutalities

- Police forces have indulged in beating, kicking and keeping people in dog cages - across countries such as India, Philippines, Kenya, Rwanda, South Africa, among others

- migrants beaten up, baton-charged and frog-marched on interstate highways and occasionally sprayed with chemical bleach

- The Human Rights Watch reported cases of rape of women, atrocities on vulnerable people such as women, children, persons from LGBTQI communities and the homeless people at the hands of state forces.

- custodial murders of father-son duo in one of the southern States in India.

Attacks on Media, Human Rights Activists and Curbing Freedom of Expression

- The OHCHR raised the issue that under the pretext of fake news, journalists, medics, and activists or political adversaries were being detained.

- Lockdowns used to arrest human rights activists across the world. In India, local police arrested protestors. The arrests include student activists and young researchers, predominantly women.

- a prominent independent news publication was charged by local government with spreading fake news on Covid, widely seen a vendetta by the ruling party

- Security forces in Bangladesh detained people under the draconian Digital Security Act. In March, access to a mirror site for an online portal blocked twice for publishing estimates by Bangladeshi academic researchers and UN agencies that projected the virus could claim between half a million and two million lives.

Flouting WHO Guidelines for Quarantine

- WHO guidelines - persons in quarantine be provided with health care, financial, social and psychosocial support, and basic needs, including food, water, and other essentials

- In countries such as Bangladesh, Malaysia, India quarantine facilities are not as per the guidelines and in many cases people are being forced to stay under inhuman conditions

- In Nepal quarantine facilities, no supply of basic needs including food in many quarantine places. Lack of safety and security as cases were reported cases of rape and suicide. Deprivation of health services resulted in deaths in quarantine facilities

Denial of Health Services in case of Non-Covid Ailments

- India, critical healthcare services including maternal and neonatal care, were severely hit, with instances of women giving birth on streets, giving still births or even dying during child birth due to unavailability of care coming in regularly

- Services such as immunisation, mid-day meal, and institutional deliveries were disrupted. For restoring Mid-day meal services to children, courts had to intervene

- treatment for diseases like diabetes, cardio-vascular disease, cancer, TB, denied due to emphasis on Covid cases.

Infringement of Labour Rights

- many governments in their bid to revive the economy severely curtailed labour rights

- rampant firing of workers, wage cuts and non-payment of wages/salaries, increased working hours, weakened bargaining power due to restrictions on trade union activities

- healthcare workers have had to face gag orders and even threats of suspension and sacking on raising their voices against administrative mismanagement or on demanding PPE

Xenophobia and Communalisation

- people of Asian-origin have been the targets and have also been subject to physical assault

- vilification of Muslim and other religious/ethnic minorities as spreaders of the disease.

- discriminated against in relief efforts. In India, the state administration targeted a particular religious community, about 300 members from a Muslim sect of Tablighi Jamaat, and maligned them as the chief carriers of coronavirus

- Sri Lanka - government ignored WHO advice and cremated Muslim victims of Covid instead of burials

- Pakistan - the persecuted Ahmadiya community faced discrimination in provision of relief

Surveillance by State

- contact-tracing apps

- Arogya Setu app in India apparently for tracking COVID-19 patients but with a clause that its use may be extended even beyond the specific use

- telecommunications companies to turn over phone call histories and location data to authorities

- overstepping on the civil rights of the people; normalisation of state surveillance and eventual institutionalisation

Political Targeting and Heightening of Atrocities in already Disturbed Areas

- a highly-militarised response to the pandemic with persisting militarisation during the lockdown and heightened human rights violations

- India – during lockdown a number of human rights defenders arrested, the region of Jammu and Kashmir perennially under military siege. Food supplies, medical facilities severely obstructed and due to internet blockade no news from the region

- Situation worse in countries such as Phillippines and Palestine

Civil Society Response - India

CSOs and citizens got together and worked towards –

- arranging for the provision of food, rations
- relief to migrant workers on national highways and in urban centres
- arranging for transport to stranded migrants to take them to their villages
- assisting with medical facilities
- filing legal interventions to counter communal hate propaganda
- legally challenging arrests and detentions of human rights defenders and other activists
- constantly working with institutions to safeguard human rights (NHRC)
- raising/highlighting concerns regarding violations – through range of interventions - relief response, raising awareness, legal intervention, policy advocacy through organising press conferences, issuing statements

WHO Statement – "Embracing human rights as an integral part of our public health response…"

Is it enough???