

## HUMAN RIGHTS AND PANDEMIC

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### **Abstract :**

*The outbreak of covid-19 pandemic has jeopardized the whole of humanity. It has proved to be a lockdown on the basic human right of the citizens. The world faces a "pandemic of human rights abuses" in the wake of covid-19. The virus has thrived because poverty, discrimination, the destruction of Our natural environmental and other human rights failure have created enormous fragilities in our societies. As Human rights are birth rights shown socially the ideal process that demands socially grounded human activities. The outbreak of covid-19 pandemic has shown a rapid shift in the protection and promotion of health activities. They are the basic rights and freedoms that belong to every person in the world, from birth until death. They are the rights that all the people have by virtue of being human beings. They are derived from inherent dignity of the human person. Moreover there is a need for strengthening awareness regarding the precautions which need to be taken in the current situation, sporadic growth of non-governmental actors as facilitator of rights. Under international human rights law, states can limit the exercise of most human rights if it is necessary to protect the rights of others or collective interests. The exceptional circumstances brought by the covid-19 global pandemic lead to more extensive on both their scope and their duration, restrictions of human rights than in usual time.*

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### **Introduction :**

The World Health Organization's (WHO) declaration of the coronavirus as a pandemic on March 11 prompted many countries to announce a state of emergency, thus opening the door for governments to exercise extraordinary powers. The pandemic of COVID-19 has proved as a lockdown on human rights. Many people are going through suffering due to the rapid spread of COVID-19.

The situation is worsening throughout the world and the governments throughout the world are taking quick and variety of steps to save the population. It is very important to respond to the unprecedented challenge that we are facing currently. There is a need for an effective structure that can strengthen the global efforts to bring the world out of this pandemic situation, and the Human Rights Framework is one such structure that may help the world coming out of the current situation. Thus, it becomes important to study how various human rights are violated in the current situation, and how all such human rights can be protected by the government. The coronavirus pandemic is leading many countries to use emergency powers as an attempt to tackle the crisis, limit the spread of the virus, and protect the public. While the pandemic requires strong responses, we need to ensure that states do not normalize oppressive



surveillance and undermine human rights, including the right to freedom of expression and information, and the right to privacy.

### **What is Human Right?**

Human rights are natural rights and also known as birth rights. They are the basic rights and freedoms that belong to every person in the world, from birth until death. They are the rights that all the people have by virtue of being human beings. They are derived from inherent dignity of the human person. These rights are entitled to all irrespective of the person religion, race, caste, sex, or place of birth. And a person becomes entitled to such rights right from his or her birth. Human rights are always a part of the fundamental part of the constitution, and that's why they are called as Fundamental Freedoms in International Law. Human rights are universal, dynamic, irrevocable, inalienable, and can never be absolute.

### **Covid-19 Pandemic :**

Covid-19 pandemic is also known as Corona virus. It is caused by severe acute respiratory syndrome coronavirus (SARS-CoV-2).

WHO first learned of this new virus on 31 December 2019, following a report of a cluster of cases of 'viral pneumonia' in Wuhan, People's Republic of China. The most common symptoms of covid-19 are fever, dry cough, loss of smell and taste, fatigue and nasal congestion. Among those who develop symptoms, most (about 80%) recover from the disease without needing hospital treatment. About 15% become seriously ill and require oxygen and 5% become critically ill and need intensive care. Complications leading to death may include respiratory failure, acute respiratory distress syndrome (ARDS), sepsis and septic shock, thromboembolism, and/or multiorgan failure, including injury of the heart, liver or kidneys.

### **Impact of Covid-19 on Human rights :**

India is currently facing the lockdown, with over 130 crore of people locked in their homes. The government in order to flatten the curve of the increasing cases, had curtailed certain Human Rights of the citizens at the cost of saving the lives of people from this pandemic. The Indian government is facing an extraordinary challenge to protect over a billion densely packed people. The lockdown has already disproportionately hurt the marginalized communities, due to loss of livelihood, food, shelter, health etc. The closing of state borders has caused disruption in the supply of essential food, leading to inflation and a feeling of shortage. Thus, in such a situation it is the duty of the government to protect the citizens from such pandemic, but it should not come at the cost of Human Rights Violations. Police actions to punish those violating order have reportedly resulted in abuses against people in need. Frontline workers, people with disabilities, older people, women, girls and minorities have been hit hard. Violence against women and girls in all forms has rocketed from online abuse to domestic violence.

Covid-19 has reinforced two fundamental truths about human rights. First, human rights violations harm us all. Second human rights are universal and protect us all. An effective response to pandemic must be based on solidarity and cooperation. Divisive approaches, authoritarianism and nationalism make no sense against a global threat. With the pandemic



shining a spotlight on human rights, recovery provides an opportunity to generate momentum for transformation. To succeed our approaches must have a human rights lens.

### **People are ill-treated due to Covid-19 pandemic and how they affected their livelihood by violating human rights?**

The COVID-19 pandemic shows that sustainable development goes beyond national strategies. Lack of health insurance, reduced access to water during lockdown situations or chronic diseases have suddenly become factors that determine chances of survival. To manage the COVID-19 pandemic, governments have had to balance the need for mitigation, control and eradication. The pandemic has shown that this crisis is fuelled by poverty, hunger, weak health systems and lack of clean water and sanitation, education and global cooperation. Like for example: corona virus has left people with no other option than washing their hands, but, in India, there are many people who do not even have adequate water facilities. Further crores of people are homeless having no adequate place to live.

#### **Freedom of Movement curtailed during lockdown :**

The basic right i.e freedom of movement is restricted. This step is one of the most essential steps to curb the increasing COVID-19 cases in India. This right of movement can definitely be curtailed in certain exceptional situations, which includes public health. With these restrictions the daily wagers find themselves with no other option than walking 100's of kilometre to reach their house. But such a restriction has become an excuse for the for police brutality. Some of the police officials are assaulting the general public even for their lawful act, like going out for buying essential services.

The government must take adequate measures to curb the evil things done under the name of such restrictions. The government officials must be punished for any action which violates the basic Human Rights.

#### **Gender Inequality :**

The COVID-19 pandemic has increased the problem of the existing gender and social inequalities. As per the reports 70% of the "working women are working in industries that are greatly affected by this pandemic"<sup>7</sup>, like for e.g. Teaching, house making, or service industries. And this factor may exacerbate the existing gender disparity in the field of employment, resulting in increasing gender disparity. Furthermore the existing norm of staying at home increases the risk of abusive relationships and may lead to violence against women, which is a definite case of human rights violation.

#### **Steps taken by the Government during pandemic :**

There are many people going through suffering due to the rapid spread of COVID-19. In such a situation it is important that the government takes adequate measures which are not discriminatory, arbitrary, and must be proportionate. Access to health must be made available to all. Special measures must be taken to meet the need of people who are at a higher health risk like elderly people. Further the government must take immediate steps against the people disgrace, stigma, discrimination, and must, make plans to spread adequate information to all in



an unbiased manner. The government must enhance spreading positive information through Social Media platform. Transparency and Accessibility is the key to achieve public confidence at national level.

Use maximum available resources at national and international levels to ensure availability, accessibility and quality of health care as a human right to all without discrimination, including for conditions other than COVID-19 infection; and ensure that the right to life is protected throughout.

At international level World Health Organization plays an important role by supporting its member state to address these challenges of Human Rights and it provides support in developing a comprehensive approach to tackle the spread of COVID-19. Focusing on Human Rights as an integral part of public health and is not only an ethical requirement but a set of foundation on how the nation responds.

In critical juncture the biggest key to defeat this critical situation is by valuing the Human Rights, and these human rights must be a source of unity not division. And this unity can only be achieved when the government is transparent and open to the general public. Few of the steps that the government could take after we recover are mention below:-

- Ensure food, water, housing and other basic facilities to all those highly impacted due to this virus, income security must also be given.
- Income security and targeted social assistance for the most marginalized or vulnerable.
- The stimulus packages like Atma nirbhar Bhart for informal and independent workers without access to unemployment benefits, and more generally people and groups without access to social safety nets.
- The government must ensure that every individual is well informed about the benefits given to them by the government, more importantly the government must try to stop rumors that are spreaded on Social Media. ➤ Ensure right to privacy on the newly introduced apps which are used for surveillance in the COVID-19 response.
- Ensure protection of Human Rights without discrimination, specially the Right to Life must be protected throughout.
- Guarantee participation of all in any decision relating this matter.

### **Conclusion :**

On denouement, it can be said that respecting Human Rights in this pandemic situation is one of the biggest key to defeat this virus. This pandemic has threatened the whole of Humanity, and now it's the time when the world must fight back against it. This virus has proved to be a lockdown on the basic Human Rights. It is very important to respond to the unprecedented challenge that we are facing currently. There is a need for an effective structure that can strengthen the global efforts to bring the world out of this pandemic situation, and the Human Rights Framework is one such structure that may help the world coming out of the current situation. International Cooperation is the requirement of the time, building trust among the nations will help us to beat this virus. As we saw that there are numerous human rights

which are being curtailed due to the harsh restrictive measures adopted by the government in order to curb the increasing number of cases. And thus there is an immediate need for introducing such measures which may protect the basic human rights of all. Enjoyment of highest standard of health is the biggest human right which deserves protection in the current situation.

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