

COVID 19 Pandemic: A Pandemic Of Human Rights Abuse

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Abstract

Like previous pandemics, Covid-19 has led to a broad range of human rights violations around the world, from censorship and the silencing of criticism to the excessive use of police force. (1) Human rights are key in shaping the pandemic response, both for the public health emergency and the broader impact on people's lives and livelihoods. Human rights put people centre-stage. Respect for human rights across the spectrum, including economic and social rights, and civil and political rights, will be fundamental to the success of the public health response. Responses that are shaped by and respect human rights result in better outcomes in beating the pandemic, ensuring healthcare for everyone and preserving human dignity. But they also focus our attention on who is suffering most, why, and what can be done about it. They prepare the ground now for emerging from this crisis with more equitable and sustainable societies, development and peace. This is not a time to neglect human rights; it is a time when, more than ever, human rights are needed to navigate this crisis in a way that will allow us, as soon as possible, to focus again on achieving equitable sustainable development and sustaining peace.(2)

Keywords: COVID 19, pandemic, human rights

Introduction

In response to the COVID-19 pandemic, governments around the world have implemented public health policies that limit individual freedoms in order to control disease transmission. While such limitations on liberties are sometimes necessary for pandemic control, many of these policies have been overly broad or have neglected to consider the costs for populations already susceptible to human rights violations. Furthermore, the pandemic has exacerbated preexisting inequities based on health care access, poverty, racial injustice, refugee crises, and lack of education. The worsening of such human rights violations increases the need to utilize a human rights approach in the response to COVID-19. (3)

Guaranteeing human rights for everyone poses a challenge for every country around the world to a differing degree. The public health crisis is fast becoming an economic and social crisis and a protection and human rights crisis rolled into one. In some, ongoing crises, especially armed conflict, put human rights and other international legal protections under extra pressure. The COVID-19 crisis has exacerbated the vulnerability of the least protected in society. It is highlighting deep economic and social inequalities and inadequate health and social protection systems that require urgent attention as part of the public health response. Women and men, children, youth and older persons, refugees and migrants, the poor, people with disabilities, persons in detention, minorities, LGBTI people, among others, are all being affected differently. We have an obligation to ensure everyone is protected and included in the response to this crisis. (2)

Some measures that have been taken by countries to confront the COVID-19 pandemic have constituted violations of human rights and did not comply with the legal conditions to restrict human rights. Indeed, the

COVID-19 pandemic has shown the ugly fractures in health-care systems, health inequities, racism and discrimination, Undermining the right to freedom of expression and the right to access information, gross negligence in protecting detainees from COVID-19 infection, all of these constitute clear violations of the principles of international human rights law. (4) COVID-19 exposed the dramatic effect of decades of underspending in health, water, sanitation, housing, social protection, and also policies around labor rights and decent work. “All of these can be aggravated by these intersecting forms of discrimination based on age, gender, race or ethnicity, migration, sexual orientation, disability, or health status. From attacks on journalists to violence against human rights defenders, the COVID-19 pandemic is worsening ongoing human rights violations; thereby causing deep social and economic crisis fueled by discrimination and inequalities that existed before the pandemic. (5)

Pandemic of human rights abuse

The biggest international crisis in generations quickly morphed into an economic and social crisis. One year on, another stark fact is tragically evident: our world is facing a pandemic of human rights abuses. COVID-19 has deepened preexisting divides, vulnerabilities and inequalities, and opened up new fractures, including faultlines in human rights. The pandemic has revealed the interconnectedness of our human family – and of the full spectrum of human rights: civil, cultural, economic, political and social. When any one of these rights is under attack, others are at risk. The virus has thrived because poverty, discrimination, the destruction of our natural environment and other human rights failures have created enormous fragilities in our societies. The lives of hundreds of millions of families have been turned upside down – with lost jobs, crushing debt and steep falls in income. Frontline workers, people with disabilities, older people, women, girls and minorities have been especially hard hit. In a matter of months, progress on gender equality has been set back decades. Most essential frontline workers are women, and in many countries are often from racially and ethnically marginalised groups. Most of the increased burden of care in the home is taken on by women. Violence against women and girls in all forms has rocketed, from online abuse to domestic violence, trafficking, sexual exploitation and child marriage. (6)

The major Human rights compromised

A number of rights have been restricted during the COVID-19 pandemic. They include:

The right to freedom of association: With the virus being air-borne and aggressively transmitted in groups, social distancing is key to limiting the spread. Restrictions on association with other people have been introduced worldwide during the pandemic. Restrictions have ranged from total bans on associating with anyone outside your household to only being allowed to gather in groups of limited size for purposes like weddings, funerals, and work.

The right to peaceful assembly: Protests involve large groups of people meeting together and so have been restricted during the pandemic for similar reasons. Rights to protest and freedom of expression can be exercised in other ways – such as online – and have not been completely restricted.

The right to liberty of movement: This applies to moving between states in Australia as well as to the freedom to leave a country (including Australia). Border restrictions are explicitly recognised in international law as a right that may be lawfully restricted during a public emergency.

The right to family reunification: This includes a right to reunification across borders, but is similarly recognised in international law as a right that may be lawfully restricted in a time of public emergency.

The right to enter your own country: International law provides that people should not be arbitrarily deprived of this right. Again, it is a right that may be lawfully restricted in a time of public emergency.

Others: Pandemic has also left people vulnerable to other human rights violations, including being at risk of experiencing racial discrimination or racial hatred; poverty and lack of sufficient resources for an adequate standard of living, due to higher unemployment; homelessness; experiencing family or domestic violence or elder abuse; experiencing mental health problems; and exacerbating existing conditions.

Child Rights

According to the Declaration of the Rights of the Child, children's rights include protection, education, health care, shelter, and good nutrition. Numerous studies have found impacts of the pandemic on children's behavioral health, development and growth, physical health, and educational outcomes, with possible differential impacts by age and gender. In China, the national government imposed a reduction of outdoor activities and social interaction among the population, including children, out of fear of spreading the virus. This resulted in adverse outcomes in children's mental, social, and behavioral health. Specifically, it found that during home confinement, Chinese children, ages 7–11, who felt insecure and anxious, had a significantly higher risk of depressive and anxiety symptoms. Also, the closure of schools and educational institutions in China during lockdown disrupted the learning and educational process. It also deprived students of the sense of stability and normalcy that schooling provides. In a survey of 8,140 students in different educational stages, the proportion of students who reported depressive and anxiety symptoms was high, especially among those preparing for entrance exams which had been disrupted. The same study reported that female and male students differ in their perceptions of the psychological impact due to losing access to schools during COVID-19 with girls suffering from greater psychological impact, including stress, anxiety, and depressive symptoms. Also, specific facets of children's rights, such as health care, shelter, and nutrition, were also affected. Specifically, families that deal with lockdown and COVID-19 related financial stressors, struggle to provide basic needs and daily supplies, resulting in adverse mental health outcomes for family members such as stress, anxiety, and depression. (8-10)

The United Nations (1948) Universal Declaration of Human Rights (UDHR)

UDHR has provisions for quality and equitable life for the people of all nations. Article 1 of the Convention recognizes the freedom, equality, dignity and rights of all human beings. That people should, therefore, act towards one another in a spirit of brotherhood. The Convention's Article 3 adds that all the people of the world must be allowed their rights to life, liberty and security everywhere. Article 5 of the Convention protects the citizens of the world against torture, cruelty, inhumanity, dehumanizing treatments or punishments. Article 9 of the Convention is meant to protect the citizens of the world against arbitrary arrests, detentions or punitive banishments from one's country. The International Covenant on Economic, Social and Cultural Rights, adopted by almost all countries in the world, provides that everyone has the right to attain highest standards in health, be it emotional, physical or mental (OHCHR, 2020). Therefore, even though it is one of the social duties of governments to ensure the prevention, and management of epidemic and endemic diseases in any country (International Commission of Jurists, 1985), this must be in consonance with citizens' rights to health (OHCHR, 1976), which agrees with provisions of the International Bill of Rights (IBR). The IBR enshrines peoples' rights to all areas of human needs: physiologically, social, security, education, dignity, life, non-discrimination, equality, prohibition against abuses, privacy, access to information, and legitimate freedoms of all kinds, says the Washington Organization for Latin America (WOLA, 2020). States of emergencies should also consider and accommodate the peculiar situations and needs of the physically challenged, disadvantaged populations or marginalized groups (International Commission of Jurists, 1985; OHCHR, 2020; UNHCR, 1976).

Annoyed with the rate of human rights abuses being reported across the globe, the UN High Commissioner for Human Rights, Michelle Bachelet, warned that countries and governments must be reminded that emergency responses to the coronavirus must respect peoples' fundamental human rights. Social marketing experts believe that all these problems could have been addressed through pre-programme public enlightenment mass education campaigns on what COVID-19 is all about, the inherent dangers to individuals and society and the beneficial preventive measures expected from everyone. According to the World Health Organization (WHO, 2020), this could be achieved by employing risk communications and community engagement tools at all levels of the society. Meanwhile, social marketing concept has been used globally to tackle various health challenges ranging from maternal and child health, risky behavior (smoking), campaign on tuberculosis, female genital mutilation (FGM), anti-alcoholism, anti-drug, and many more. The essence of social marketing is to use a combination of 4Ps marketing-mix variables (product, price, promotion and place), and another 4Ps, public relations-cum-managerial variables (publics, policy, partnership and purse-string), to induce people to understand and

willingly accept a social course, for their own benefit and the benefit of society, and mankind in general in the context of COVID-19. (11)

Recommendations (12)

- a. Recognize that human rights laws require mitigating potential impacts on rights that are interdependent with the rights to health and life, including the rights to food, housing, work, education, equality, privacy, access to information, freedom from cruel, inhuman or degrading treatment or punishment, and the freedoms of association, expression, assembly and movement.
- b. Recognize that international human rights laws prohibit discriminatory action, including harassment, against any persons or communities because of an association with the COVID-19, perceived or otherwise.
- c. Adopt respectful, nation-to-nation engagements and partnerships with diverse Indigenous governments, communities, organizations and knowledge-keepers to ensure that the COVID-19 pandemic is addressed in a culturally-appropriate and safe manner.
- d. Ensure that any public health or emergency-measures that are deemed necessary to prevent the spread of COVID-19 and that restrict the exercise of rights, are time-bound and subject to regular reviews.
- e. Anticipate, assess and address the disproportionate impact of COVID-19 and related restrictions on vulnerable groups that already disproportionately experience human rights violations.
- f. Make sure vulnerable groups have equitable access to health care and other measures to address COVID-19, including financial and other assistance.
- g. Ensure that any law enforcement of public health or emergency measures does not disproportionately target or criminalize Indigenous peoples, racialized communities, people who are precariously housed or who cannot self-isolate, or people with mental health disabilities and/or addictions.
- h. Ensure that steps taken in response to COVID-19 are based on evidence, and deliberately challenge, reject and dispel stereotypes.
- i. In collaboration and cooperation with vulnerable groups, take all necessary steps to proactively protect individuals and communities from hate, racism, ageism, ableism and discrimination propagated by private individuals.
- j. Institute formal advisory roles for Indigenous knowledge-keepers and representatives of human rights commissions within governmental COVID-19 task forces, special committees and working groups.
- k. Take a deliberate and comprehensive approach to independent human rights accountability and oversight, coordinated across jurisdictions, that ensures violations are anticipated, prevented and mitigated from the outset.

Conclusion

COVID-19 prevention and mitigation efforts were abrupt and challenging for most countries with the protracted lockdown straining socioeconomic activities. Marginalized groups and individuals are particularly vulnerable to adverse effects of the pandemic such as human rights abuses and violations which can lead to psychological distress. Human rights of individuals and vulnerable populations must be protected during this pandemic and given that mental health is one of the fundamental rights, it needs prioritization at the public policy level. Human rights and mental health are such delicate entities that at times public health and public policy actions might compromise larger interests of the most afflicted or vulnerable populations. Evidence-based policies may not always be representative of all members of the community. Therefore, ethical and rights-based approaches to ensure no added harm or disenfranchisement of individuals/groups is a sentiment that needs to be acted upon post-pandemic. (13,14)

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