

HUMAN RIGHTS DURING PANDEMIC: ISSUES AND CHALLENGES

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ABSTRACT

Throughout the world, the COVID-19 global pandemic has fundamentally not only affected the right to life, it has also impacted the enjoyment of some of the most important human rights. All states have faced similar challenges as well as competing interests and obligations affecting human rights and security. The question has arisen how far and to what extent the responses adopted by the states are compatible with human rights norms and principles. Pandemic like the Covid-19 posed challenges that require coordinated global solutions. This pandemic has exposed inadequacy in the existing legal and institutional framework to deal with it and key principles of human rights such as non-discrimination has not been complied with by the most states. This underpins the necessity to understand the pervasive consequences of the crisis from a human rights perspective. This article focuses on the value of human rights based approach to deal with pandemic related responses and preparedness, health emergency measures under international human rights law, horizontal human rights obligations of the non-state actors and responses of the Bangladesh government. Finally it also highlights on the ongoing efforts on adopting a treaty on the pandemic by the WHO.

I. INTRODUCTION

Corona virus (COVID-19) related disaster has emerged as a global pandemic as it is taking a toll on human lives and has so far killed more than five million people around the world. Except for Antarctica, it has infected people in all countries of the world. It is

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one of the greatest human tragedies in the contemporary world. It not only demonstrates the vulnerability of humankind to infectious diseases, but also unleashes the most formidable challenges to the international community to prevent and contain this pandemic. Since COVID-19 is a new phenomenon, it is shrouded in considerable scientific uncertainty. As scientific knowledge progresses, more dangerous aspects of this virus are being unfolded through discovery of its new variants. Another disturbing trend is that even during the pandemic, various forms of violation of human rights continue to be unabated in many parts of the world.

COVID-19 is not only a public health emergency issue, but also it is profoundly a human rights issue. According to Amnesty International, human rights must be at the centre of all prevention, preparedness, containment and treatment efforts in response to COVID-19.¹ A human rights perspective is necessary to understand the pervasive consequences of the crisis and can act as a guideline for designing law, policy, and strategies to respond to this unprecedented crisis.

Recognizing the human rights dimension of this pandemic, the UN Special Rapporteurs declared in March 2020 that “The COVID-19 crisis cannot be solved with public health and emergency measures only; all other human rights must be addressed too”.² Therefore, this pandemic needs to be addressed within the human rights framework. However, addressing the pandemic within the framework of human rights is not straightforward, rather it is complex. The complexity of the human rights dimension of the pandemic is evident- while State has legitimate right to put some restrictions on civil and political rights such as freedom of movement and assembly to prevent infection of this virus, it must take positive steps for protection of the right to life, the right to health and livelihood of the people affected by the pandemic. On the other hand, interdependence and indivisibility of

¹ Amnesty International Public Statement, “Bangladesh Must Put Human Rights at The Centre of Its Covid-19 Response Strategies”, Index Number ASA 13/2268/2020, (May 2020), available at: <<https://www.amnesty.org/en/documents/asa13/2268/2020/en/>> (Last visited on June 21, 2021).

² UNITED NATIONS HUMAN RIGHTS COUNCIL, No exceptions with COVID-19: “Everyone has the right to life-saving interventions”, (March 2020), available at: <<https://www.ohchr.org/en/press-releases/2020/03/no-exceptions-covid-19-everyone-has-right-life-saving-interventions-un>> (Last visited on July 22, 2021).

human rights can be explicated in the context of this pandemic is that the right to life has a very close relationship with the right to health. The ongoing pandemic is not simply the issue of right to health; rather it is a concern of the right to life.

II. IMPACT OF PANDEMIC ON HUMAN RIGHTS

The pandemic has profoundly affected all areas of social and economic life of the nation-states. The most important impact of the pandemic is felt on the right to life, the right to health and the right to work. Lockdowns and physical isolation have led to severe job losses, economic recession, increased mental health issues, and rising domestic violence around the world. This pandemic has exposed the systemic factors that lead to marginalization and vulnerability of a significant number of people in the affected countries. According to European Union, the consequences of the COVID-19 pandemic have exacerbated global socio-economic inequalities, led to increased unemployment, threatened social cohesion, and disproportionately affected persons in vulnerable situations, disadvantaged and marginalized, including those most affected by poverty, persons in the informal economy, unemployed persons, women and girls, persons with disabilities, older persons, persons belonging to minorities, including national, ethnic and religious minorities, LGBTI persons, migrants and refugees, children and youth.³ According to ILO, the COVID-19 pandemic and the resulting lockdown caused 114 million people to lose their jobs over 2020. There is no denying the fact that poor and marginalized people are disproportionately affected by the pandemic. Particularly the people living in poverty, lower incomes, and the people working in the informal sector are more severely impacted by the lockdown and associated shutdown. On the other hand, during the pandemic, the world's richest persons have amassed more wealth and according to *Forbes* magazine, nearly 500 people became new billionaires. Thus, corona virus is not only taking the lives of the people around the world, but also it is redistributing global wealth in the wrong direction.

³ Council of the European Union, COVID-19: Council adopts conclusions on human rights-based recovery, E.U/6324/21 (February 2021), available at: <<https://data.consilium.europa.eu/doc/document/ST-6324-2021-INIT/en/pdf>> (Last visited on August 03, 2021).