

Covid 19 and Human Rights

Introduction

To relieve the spread of covid 19 , governments of all the countries mainly countries where effect of covid 19 is quite high and death rates are increasing day by day have taken emergency measures that restrains several individual freedoms, social as well as economic rights and world wide solidarity. These regulatory measures taken by the government is to have control over covid 19 till the time every country come up with any solution or vaccine for covid 19 virus, have closed certain things where their are more change of Public gathering and places where the virus may grow fast and effect the person such places like schools, transit systems and workplaces, prohibited public gatherings, introduced mandatory home isolation for all the citizens and installed large-scale electronic surveillance. even the government introduced us to lockdown, step like lockdown across the countries are mainly taken where their are chances of situation to go out of control .In doing all of this, several human rights obligations are barely addressed, notwithstanding how altogether they are affected by the pandemic reaction. Human rights norms and principles should direct the government responses to COVID-19, with these rights strengthening the public wellbeing reaction to COVID 19.

Key words- covid19, human rights, fundamental rights, quarantine, lockdown

Other countries step for covid 19 and restriction over Human Rights

It should be noted, regardless, that International Human Rights Law ensures the right to the highest possible level of healthcare for each and every citizen of the country and state is under obligation to ensure good health care of the individuals and consequently, States are needed to take the necessary action required like administrative, authoritative, legislative, or judicial measures to accomplish that goal. Especially, States must resolve to be guarantor of Public Health and give all necessary medical care to all despite the quality of this pandemic.

International Instruments of Human Rights must acknowledge that, in the terms where it is about serious threats to the public health and also public emergencies that may place life of an individual at danger, limitation on certain rights may be reasonable and justified only when they ensure the

following obligation which is based on legal ground, based on scientific evidence, not discretionary nor unfair, of certain limited duration, conscious of human dignity, strictly necessary subject to revision, and also proportionate to achieve their strictly needed aim. The scale and seriousness of the Covid-19 pandemic have unmistakably rises to the degree of a public health threat that could legitimize limitation on certain rights of an individual, so as Indian government is taking proper action on the same, such as for those people who are suffering from corona virus resulting from the imposition of quarantine or isolate that limit the right to freedom of movement of any citizen. where a person who is infected from the virus may spread it to some other person which may be dangerous to other peoples life and will infringe right to life of other person. Simultaneously, cautious attention of the alleged "in-your-face of human rights" is important to accomplish rationality, straight forwardness and regard for human dignity.

Restriction over privacy through public health surveillance

In this crisis public health reaction, some of the states have loosen or relaxed the laws relating to data protection to monitor and control the compliance with social distancing measures and encourage disease surveillance through installation of camera over several places. If we talk about Israel , through cell phone location data, Israel utilized emergency laws to reconnaissance program utilizing the public security organization to follow possibly infected people

where as South Korea delivered point by point recognizing data on infected people through private applications, making clients in their region and driving aware of victimization old people. In China, all residents must install a software in their phone to anticipate health status, track and offer areas with police and decide if individuals can enter public spaces and also In india, the Indian government introduced a aarogya setu application through health ministry which will detect the persons health and also the location using the Bluetooth and location feature

expanded surveillance in the time of health emergency may result very useful to support and keep cheak over physical or social distancing efforts as well as to inform epidemiological exploration to follow contacts regarding infected people in reacting to flare ups. However the extension of surveillance technologies beyond traditional public health increases longer standing pressures longer standing tensions between the individual rights as well collective interests. Without satisfactory shields to ensure or possibly limit the effect on individual rights, (such as right to

privacy and right to freedom of movement), arising observation innovations present genuine long haul dangers to basic rights. In accordance with the standard of proportionality under human rights law, all COVID-19 reconnaissance devices must be demonstrated to be carefully important (in light of epidemiological proof), impermanent and proportionate. Large-scale data collection tools that do not identify individuals could meet those human rights requirements. Beyond identified data, governments ought to consider opt-in method first like in Canada and Italy, where people consent via apps for their data to be used for research. surveillance through Private corporate on behalf of governments should be time restricted and not be standardized after the pandemic ends.

right to have healthcare facility and underlying determinants of health

With all the rights like respect for persona freedom on movement, states is also under obligation to ensure all the citizens of the country required medical and public health responses in respect to COVID-19 under rights to health and to fundamental determinants of health, including work, housing, food, water as well as proper sanitation around the place. In the year 1946, states recognized in the world health organization Constitution that satisfaction in the most noteworthy achievable standard of health is one of the fundamental rights of each and every citizen of the country, the right to health has been expounded repeatedly in international and regional human rights treaties. The International Covenant on Economic, Social and Cultural Rights (ICESCR) codifies the right to the highest standard of physical ad well as mental health, which has been definitively deciphered to make obligations to guarantee admittance to accessible, open, adequate and great quality medical services and to accommodate fundamental determinants of general wellbeing, including water, sterilization, food, living, schooling and gender orientation equality.

State under obligation to provide shelter, good and livelihood

The state is under obligation to give every needy people good livelihood , food , shelter and work to all those poor people who are unable to feed themselves . The lockdown has affected several lives and it has already disproportionately hurt so many marginalized communities due to huge loss of livelihood and also lack of health, food, shelter and other basic needs which are required and necessary for an individual to live properly. The government is responsible for the protection of the health and well-being of the every person, yet a portion of these means have avoided a huge

number of with regard to work traveler laborers abandoned, with rail and transport administrations shut down. The sweeping shutting of state outskirts have caused disturbance in the flexibility of basic merchandise, prompting expansion and dread of deficiencies. A huge number of vagrants are needing insurance. Police activities to rebuff those disregarding orders have allegedly brought about maltreatments against individuals out of luck.

The Indian government is confronting an unprecedented test to secure over a billion thickly pressed individuals, yet increase endeavors to forestall the spread of the Covid in India need to incorporate rights insurances," said Minakshi Ganguly, South Asia chief at Human Rights Watch. "Specialists ought to perceive that malnourishment and untreated sickness will worsen issues and ought to guarantee that the most minimized don't bear an uncalled for trouble from absence of basic supplies." The government should pay forthcoming wages for all work under the Mahatma Gandhi National Rural Employment Guarantee Act and grow its extension to those now constrained unemployed. Rural workers won't have the option to work in light of the lockdown and should be given wages during the emergency. Cultivating people group are confronting misfortunes during harvest season and the government needs to venture up acquirement to ensure horticultural pay and spare the produce.

ESMA Implementation

The state government is taking several steps to reduce the effect of Covid 19. Where is the According to the published article in The Hindu. Uttar Pradesh government has moved forward and invoked the Essential Services Maintenance Act banning strikes in all the departments in the state and corporations under it for a period of six months. A notification was issued to this effect was by Chief Secretary Anup Chandra Pandey on Monday mentioning the same. The step comes in the wake of a strike call given by the government organizations where people demanding old pension scheme from February 6 which was creating hindrance for the authority as well as patient of covid 19. So by the imposition of ESM Act , right to protest under article 19 is infringed and under ESMA it mandates imprisonment for a term which may extend up to one year, or fine which may extend to Rs 1,000, or with both, to any person who violates the law and instigate a strike which is unlawful under this Act. It also gives the right to police to arrest any person violating the Acts provision without a warrant.

Indian penal code provision regarding spread of dangerous infection

The provision that the authorities can take action to is Section 269, which states that “Whoever illegally or negligently does any act which is, and which he knows or he has reason to believe to be, likely to spread the infection of any disease dangerous to life amongst the public shall be punished with imprisonment for the term of six months or fine or may be both

It, alongside, seeks to punish an illegal or negligent act which could spread a life taking dangerous disease, with imprisonment up to six months or fine. The offence being cognizable, gives the right to police officer to arrest the accused without any warrant, but the offence is bailable.

Section 270 is the another provision which can also be invoked. It states that, “Whoever malignantly does an act which is, and which he knows or the person has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment which may extend upto the term or fine or may be both.

It alongside deals with a “malignant act” to spread the infection of a disease which is dangerous and threat to life and punishes it with a two-year imprisonment or fine. This offence is cognizable as well as bailable.

Conclusion

COVID-19 has caused a worldwide general wellbeing crisis, a worldwide financial crisis, and a worldwide human rights crisis. Every one of the critical improvements in the "life" of this emergency, counting its assumed end point in the improvement of an immunization, are broke down above in connection to their human rights suggestions. Initially, a more noteworthy level of freedom of expression and freedom of information in China at the beginning of the emergency in "the past" may have forestalled its snowballing inside China and over the world. Besides, in the "present" phase of the emergency, States are exploring various methods of containing the infection various human rights are being limited including rights with respect to gathering, affiliation, confinement, development, work, and of admittance to scant wellbeing assets. Many (however not the entirety) of those limitations might be supported and thusly in consistence with human rights, however alignment will probably be required as we study the infection furthermore, how it is

spread. At long last, the "future" improvement of an immunization will introduce new human rights problems, including questions with respect to the rights of those upon whom competitor immunizations are tried, and the rights of everybody to get to what could be the most envisioned clinical advancement ever.

References

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