**UN Secretary General Antonio Guterres** said that corona virus pandemic is a human crisis that is fast becoming a human rights crisis. He further said that pandemic has also seen disproportionate effects on certain communities, rise of hate speech, targeting of certain vulnerable groups, and the heavy handed security responses undermining the health response. He said that human rights must guide the response to the virus and Governments must be transparent, responsive, and accountable and stressed that press freedom, and civil society organisations and the civic space are essential. Governments also need to take action to mitigate the worst impacts of COVID 19 on jobs, livelihoods and access to basic services. Any emergency measures must be legal, proportionate, necessary and non discriminatory, have a specific focus and duration and take the least intrusive approach. (22/4/2020)

**WHO** has stated that stay at home measures for slowing down the pandemic must not be done at the expense of human rights (13/4/2020)

**UN High Commissioner for Human Rights** Michelle Bachelet expressed concern over the plight of millions of migrants in India. She further stated that the lockdown in India represents a massive logistical and implementation challenge (2/4/2020).

**Amnesty International** has stated that lockdown has left millions stranded, struggling to search for food and water. India should respect the rights of those under quarantine and ensure that their basic needs are met including shelter, food, water and sanitation (28/3/2020)

**Human Rights Watch** has urged police forces in India to act with restrain. Insensitivity and brute force be replaced by people friendly measures. Indian authorities must ensure that everyone has access to food and medical care and that poor and marginalised are not further mistreated or stigmatised (28/3/2020)

NHRC has already taken cognisance of a few issues and issued notices like-arrangements for mentally ill people roaming on streets during COVID lockdown
and advisory to all States/UTs to enforce lockdown without violating human rights.

However, I propose that NHRC should take the cognisance of following issues immediately and issue directions to all concerned.

a) Safe transportation of millions of migrant labour and their families to homes
b) Directing police not to beat or arrest people including whistle blowers unnecessarily for lockdown violations and directing courts to hear all cases of HR violations at the earliest including bail matters of whistle blowers and lock down violators
c) Improving Quarantine centres
d) Improving medical infrastructure including Testing kits & Ventilators
e) Preventing stigmatisation of affected people and communities

1. Safe transportation of millions of migrant labour and families to their homes:
   For more than 7 weeks now migrant who lost their job and have no money to feed themselves or their families, no money to pay house rent, have started for their villages in UP, Bihar, Jharkhand, West Bengal, Chhattisgarh, Oddissa, Rajasthan, MP etc., 600 to 1500 km. away, on foot with their children, without food (as all transport was banned & only 4 hours notice was given before national lock down).

   As police is stopping them and at times beating also, many started walking on railway tracks or village interior routes. Many have collapsed and died while numbers of them were killed in train and road accidents. Many paid up to 4000/- rupees to truck drivers for transporting them.

   GOI has started shramik trains around 15 days back and approximately 16 lakhs have been moved (by paying for train tickets at higher rates and going through cumbersome procedure of registration, medical examination and NOCs).

   But still millions are on road, hungry, sick and scenario reminds one of refugees’ movement after 1947 partition. No country in the world is witnessing this mass exodus /movement of migrants and videos on social media and press are very disturbing and indicate gross violation of their basic human rights of food, health and livelihood.
NHRC should immediately issue instructions to all State & Central Govt. to ensure safe and free transportation of migrant labour and their families (both walking or struck on roads or waiting in shelter homes) within a span of a week to 10 days (no state should withhold NOCs as being done by Bihar, West Bengal, Chhattisgarh, Karnataka & Telangana as learnt from media), by making sufficient arrangements for their food, water and medicines (as done for kanwariyas yatra --pandals put for food, water and rest at short distances). Even help of Army or Central Para Military Forces (CRPF, BSF, CISF, SSB etc.) can be taken.

2. Stopping Police High Handedness & courts to hear HR violations matters urgently:

There have been large numbers of reports of police resorting to lathi charge and beating people and arresting them for enforcing lock down (Punjab, Haryana, AP, UP, Delhi, West Bengal, Rajasthan, MP. There were even instances of people beaten to death by police while moving out for getting essential supply (32 year old man beaten to death when he went to fetch milk in West Bengal). There were cases of migrant labour made to do frog leaps in UP. There were cases where people were publically shamed by forcing them to hold posters saying-“I am an enemy of the society because I will not stay home”. Police have also targeted vegetable and fruit sellers, milk sellers, and others supplying essential goods (vegetable and fruit thelas destroyed). There were allegations of even harassment of doctors and health workers by police. Police action to punish violators is resulting in abuses against people in need (HRW South Asia Director Meenakshi Ganguly).

Similarly there are number of instances where activists, whistle blowers were arrested (Dr. Sudhakar in Visakhapatnam, AP).

UP government has recently issued orders to even book cases and arrest Samaritans who are offering food and water to migrant labour.

On the other side, for those arrested, it has been difficult to get bails as either courts are not sitting regularly (only VCs) or lawyers are not available.

Hence NHRC may issue necessary instructions to all State police forces to show restraint, behave in a compassionate and people friendly manner and not to indulge in unnecessary arrests. DGPs must be instructed to issue SOPs for police
action and they should take action against police officers who misbehave with public.

Similarly courts should be requested to hear all bail matters and matters pertaining to human rights violations on urgent basis (preferably 24 hours but not later than 3 days)

3. Unhealthy Quarantine Centres:

There have been number of reports that quarantine centres are not maintained clean, have dirty toilets. Food is not healthy. In some cases, one has to pay for stay and food in quarantine facility. There are complaints of delay in supply of food, inhuman treatment by medical staff and others as food packets are thrown from a distance. The staff doesn’t visit the centre regularly as they are scared of getting infection. Those staying in these centres are made to feel as if they had committed a crime.

There have been instances of people running away from these centres and even getting injured in the process. People are scared about this 14 or 28 days quarantine and not willing to disclose the information.

Hence NHRC must issue instructions to all State Governments to improve the sanitation, food and care in these quarantine centres by making regular inspecting teams, taking feedbacks and providing resources. Where ever possible, home quarantine should be permitted.

4. Ensuring adequate number of tests and other medical infra structure:

India has conducted around 2 million tests for a population of 1.3 billion which is low but some states like Telangana, West Bengal, Bihar are doing these tests at a much slower speed and hence not isolating affected people (70 percent asymptomatic), which in turn increases their chance of spreading infection among others. The situation will become further grave as now lockdown conditions are being relaxed.
Similarly inadequacy of PPE kits in some States is posing a health hazard to medical professionals and many may be scared to perform duties.

Inadequacy of ventilators is another grave matter and experts are required to operate these ventilators.

**Hence NHRC may issue instructions** to all State Governments (especially delinquent States) & Central Government to:

a) Procure sufficient testing kits and (central government must delegate these powers to State) conduct tests at a minimum level (to be fixed by ICMR or Ministry of Health, New Delhi).

b) States may procure sufficient number of PPE kits (wherever there is shortage).

c) All District headquarters (approximately 700) should develop one hospital as COVID hospital with adequate number of isolation beds, ICUs with ventilators (at least 40 to 50) and trained staff.

Government of India should allocate sufficient funds to State governments for this purpose

5. **Preventing stigmatisation of affected people and communities:**

There have been instances of affected people being stamped on hands or foreheads with indelible ink declaring them to be health hazards (Maharashtra). In some cases notices/markings were put on their houses showing that houses were under quarantine (Delhi, Chandigarh, Maharashtra, UP, West Bengal etc.). In some States (Rajasthan & Karnataka), names & addresses of affected people were made public. All above actions resulted in such people being stigmatised. Many RWAs and neighbours boycotted them or put restrictions on their movement or even asked them to vacate the house. Even some doctors and medical staff have suffered.

Similarly members of Muslim community were stigmatised because of one congregation in Delhi.
NHRC may issue necessary instructions to all State Governments to desist from these stigmatising practices and media from these vitriolic campaigns.

I will also be submitting a separate note on long term measures which NHRC can take to study the impact of COVID and lockdown on human rights of various groups.

Dr Ish Kumar

May 19, 2020 Special Rapporteur NHRC, North Zone