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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

FROM QUARANTINES TO RIGHTS QUASHED: A GLOBAL ANALYSIS OF PANDEMIC-DRIVEN VIOLATIONS

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Abstract

The COVID-19 virus was one of the most devastating Pandemics in the history of the globe. The world economy experienced a crucial period from 2020 to 2022, marked by lockdowns, quarantines, and restrictions on social, economic, political, and cultural activities. A large number of the population in the world has faced problems and issues of unemployment, food crises, lack of education facilities, etc. Not only has the COVID-19 virus caused austerity, but also derogated the rights of individuals across the globe. The Human rights which are granted by the international body United Nations (UN) and UDHR through charters, treaties, and agreements to their member states were violated by almost every member state in different forms, like violence against women, migrant labourers, children, etc. Students were compelled to learn online since schools and universities were closed for months or even years. The digital divide grew because of this change, especially for kids from low-income households who didn't have access to gadgets or reliable internet. Due to financial pressure, early marriage, or household duties, girls in many regions of the world permanently dropped out. Children living in refugee camps or conflict areas faced even greater disadvantages, including total exclusion from school. Many individuals across the globe face mental health problems such as anxiety, depression. The rise in interpersonal violence and abuse, especially against women and children, was one of the pandemic's most unsettling effects. During the crisis, there was a significant disparity in access to healthcare, which is a basic human right. The paper discusses in brief the interrelation between the COVID-19 pandemic and the violation of human rights across the globe to avoid the derogation of human rights in the future if such a public health emergency arises.

Keywords

COVID-19, Human rights, public health emergency, Emotional violence, quarantines, Domestic violence, Sexual abuse, Child abuse.

Introduction:

The outbreak of the COVID-19 pandemic has changed the entire life of humans across the globe, and it has also had a securitizing effect on health and human rights globally. The Government was trying to respond to multiple challenges across the world. The ongoing pandemic COVID-19 has taken the lives of individuals, and day by day, the duration of the pandemic has increased. The lengthy duration of the pandemic with multiple waves and viruses has resulted in a huge number of restrictions on humans, and consequently, it has resulted in a violation of Human Rights. During the pandemic, millions of people lost their lives due to this contagious virus, and some due to the violation of human rights. The pandemic has restricted everyone in the world as the imposition of restrictions is mandatory, but the restrictions have violated basic human rights across the world ¹.

The outbreak first took place in Wuhan, China, in 2019, and slowly and by 2020, it reached the entire globe, affected various countries and their citizens, and killed millions of people. COVID-19 has caused social, economic, and cultural problems in the entire world for several months. The virus was one of the dangerous viruses of the decade. As a result, the governments throughout the globe had imposed restrictions, and because of these restrictions, there were no civil, political, economic, social, and cultural human rights and freedom. Human rights are enforced by governments themselves, and the government is under an obligation to ensure the enforcement of these rights so that no official or authority can misuse these rights during the pandemic². The World Health Organization (WHO) announced COVID-19 as a pandemic, opening the path for the government to exercise its exceptional power. As a result, governments across the globe started to work towards the protection of life from this viral disease. Due to this pandemic there was restriction on basic human rights like right to free speech, right to freedom of movement, right to reside and settle in any part of the territory, right to freedom of opinion and expression, right to rest and leisure, right to adequate health facilities, shelter, food, right to education, etc.

¹ Mohammed R.M. Elshobake, *Human Rights Violations during the COVID-19 Pandemic*, 15 **Int'l J. Hum. Rts. Healthcare** 324 (2022).

² B.S. Mohan & Vinod Nambiar, *COVID-19: An Insight into SARS-CoV2 Pandemic Originated at Wuhan City in Hubei Province of China*, 6 **J. Infect. Dis. Epidemiol.** (2020).

to suppress the lay out of the coronavirus³. During the pandemic, basic human rights were violated across the world, like sexual violence against women in Bangladesh, domestic violence towards women in countries like India, Pakistan, Africa, etc, and a lack of maternity health care for women across various countries and nations. The restrictions imposed by the governments of different nations have caused an increase in poverty, recession in employment, and constricting of authoritarian regimes⁴.

2020 and Beyond: A Chronicle of COVID-19

The COVID-19 pandemic is also known as the coronavirus pandemic or the COVID-19 pandemic. Wuhan, China, was the first country in the world where a pandemic outbreak in December 2019 and is caused by severe respiratory syndrome (SARS-CoV-2). Then it spread to other areas of Asia and then worldwide in early 2020. The WHO announced the upsurge as a public health emergency of international concern (PHEIC) on 30 January 2020 and the outbreak as having become a pandemic on 11 March 2021. COVID-19 was not a normal crisis, and across the globe public emergency was declared. The symptoms of COVID-19 range from mild to severe, quickly transmissible disease. The most common symptoms were fever, dry cough, fatigue, loss of taste or smell (hypogeusia and hyposmia), headache, sore throat, muscle or joint pain, chills or dizziness, nasal congestion etc⁵. The individuals with symptoms of COVID-19 do not present apparent abnormalities in lung computed tomography, the test kits were helpful to diagnose the COVID-19 symptoms as they helped take respiratory samples obtained through nasal swab or sputum sample. The government of every nation has followed the directions of WHO and has issued the directions in their nation to follow the COVID-19 protocols and to self-isolate them if any symptom is found because people of all ages are at risk of getting infected and to include healthy diet and plenty of fluids with good personal hygiene. The virus is spread by large droplets that result from coughing and sneezing by symptomatic individuals⁶. Due to rapid increase in large number of deaths in Asia, the government of every sovereign state had imposed large number of restrictions and used some common mitigation measures to combat the spread of COVID-19 virus such as lockdowns,

³ Alessandra Spadaro, *COVID-19: Testing the Limits of Human Rights*, 11 **Eur. J. Risk Regul.** 317 (2020).

⁴ Sucharita Maji, Saurabh Bansod & Tushar Singh, *Domestic Violence during COVID-19 Pandemic: The Case for Indian Women*, 32 **J. Cmty. & Applied Soc. Psychol.** 374 (2022).

⁵ Valentina Carraro, *The Effects of the COVID-19 Pandemic on Violations of the Right to Integrity of the Person*, 9 **J. Int'l Hum. Actions** 5 (2024).

⁶ Mandeep Garg et al., *Computed Tomography Chest in COVID-19*, 153 **Indian J. Med. Res.** 86 (2021).

⁷ David Michaels & Gregory R. Wagner, *Occupational Safety and Health Administration (OSHA) and Worker Safety During the COVID-19 Pandemic*, 324 **JAMA** 1389 (2020).

travel restrictions, restrictions on movement and closure of borders including complete ban on social or religious activity, curfews, mask mandates, quarantines, business restrictions, testing method. The people are advised to maintain distance with everyone, i.e., family members, to wash hands from time to time, not to be social, and not to go out of homes except to make basic essential needs available like food, medical needs. The schools, colleges, universities and offices were shut down, concept of “online classes” and “work from home” had emerged across the globe. Technology, a double-edged sword, has also witnessed an unprecedented acceleration in its adoption even as it has starkly revealed the digital divide between the privileged and the underserved and impacted vulnerable populations during work or study from home. In almost every country across the globe, the government of every nation had mentioned certain timings and days in a week when some basic needs stores are to be opened⁷. The E-shopping apps had been suspended during the pandemic lockdown; businesses were shut down except for basic necessities. There was a patient overflow and scarcity of beds and medical staff. A large number of doctors and paramedical staff across the world have lost their lives to save the lives of the general public, and therefore, they are known as corona warriors. Every nation has tried to find a resolution to this pandemic, but every trial has failed. Finally, in December 2020 the Russia succeeded and found the resolution to this virus. The vaccine soon had been made available to all countries, and the vaccine was developed rapidly and deployed to the general public through government and international programmes such as COVAX, intended to provide vaccine equity. A vast number of campaigns have been organised in various countries for awareness. The restrictions were necessary because the virus spreads quickly throughout a person's body, particularly in the lungs, and when a person learns that he has an infected virus, he is left with nothing. At the most critical stage, he is admitted to the hospital, is on a ventilator, and eventually passes away. The imposition was important to save the public, but the government should not take advantage of the restrictions. The balance must be maintained between the restrictions imposed by states and human rights⁸.

Human Rights: The Core of Universal Rights

Human rights are universal rights that are provided to everyone irrespective of caste, colour, creed, sex, place of birth, or background by the Universal Declaration of Human Rights and

⁸ Lawrence O. Gostin et al., *Human Rights and the COVID-19 Pandemic: A Retrospective and Prospective Analysis*, 401 *Lancet* 154 (2023).

⁹ *The Universal Declaration of Human Rights in the 21st Century*, vol. 2 (Gordon Brown ed., Open Book Publishers 2016).

¹⁰ Steven Greer, *The European Convention on Human Rights* (Cambridge Univ. Press 2006).

obligates the states to acclaim and safeguard these rights. Universal Declaration of Human Rights (UDHR) was formed to respond to the atrocities of World War II and to incorporate the values of solidarity and fraternity among humanity. The UDHR is the foundation of all international human rights law. The UDHR was adopted by the UN General Assembly in 1948, and it was the first legal document to set out fundamental human rights to be protected universally. It has been translated into more than 500 languages. The principles of the UDHR are universal and inalienable, equal and non-discriminatory, interdependent and indivisible, equal and non-discriminatory. The Universal declaration of human rights guarantees some rights mentioned in article 14 to 19 are: Right to freedom of movement and residence, right to freedom of thought, conscience and religion, right to nationality, no interference by state in the affairs of the privacy, family, home, right to freedom of expression and right to information through media and press⁹.

With the Universal declaration of human rights, other documents also emerged such as international covenant on civil and political rights (ICCPR)1966, international covenant on Economic, Social and Cultural rights (ICESCR)1966, convention on the elimination of all forms of discrimination against women (CEDAW), Convention on rights of child (CRC), Committee on migrant workers (CMW), Committee against torture (CAT). And some regional instruments are), African Charter on Human and Peoples Rights of 1986 (Banjul Charter), European Convention on Human Rights of 1950 (ECHR) American Declaration on the Rights and Duties of 1948 (ADR) and Association of Southeast Asian Nations (ASEAN) Human Rights Declarations of 2012(AHRD)¹⁰.

All these legal documents and treaties have different principles but the provisions which are ubiquitous in all these documents are right to equality before law, right to life, liberty and personal security, right to freedom of religion and worship, right to education, right to work and fair remuneration, right to residence and movement, right to a family and protection, right to freedom of investigation, opinion, expression and dissemination, right to assembly and association, right to family, right to property, right of protection and right from arbitrary arrest. There are 193 sovereign member states of United Nations and all member states are obliged to follow all the All these legal documents and treaties have different principles but the provisions which are ubiquitous in all these documents are right to equality before law, right to life, liberty

and personal security, right to freedom of religion and worship, right to education, right to work and fair remuneration, right to residence principles, rules and regulations of different conventions adopted by member states and they aim to maintain peace, security and develop friendly relations among states and promote international cooperation. It is a legal document signed between UN and sovereign states for the implementation of human rights to provide fundamental human rights across the globe to every individual to protect their rights and to have access to their fundamental human rights and if someone violates them, then they have to face the consequences in terms of legal action. Due to the outbreak of the pandemic, not only are lockdowns imposed all over the states, but they also have consequential effects on human rights¹¹.

Eroding Rights: Rights under the shadow of COVID-19

ICESCR has two basic elements under the right to health: Epidemic prevention and response. Nonetheless, social and economic rights can be protected by comprehensive social protection programs. States must employ the least restrictive options and base their policies and programs on scientific principles. However, several authoritarian governments and populist leaders have severely curtailed human liberties and ignored science. During the pandemic, the leaders of countries like Brazil, Mexico, and the USA were against the shutdown of business and mask or vaccine compulsion from on in the pandemic. Indian Prime Minister Narendra Modi's permitted Hindu festival and campaigns caused devastating effects on millions of people as it was the emergence of the second wave in 2021. The science has not always been followed by public health experts. In order to develop herd immunity, the Swedish Public Health Agency decided to forgo the fundamental scientific advice of mask-wearing and physical distancing, instead allowing a significant percentage of the population to become sick. Access to health-care services became a major challenge¹². This training went beyond what was allowed by the right to health because it was so blatantly ineffective at safeguarding people's health. By the end of 2020, Sweden's mortality rate was higher than that of the majority of European nations, four times higher than Denmark's, and ten times higher than that of its neighbours. Across the globe, there was disruption of mental health services and, spike in levels of depression, panic

¹¹ Lawrence O. Gostin et al., *Human Rights and the COVID-19 Pandemic: A Retrospective and Prospective Analysis*, 401 **Lancet** 154 (2023).

¹² Nele Brusselaers et al., *Evaluation of Science Advice during the COVID-19 Pandemic in Sweden*, 9 **Humanities & Soc. Sci. Commc'ns** 91 (2022).

¹³ Joshy Jesline et al., *The Plight of Migrants during COVID-19 and the Impact of Circular Migration in India: A Systematic Review*, 8 **Humanities & Soc. Sci. Commc'ns** 231 (2021).

attacks, and anxiety. More than 200 million people confronted acute hunger in 2022, and about 80 million people were in extreme poverty. Due to the pandemic, the schools and colleges were shut down, and the digital concept of learning came, but more than 300 million children could not access digital learning, and this violated the right to education globally. There was a spike in Gender based violence and trafficking. During 2020, more than 10 million additional child marriages were held in states like Haryana, Uttar Pradesh, Bihar, Rajasthan, etc. During the pandemic, due to unemployment and the financial crisis, the migrant labourers were forced to go back to their villages, and some migrant labourers were forced to go back to their homes. Due to this, many migrant workers died on the way back to their homes due to starvation, lack of transportation, exposure, heat, and many died due to accidents on highways. Even many animals died due to hunger during the pandemic. Access to sexual and reproductive health services like contraceptives, abortions, etc., were closed or restricted in some countries¹³. Women's access to justice was already limited, but it was further hampered by the shift to online courts and the fact that many of them lacked the technology required for remote hearings. Furthermore, women typically provide the majority or all of the care, which compromises their ability to work. The inhuman treatment of the labour workers in factories and manufacturing units derogated their human rights; they were forced to work longer hours with low wages, and due to pandemic restrictions, they were confined in their workplace, and it resulted in ill human treatment and torture of the workers. Public health interventions are predicated on public trust, and any erosion of this foundation can severely undermine pandemic response efforts tomorrow. The experience highlighted the urgent need for policies and investments that specifically address the needs of vulnerable groups to ensure equitable access to care and mitigate disproportionate impact during health emergencies. The pandemic also triggered a silent pandemic of global mental health challenges. The pandemic severely affected global workplace productivity, with no stable solution as yet to address this structurally and sustainably, as debates around work-from-home or hybrid models continue globally¹⁴.

¹⁴ Manasi Kumar et al., *What Should Equity in Global Health Research Look Like?* 400 **Lancet** 145 (2022).

¹⁵ *World Employment and Social Outlook* (2023).

¹⁶ Alex R. Piquero et al., *Domestic Violence during the COVID-19 Pandemic – Evidence from a Systematic Review and Meta-Analysis*, 74 **J. Crim. Just.** 101806 (2021).

¹⁷ Jackie Jones & John Winterdyk, *Human Trafficking: Challenges and Opportunities for the 21st Century*, 8 **Oñati Socio-Legal Series** 165 (2018).

¹⁸ Giovanni Valensisi, *COVID-19 and Global Poverty: Are LDCs Being Left Behind?* 32 **Eur. J. Dev. Res.** 1535 (2020).

Table 1: Factors Responsible for the Spike in Derogations During the COVID-19 Pandemic

S.No	Derogations	Spike Across the Globe (%)	Factors	References
1	Unemployment	5.77	Global recession, logistical breakdown, Govt. restrictions, Decline in consumer spending, Operational downsizing, etc	¹⁵
2	Domestic violence	7.86	Authority imbalance, Economic hardship, Escalating anxiety levels, Lockdowns and isolation, etc	¹⁶
3	Human trafficking	39.8	Economic adversity, Growth in internet traffic, Erosion of public services, Migration instability, Domestic abuse and family instability, etc.	¹⁷
4	Poverty	0.9	Economic shutdown, Job losses, Lower income levels, soaring financial debt, Global supply chain disruptions, Fragmented welfare system, etc.	¹⁸
5	Migrant labourers	9.3	Sudden displacement, Obstruction to homecoming, decreased remittances, Limited access to healthcare, Health and security threats, etc.	¹⁹

¹⁹ Chetna Duggal et al., *The Nowhere People: Lived Experiences of Migrant Workers during Covid-19 in India*, 41 **Curr. Psychol.** 8214 (2022).

²⁰ Gebi Agero et al., *Assessment of Violence during COVID-19 among Reproductive Age Women in Arsi Zone, South East Ethiopia*, 2024 **BioMed Res. Int'l** 1 (2024).

²¹ Gebi Agero et al., *Assessment of Violence during COVID-19 among Reproductive Age Women in Arsi Zone, South East Ethiopia*, 2024 **BioMed Res. Int'l** 1 (2024).

²² Mona Larki, Farangis Sharifi & Robab L. Roudsari, *Women's Reproductive Health and Rights Through the Lens of the COVID-19 Pandemic*, 21 **Sultan Qaboos Univ. Med. J. [SQUMJ]** e166 (2021).

²³ Hyun Lee & EunKyung Kim, *Global Prevalence of Physical and Psychological Child Abuse during COVID-19: A Systematic Review and Meta-Analysis*, 135 **Child Abuse & Neglect** 105984 (2023).

6	Gender-based violence	44.9	Increased economic dependence, Disruption of education, Exacerbated stress levels, Control and poor dynamics, etc.	20
7	Sexual abuse	73–122	Heightened substance misuse, Social and economic vulnerability, Rising cyber exploitation, Reduced access to support services, etc.	21
8	Reproductive rights abuse	68.2	Restricted access to abortion, Increased gender based violence, Restricted access to birth control, Limited sexual education, Discrimination and stigma, etc.	22
9	Psychological child abuse	18.4	Domestic violence, Parental stress, Mental health issues, Chronic childhood trauma, Cultural or societal norms, etc.	23
10	Lack of access to healthcare	56.4	A Global Analysis of Pandemic-Driven Violations Fear of infection, financial barriers, Supply chain disruptions, Health insurance gaps, Strained medical structure, etc.	24

Right to Integrity: Amplified violation in the name of Protection

The right to the integrity of an individual is a basic right in international human rights. The right to integrity has two basic principles, which are codified in international human rights law: the right to be free from torture and other cruel, inhuman, or degrading treatment or punishment, and the right to life. The major global and states human rights treaties, in addition to Article 5 of African Charter on Human and peoples' Right (ACHPR), Article 5 of the American Convention on Human Rights (ACHR), Articles 7 to 10 of the ICCPR and Article 3

²⁴ Patrícia Soares et al., *Factors Associated with the Patient's Decision to Avoid Healthcare during the COVID-19 Pandemic*, 18 *Int'l J. Envtl. Res. & Pub. Health* 13239 (2021).

²⁵ Valentina Carraro, *The Effects of the COVID-19 Pandemic on Violations of the Right to Integrity of the Person*, 9 *J. Int'l Hum. Actions* 5 (2024).

²⁶ Alison Brysk, *Pandemic Patriarchy: The Impact of a Global Health Crisis on Women's Rights*, 21 *J. Hum. Rts.* 283 (2022).

of the European Convention on Human Rights (ECHR). The 1984 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) is one of several particular treaties that are only focused on combating torture and ill-treatment. Both scholars and practitioners have engaged in lengthy debates over the conceptualization of torture, with a particular emphasis on the definition of torture included in the CAT²⁵. This section highlights the main characteristics of torture as they are interpreted in the context of the CAT, the most authoritative international legal tool in the battle against torture, without seeking to give a thorough summary of the meaning and interpretations of the term²⁶. The UN has recognized certain essential criteria to define torture: the infliction of severe pain or suffering, whether physical or mental, by instigation of or with the consent or acquiescence of a public official. During the pandemic, reasonable grounds were endowed to believe the acts of torture and ill treatment were carried out by non-state actors. The committee against torture includes not only issues of torture but also all forms of transgression, violence against children, excessive use of force and power by police, trafficking in human beings, and racially motivated violence. During the pandemic, cases of domestic violence were found to a large extent, and it not only includes physical torture but also includes mental suffering and ill treatment depending upon their form and gravity, and thus to thus indigence of life of the victim. The excessive force used by the police during a pandemic to maintain public order and emergency not only violates human rights but also has a severe effect on the individuals as they were subject to humiliating treatment and punishment²⁷

Silent Suffering: Domestic Violence and Sexual Abuse

During the pandemic, there was a great prong in cases of domestic violence, and it was connected to lockdowns and other movement diminution. Domestic violence is known as spousal violence, not only physical but also sexual abuse and emotional violence. The dominating and controlling behaviour of the spouse also affects the victim. This concept not only applies to intimate partners but also applies to violence against children, and this violence affects not only the psychology of the victim but also the children. It had been found that more than 34 countries in the world had experienced barb in domestic violence during COVID-19²⁸. Sexual violence and rape are assaults on a woman's body and dignity; survivors and their family

²⁷ **Ibid.**

²⁸ K Chad Clay et al., *The Effect of the COVID-19 Pandemic on Human Rights Practices: Findings from the Human Rights Measurement Initiative's 2021 Practitioner Survey*, 21 **J. Hum. Rts.** 317 (2022).

²⁹ **Ibid.**

suffer from severe psychological, physiological, financial, and social repercussions for the rest of their lives. Sexual assault victims deal with a variety of social and psychological issues. Due to the epidemic and increased negative news about sexual violence on social media, women are now experiencing psychosomatic symptoms, anxiety, and melancholy. Because she is more stigmatized by society and fears being neglected and humiliated in the police station, the courts, and society at large, a victimized woman typically avoids legal action²⁹.

The mode to collect data of spikes in cases of domestic violence was through helplines, and it had been reported that in the first half of 2020, there was more than a 30% to 70% increase in cases of domestic violence during the pandemic. Due to the closure of schools, children have directly or indirectly become victims of domestic violence. Due to the pandemic, the victims were reluctant to reach out to the helplines and medical assistance due to living in close adjacency with the slayers. Social quarantine has caused and triggered mental health issues such as depression, anxiety. Lastly, economic insecurity makes it difficult for victims to leave their partners due to the absence of financial independence. Countries like India, Nepal, Bangladesh, Italy, and Singapore recorded a spike in sexual and physical violence during the lockdown³⁰.

Pandemic Patriarchy: Women's Rights Under Siege in Public

Research on how the COVID-19 pandemic has affected violence against women reveals an intriguing pattern: In some instances, the pandemic appears to be to blame for a decline in specific types of violence against women that take place outside of the private sphere. The pandemic's impact on violence against women in public places is seen both online and in real-world settings. According to a UN study, there has been a rise in instances of online misogyny, including trolling and sexual harassment, during lockdowns³¹. The disproportionate effect of COVID-19 on women, concerning childcare, work, and psychological health, was a critical lesson. Overall, there have been fewer recorded cases of sexual abuse and assaults against women during lockdowns, according to cross-country research conducted by UNODC in 2020. Because movement constraints impacted both potential offenders and women, women have

³⁰ Paula Andrea Valencia Londoño et al., *The Exacerbation of Violence against Women as a Form of Discrimination in the Period of the COVID-19 Pandemic*, 7 **Heliyon** e06491 (2021).

³¹ Odette R. Sánchez et al., *Violence against Women during the COVID-19 Pandemic: An Integrative Review*, 151 **Int'l J. Gynecol. & Obstetrics** 180 (2020).

³² Fabiana Rocha et al., *COVID-19 and Violence against Women: Current Knowledge, Gaps, and Implications for Public Policy*, 174 **World Dev.** 106461 (2024).

been less exposed to violence committed by non-intimate abusers. The study does point out, though, that the decline in reported occurrences may partly be due to the difficulty of condemning such crimes and the restricted ability of legal authorities to document and handle such violent cases. In this context, Dubravka Šimonović, the UN Special Rapporteur on Violence against Women, pointed out that many nations faced significant delays in case processing because of temporary closures or shortened workdays, which led to a decrease in the priority given to violence against women³².

There was also a sharp decline in non-domestic violence against women during the pandemic, according to a study done on two Latin American nations: Mexico and Colombia³³. The report notes that high rates of violence against women, which mostly took place in public places, were prevalent in Mexico and Colombia before the epidemic. However, even after taking into consideration the previously mentioned underreporting, such violence rates sharply declined throughout the epidemic. However, there has also been a rise in the use of the internet to assist victims³⁴. This could be because people have been online for longer periods during lockdowns. For instance, the study found that while social media was utilized more frequently than previously in Singapore to generate money for anti-violence women's shelters, internet tools were used more frequently in India to enhance awareness of caste-based violence against women³⁵.

Trapped in Crisis: Invisible Chains of Human Trafficking during COVID-19

During the COVID-19 pandemic, there was a recession all over the world. People across the globe, especially daily wagers, labourers, were suffering a lot due to unemployment. The pandemic was at its peak, and people were dying in large numbers, but poor people and vulnerable communities were dying due to starvation as they had no financial means or income to support themselves and their families. In countries like Myanmar and Southeast Asia, the recruitment agencies send men to work in forests, fishing, manufacturing, and agriculture and women to become domestic workers and migrant labourers. During the pandemic, due to the disruption of educational services or separation of caregivers left children were left unattended and at risk of traffickers. It had been found through surveys that in more than 100 countries

³³ Paula Andrea Valencia Londoño et al., *The Exacerbation of Violence against Women as a Form of Discrimination in the Period of the COVID-19 Pandemic*, 7 **Heliyon** e06491 (2021).

³⁴ **Ibid.**

³⁵ Valentina Carraro, *The Effects of the COVID-19 Pandemic on Violations of the Right to Integrity of the Person*, 9 **J. Int'l Hum. Actions** 5 (2024).

across the globe that due to the rise in unemployment and inflation of prices of commodities during a pandemic, some survivors enter into sex work for their daily survival. Traffickers abused victims financially, threatened them, and manipulated their emotions. Traffickers abused victims financially, threatened them, and manipulated their emotions. At the same time, as governments enforce stringent physical distancing policies and health systems and law enforcement refocus on COVID-19, efforts to detect human trafficking are severely hampered because healthcare professionals, labour inspectors, social workers, and third-sector actors have less freedom to interact with at-risk groups. Similar to other outbreaks, the accompanying increase in trafficking reflects a substantial burden of unmet physical and psychological demands among an invisible group of all ages and genders³⁶. The main means of trafficking, according to victims of labour trafficking during the pandemic years, were financial abuse (such as withholding wages), threats (such as immigration threats), and excessive working hours. Sexual trafficking victims stated that the main ways traffickers recruited and trapped victims were by inducing or taking advantage of emotional and physical abuse as well as substance addiction problems. With one exception—the use of isolation as a form of coercion in sex trafficking scenarios, which was the most often reported approach in 2017 and 2018—these tactics mirror those traffickers employed before the pandemic. The most frequently reported control approach is one of the other noteworthy findings. The most commonly reported form of coercion in sex trafficking settings during the COVID-19 pandemic was inciting or taking advantage of drug misuse problems³⁷. Although the most common ways of coercion in sex trafficking have changed throughout the years, inducing or taking advantage of substance misuse frequently ranks among the top three, indicating that this finding is not out of the ordinary. The most commonly reported forms of coercion in labour trafficking cases were threats of immigration, excessive working hours, and taking or withholding money. For 72% of the victims (n = 30,752), force, deception, and coercion were mentioned. Although not specified, a minor engaging in commercial sex is enough to qualify a situation as human trafficking under federal structure³⁸.

³⁶ Richard Armitage & Laura B. Nellums, *COVID-19: Compounding the Health-Related Harms of Human Trafficking*, 24 **eClinicalMedicine** 100409 (2020).

³⁷ Zengmiao Wang et al., *Evaluating the Effectiveness of Control Measures in Multiple Regions during the Early Phase of the COVID-19 Pandemic in 2020*, 3 **Biosafety & Health** 264 (2021).

³⁸ Hanni Stoklosa, Cathy Zimmerman, Vanessa Vaca, Rosilyne Borland & Ana Maria Buller, *Labour Exploitation, Trafficking and Migrant Health: Multi-Country Findings on the Health Risks and Consequences of Migrant and Trafficked Workers* (2015).

Conclusion:

The paper aims to provide an overview of human rights and the violation of human rights during the COVID-19 pandemic. It mainly focused on different kinds of violence, violations, and restrictions during the pandemic across the globe. A Public Emergency was imposed during the pandemic to curb the infection of the virus. It was necessary to conduct surveys across different countries to know the situation about the violations of human rights and it was found through surveys that during the pandemic there was spike in domestic violence, ill treatment and torture, violation of right to integrity, human trafficking in terms of sex workers, sexual and physical violence, violation of women rights in public places, violation of rights of migrant labourers. States may also use derogations if they believe that restrictions are insufficient because of unique circumstances. Few States have yet to depart from their responsibilities under the pertinent human rights treaties, despite the fact that the pandemic has been frequently compared to a war. Both restrictions and derogations are acceptable tools that states may use as long as the criteria and prerequisites for doing so are met. However, it is crucial that the actions adopted are restricted to what is absolutely required to manage the pandemic and do not result in the permanent curtailment of human rights, regardless of the reasons why states may decide to implement limitations or derogations. Through research studies, measures have been found to tackle public emergency problems across the globe if they arise in the future. The measures have been found so that the government cannot act powerfully during such kind of emergency to suppress the rights of the general public.

References:

- 1) Mohammed R.M. Elshobake, *Human Rights Violations during the COVID-19 Pandemic*, 15 Int'l J. Hum. Rts. Healthcare 324 (2022).
- 2) B.S. Mohan & Vinod Nambiar, *COVID-19: An Insight into SARS-CoV2 Pandemic Originated at Wuhan City in Hubei Province of China*, 6 J. Infect. Dis. Epidemiol. (2020).
- 3) Alessandra Spadaro, *COVID-19: Testing the Limits of Human Rights*, 11 Eur. J. Risk Regul. 317 (2020).
- 4) Sucharita Maji, Saurabh Bansod & Tushar Singh, *Domestic Violence during COVID-19 Pandemic: The Case for Indian Women*, 32 J. Cmty. & Applied Soc. Psychol. 374 (2022).

- 5) Valentina Carraro, *The Effects of the COVID-19 Pandemic on Violations of the Right to Integrity of the Person*, 9 J. Int'l Hum. Actions 5 (2024).
- 6) Mandeep Garg et al., *Computed Tomography Chest in COVID-19*, 153 Indian J. Med. Res. 86 (2021).
- 7) David Michaels & Gregory R. Wagner, *Occupational Safety and Health Administration (OSHA) and Worker Safety During the COVID-19 Pandemic*, 324 JAMA 1389 (2020).
- 8) Lawrence O. Gostin et al., *Human Rights and the COVID-19 Pandemic: A Retrospective and Prospective Analysis*, 401 Lancet 154 (2023).
- 9) *The Universal Declaration of Human Rights in the 21st Century*, vol. 2 (Gordon Brown ed., Open Book Publishers 2016).
- 10) Steven Greer, *The European Convention on Human Rights* (Cambridge Univ. Press 2006).
- 11) Lawrence O. Gostin et al., *Human Rights and the COVID-19 Pandemic: A Retrospective and Prospective Analysis*, 401 Lancet 154 (2023).
- 12) Nele Brusselaers et al., *Evaluation of Science Advice during the COVID-19 Pandemic in Sweden*, 9 Humanities & Soc. Sci. Commc'ns 91 (2022).
- 13) Joshy Jesline et al., *The Plight of Migrants during COVID-19 and the Impact of Circular Migration in India: A Systematic Review*, 8 Humanities & Soc. Sci. Commc'ns 231 (2021).
- 14) Manasi Kumar et al., *What Should Equity in Global Health Research Look Like?*, 400 Lancet 145 (2022).
- 15) *World Employment and Social Outlook* (2023).
- 16) Alex R. Piquero et al., *Domestic Violence during the COVID-19 Pandemic – Evidence from a Systematic Review and Meta-Analysis*, 74 J. Crim. Just. 101806 (2021).
- 17) Jackie Jones & John Winterdyk, *Human Trafficking: Challenges and Opportunities for the 21st Century*, 8 Oñati Socio-Legal Series 165 (2018).
- 18) Giovanni Valensisi, *COVID-19 and Global Poverty: Are LDCs Being Left Behind?*, 32 Eur. J. Dev. Res. 1535 (2020).
- 19) Chetna Duggal et al., *The Nowhere People: Lived Experiences of Migrant Workers during Covid-19 in India*, 41 Curr. Psychol. 8214 (2022).
- 20) Gebi Agero et al., *Assessment of Violence during COVID-19 among Reproductive Age Women in Arsi Zone, South East Ethiopia*, 2024 BioMed Res. Int'l 1 (2024).
- 21) Gebi Agero et al., *Assessment of Violence during COVID-19 among Reproductive Age Women in Arsi Zone, South East Ethiopia*, 2024 BioMed Res. Int'l 1 (2024).

- 22) Mona Larki, Farangis Sharifi & Robab L. Roudsari, *Women's Reproductive Health and Rights Through the Lens of the COVID-19 Pandemic*, 21 Sultan Qaboos Univ. Med. J. [SQUMJ] e166 (2021).
- 23) Hyun Lee & EunKyung Kim, *Global Prevalence of Physical and Psychological Child Abuse during COVID-19: A Systematic Review and Meta-Analysis*, 135 Child Abuse & Neglect 105984 (2023).
- 24) Patrícia Soares et al., *Factors Associated with the Patient's Decision to Avoid Healthcare during the COVID-19 Pandemic*, 18 Int'l J. Env'tl. Res. & Pub. Health 13239 (2021).
- 25) Valentina Carraro, *The Effects of the COVID-19 Pandemic on Violations of the Right to Integrity of the Person*, 9 J. Int'l Hum. Actions 5 (2024).
- 26) Alison Brysk, *Pandemic Patriarchy: The Impact of a Global Health Crisis on Women's Rights*, 21 J. Hum. Rts. 283 (2022).
- 27) Alison Brysk, *Pandemic Patriarchy: The Impact of a Global Health Crisis on Women's Rights*, 21 J. Hum. Rts. 283 (2022).
- 28) K Chad Clay et al., *The Effect of the COVID-19 Pandemic on Human Rights Practices: Findings from the Human Rights Measurement Initiative's 2021 Practitioner Survey*, 21 J. Hum. Rts. 317 (2022).
- 29) K Chad Clay et al., *The Effect of the COVID-19 Pandemic on Human Rights Practices: Findings from the Human Rights Measurement Initiative's 2021 Practitioner Survey*, 21 J. Hum. Rts. 317 (2022).
- 30) Paula Andrea Valencia Londoño et al., *The Exacerbation of Violence against Women as a Form of Discrimination in the Period of the COVID-19 Pandemic*, 7 Heliyon e06491 (2021).
- 31) Odette R. Sánchez et al., *Violence against Women during the COVID-19 Pandemic: An Integrative Review*, 151 Int'l J. Gynecol. & Obstetrics 180 (2020).
- 32) Fabiana Rocha et al., *COVID-19 and Violence against Women: Current Knowledge, Gaps, and Implications for Public Policy*, 174 World Dev. 106461 (2024).
- 33) Paula Andrea Valencia Londoño et al., *The Exacerbation of Violence against Women as a Form of Discrimination in the Period of the COVID-19 Pandemic*, 7 Heliyon e06491 (2021).
- 34) Paula Andrea Valencia Londoño et al., *The Exacerbation of Violence against Women as a Form of Discrimination in the Period of the COVID-19 Pandemic*, 7 Heliyon e06491 (2021).

- 35) Valentina Carraro, *The Effects of the COVID-19 Pandemic on Violations of the Right to Integrity of the Person*, 9 J. Int'l Hum. Actions 5 (2024).
- 36) Richard Armitage & Laura B. Nellums, *COVID-19: Compounding the Health-Related Harms of Human Trafficking*, 24 eClinicalMedicine 100409 (2020).
- 37) Zengmiao Wang et al., *Evaluating the Effectiveness of Control Measures in Multiple Regions during the Early Phase of the COVID-19 Pandemic in 2020*, 3 Biosafety & Health 264 (2021).
- 38) Hanni Stoklosa, Cathy Zimmerman, Vanessa Vaca, Rosilyne Borland & Ana Maria Buller, *Labour Exploitation, Trafficking and Migrant Health: Multi-Country Findings on the Health Risks and Consequences of Migrant and Trafficked Workers* (2015).

