

## South Asian countries must centre human rights in response to COVID-19

(Bangkok/Kathmandu, 06 April 2020) – The Asian Forum for Human Rights and Development (FORUM-ASIA) along with 21 of its member organisations call upon countries in South Asia to ensure that human rights are at the centre of their emergency response to the COVID-19 pandemic.

The group is concerned with the absence of human rights safeguards in measures currently being employed in one of the poorest and most densely populated regions of the world.

South Asian Governments must ensure that measures to mitigate COVID-19 should be proportionate, temporary, and address the needs of the poorest and marginalised groups such as women and girls, the Dalit community, migrant workers, lesbian, gay, bisexual, transgender and intersex (LGBTI) community, and other religious and ethnic minorities. For democratic institutions to function, those measures should not be used to entrench impunity nor as excuses to slide into authoritarianism.

The spread and severity of COVID-19 in South Asia is alarming. More than 2,900 positive cases have been identified in the region, with death tolls continuing to spike. South Asian countries have yet to take effective measures aligned with human rights standards to safeguard their people, particularly the vulnerable and the marginalised.

UN human rights experts have also urged States to refrain from abusing emergency measures introduced to combat the spread of the COVID-19 pandemic to suppress human rights and stifle dissent.<sup>1</sup> The police force in Sri Lanka, for example, have threatened to take legal action against those criticising government officials – a deliberate attempt to abuse the crisis.

The restriction of access to information is further exacerbated when authorities failed to provide accurate and reliable information on COVID-19. India-administrated Jammu and Kashmir continue to face restricted Internet access imposed since 5 August 2019.<sup>2</sup> In Bangladesh's Cox Bazar District, Internet and telecommunication shutdown since 1 September 2019 continues to cut off the only connection many Rohingya refugees have with the outside world.

In a previous statement<sup>3</sup> UN Special Rapporteur on the right to freedom of opinion and expression David Kaye said: 'Especially at a time of emergency, when access to information is of critical importance, broad restrictions on access to internet cannot be justified on public order or national security grounds.'

Refugees and asylum seekers living in camps are especially vulnerable to contracting the virus. South Asia has one of the highest populations of refugees<sup>4</sup> in the world, particularly in Pakistan, Bangladesh and the Maldives. There are approximately three million Afghan asylum seekers in Pakistan alone. More than one million displaced Rohingyas live in cramped and unsanitary camps along the Bangladesh-Myanmar border.<sup>5</sup> Social distancing, as enforced in countries across the world, is impossible to implement in overcrowded refugee camps.

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<sup>1</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E>

<sup>2</sup> <http://l.forum-asia.org/StatementJammuandKashmirAug2019>

<sup>3</sup> <https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=25729&LangID=E>

<sup>4</sup> <https://www.amnesty.org/en/latest/news/2020/03/south-asia-as-covid19-spreads-fears-rise-for-people-at-higher-risk/>

<sup>5</sup> [ibid.](#)

To minimise the risk of human-to-human transmission, most Governments in South Asia and across the globe have implemented measures to restrict freedom of movement to contain the spread of virus. Though such restrictions are essential in the context of a pandemic, they should aim to address rights and wellbeing of people most affected. Local authorities in Afghanistan imposed provincial movement restrictions, while many fear that closing down business could burden people's lives in the already impoverished country.<sup>6</sup> In India and Nepal, the lock-downs have left migrant workers stranded at the border or on the way back to their native towns. The use of heavy-handed force to enforce these movement restrictions and lock-downs across the region constitute a blatant disregard to fundamental rights.

In a region where prisons suffer severe overcrowding, States are obliged to ensure that detainees and inmates have equal access to medical care of the same standard available to the larger community. The UN High Commissioner for Human Rights Michelle Bachelet previously called on Governments to ensure that 'measures taken amid a health crisis should not undermine the fundamental rights of detained people' and to 'release every person detained without sufficient legal basis.'<sup>7</sup>

The Supreme Court of India directed all states and Union Territories to decongest jails by considering detainees convicted of, or charged with, offences involving jail terms of seven years or less for parole or interim bail.<sup>8</sup> As a result, about 11,000 detainees in Uttar Pradesh will be released on the basis of the recommendations of a prison committee to prevent the spread of COVID-19 in prisons.<sup>9</sup>

Pakistan, on the other hand, has announced its first positive case of COVID-19 in the Camp Jail in Lahore, where the number of detainees exceeds the limit threefold. In Sri Lanka, two detainees were killed by prison authorities and three others injured when agitated prisoners protested and demanded to be released amid COVID-19 fears at the Anuradhapura prison.

In some other countries, poor living conditions in quarantine facilities can further exacerbate the risk faced by vulnerable communities. The severe condition of the quarantine camp in Taftan, a border town in Pakistan, is said to be an impetus in the spreading of COVID-19 in the country.<sup>10</sup> In the Bajhang district of Nepal, migrant workers who came from India have been encamped without adequate health facilities.<sup>11</sup> These are just a few examples among many.

The pandemic further worsens the existing tension in the culturally and ethnically diverse continent. Cases of attacks on north-eastern Indians have increased, especially for those who are with distinct Mongoloid features, seen as 'Chinese-looking.' They are subjected to racist slurs, degrading treatment, violence, eviction and even denial of access to essential commodities.<sup>12</sup>

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<sup>6</sup> <https://www.theguardian.com/global-development/2020/apr/01/no-profit-no-food-lockdown-in-kabul-prompts-hunger-fears>

<sup>7</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>

<sup>8</sup> <https://www.indiatoday.in/mail-today/story/india-packed-prisons-raise-coronavirus-alarm-1661136-2020-03-30>

<sup>9</sup> <https://www.indiatoday.in/india/story/uttar-pradesh-to-release-11-000-jail-inmates-on-bail-or-parole-as-covid-19-cases-surge-1660910-2020-03-29>

<sup>10</sup> <https://www.aljazeera.com/news/2020/03/pakistan-spike-coronavirus-cases-raises-quarantine-concerns-200316090946936.html>

<sup>11</sup> <https://shilapatra.com/>

<sup>12</sup> <https://www.news18.com/news/india/he-spat-and-called-me-corona-racism-against-north-east-indians-feeds-off-coronavirus-panic-2549223.html>

South Asian countries including Afghanistan, Bangladesh, Bhutan, India, the Maldives, Nepal and Sri Lanka have pledged their contribution to a COVID-19 emergency fund.<sup>13</sup> While FORUM-ASIA and its member organisations welcome this initiative, South Asian countries should ensure transparency in the management and disbursement of emergency funds and economic relief packages. Governments must guarantee that the funds are used for the benefit of the poorest and most marginalised segments of the population disproportionately affected by the pandemic.

The right to health cannot be fulfilled if other fundamental human rights are neglected. To combat the COVID-19 pandemic by placing human rights at the centre of emergency responses, FORUM-ASIA and its member organisations call on South Asian countries to:

- Respect human rights, fundamental freedoms and human dignity in line with international standards of human rights in measures taken to combat the COVID-19 pandemic;
- Ensure full access to regular and accurate information on COVID-19 regarding the infections, danger of transmission, methods for counteraction and relevant measures to control the spread of the virus, especially for the marginalised and vulnerable;
- Provide access to adequate healthcare services and facilities to all members of society;
- Ensure emergency funds from South Asian countries reach individuals who need it most, particularly the marginalised, the vulnerable and the poor;
- Address the vulnerability and needs of women and girls, person with disabilities, migrant workers, lesbian, LGBTI community, and religious and ethnic minorities;
- Work with civil society to ensure adequate resources and support are given to people in need at all levels;
- Provide support to human rights organisations in the screening and documentation of human rights impact of COVID-19;
- Provide equal access to safe shelter, suitable sanctuary, food, water, healthcare services, and care-giving support during periods of obligatory quarantine.

**Endorsed by:**

1. Asian Forum for Human Rights and Development (FORUM-ASIA)
2. Ain O Salish Kendra (ASK), Bangladesh
3. Banglar Manabadhikar Suraksha Mancha (MASUM), India
4. Bytes for All(B4A), Pakistan
5. Community Self Reliance Centre (CSRC), Nepal
6. Centre for the Sustainable Use of Natural and Social Resources (CSNR), India
7. Civil Society and Human Rights Network, Afghanistan
8. Human Rights Commission of Pakistan (HRCP), Pakistan
9. Human Rights Alert (HRA), India
10. Informal Sector Service Center (INSEC), Nepal
11. INFORM Human Rights Documentation Centre, Sri Lanka
12. Jagriti Child and Youth Concern Nepal (JCYCN), Nepal
13. Karnali Integrated Rural Development and Research Centre (KIRDARC), Nepal
14. Law and Society Trust (LST), Sri Lanka
15. Maldivian Democracy Network (MDN), The Maldives

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<sup>13</sup> [http://saarc-sec.org/news/detail\\_front/pres-release-the-leaders-of-the-member-states-of-the-south-asian-association-for-regional-cooperation-saarc-held-a-video-conference-on-15-march-2020-to-discuss-measures-to-contain-the-spread-of-covid-19-in-the-region](http://saarc-sec.org/news/detail_front/pres-release-the-leaders-of-the-member-states-of-the-south-asian-association-for-regional-cooperation-saarc-held-a-video-conference-on-15-march-2020-to-discuss-measures-to-contain-the-spread-of-covid-19-in-the-region)

16. National Alliance for Human Rights and Social Justice, Nepal
17. Odhikar, Bangladesh
18. People's Vigilance Committee on Human Rights (PVCHR), India
19. People's Watch (PW), India
20. Refugee and Migratory Movements Research Unit (RMMRU), Bangladesh
21. Women's Rehabilitation Centre (WOREC), Nepal
22. Youth Action (YOAC), Nepal