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Human Rights Challenges During COVID-19 Pandemic

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The sudden COVID-19 disruption has led governments of various nations to implement difficult decisions without a playbook. Because of some stringent restrictions during pandemics such as lockdown and quarantines there are reports of direct conflict with certain human rights. For example, quarantines, isolation practices and travel bans may have limited freedom of movement for some; restricting access to public places or taking actions against journalists may have affected freedom of expression for others; and the communication practices of some governments may have affected public access to accurate, timely health information during the rise of coronavirus pandemic.

Human rights violations can be significant issues for some businesses, causing reputational damage, fines, or loss of revenue. As such, identifying and managing human rights practices of third parties has emerged as an important facet of third party risk management (TPRM) and sustainable supply chains. So, how might businesses protect themselves by respecting human rights while facing the evolving health, safety and economic challenges of COVID-19? What rights are potentially at risk, and how might leaders respond to the challenge of protecting them?

Human Rights are at Risk

First, let's look at which human rights may be at risk of negative impact from COVID-19. To begin, we define human rights using the United Nations' Universal Declaration of Human Rights (UDHR). Established by the U.N. General Assembly in 1948, it lists a series of common human rights standards for all nations and people.

Protecting the **right to life** and **right to health** can be challenging for organizations as they try to strike a balance between keeping people healthy and safe, while maintaining day-to-day business operations. To reduce risk, many businesses implemented work-from-home arrangements and reorganized warehouses, factories and service areas to maintain a safe social distance. This was especially important for companies that have more "front line" and essential employees who cannot do their jobs from home.

Some organizations did not take action fast enough, or take action at all, which may have resulted in rapid transmission of coronavirus that caused severe illness or death for some employees. Fortunately, many companies have made changes to protect employees, customers and suppliers. According to a story in the Financial Express, more than 3 billion people have made the move to work from home.

For vulnerable people isolated in coercive or violent households, being unable to work from an office and also having further restriction on the right to freedom of movement can have consequences for their personal safety, mental health and well-being. Obviously, this can impact an employee's ability to work productively from home. But beyond that, employers may want to consider this risk from an employee welfare standpoint, looking beyond literal business risk.

Businesses may also face the challenge of respecting the right to work, including just and favorable work conditions. This may lead to challenges around maintaining employment security while also managing cash flow, or adapting to remote working while also maintaining productivity. In addition, companies may be in a position where they might ask people to take on increased business pressures while at the same time respecting employee well-being. It's also important to note that approaching these challenges in a non-discriminatory manner can help ensure that any inequalities are not exacerbated by the crisis.



The right to privacy and confidentiality may have become threatened during the pandemic due to the many people who contracted COVID-19 and then needed to share that information with their employer, the government or their personal network, as part of track-and-trace programs. Organizations may want to make efforts to keep these requests from extending over a long time period, or beyond what is necessary. Also, they may want to destroy any data collected once it no longer needs to be used for infection control. In addition, the various digital transformations that occurred in relation to the work-at-home requirement has raised a different set of challenges around online privacy and potential cyberattacks. For example, employees testing positive for coronavirus may need to inform their employers and keep them informed about their recovery – can they do that over unencrypted e-mail, and how will that information be protected and managed once it's received by the employer? Infected employees may also be more susceptible to COVID-themed phishing attacks, which raises concerns around cybersecurity.

Workers have the right to seek information that is relevant and necessary to protect their health, income and privacy, as well as the right to express themselves freely regarding their opinions on business decisions.

Making Human Rights a Top Priority

How can organizations prioritize human rights? For most businesses, a crisis can play out over three different phases:

Respond – where a business deals with the present situation and manages to continue.

In the respond phase, a business must examine the actions it has made in response to the crisis. Leadership can be a key differentiator between organizations that fail, and those that effectively respond, recover and thrive during a crisis. A recent blog post from the World Economic Forum states *"Companies are at a crossroads: those that capitalize on post-COVID opportunities will find themselves in a good position to retain their talent and attract people when the situation stabilizes. By contrast, those that fail will be left behind..."*

Some businesses have acted empathetically to employees' personal situations, including flexible workplace arrangements and counseling support. A crisis gives leaders the opportunity to respond by living out their human rights commitments in their response. And, businesses can expect to be held accountable for maintaining their human rights commitments.

By making a stronger effort to consider human rights issues throughout the decision-making process of the "respond" phase, businesses can better understand and represent different stakeholder perspectives (e.g. customer, supplier, community, etc.). This approach may help in building trust with multiple groups and, in turn, might help further accelerate the recovery. Creating and building trust can keep employees and suppliers engaged and attract and retain loyal customers.

Recover – where a business learns from the crisis and emerges stronger.

In the recovery phase, businesses move beyond immediate pandemic response and into ongoing operations in the Next Normal. At this point, COVID-19 may have exposed economic, social, gender and racial inequalities within societies, in particular within labor markets. However, the considerations and actions that a business takes during the recovery period may help build a more inclusive and equitable future for workers, which in turn can reverberate through society. An example of this is how some large retailers have helped "normalize" mask wearing in some countries by requiring customers to wear masks while shopping.

Here are some ways that businesses may consider integrating human rights into their recovery plans.

- Conduct a human rights risk/impact assessment – this may allow human rights-related risks to be understood, prioritized and addressed.
- Develop a roadmap – that gives an organization a long-term strategy and approach for human rights in a company's operations.



- Monitor compliance and performance – use data-driven assessments that may help ensure that risks with suppliers or other third-parties are monitored.
- Report performance – that shows an organization's engagement and compliance with local, regional or national regulations. This might help to tell the story of an organization's journey during the pandemic.

The recovery stage can be important because the decisions that businesses make in this phase may help determine how the organization is sustained in the long-term. It is an opportunity for companies to make improvements and create a more inclusive and equitable future for their workers. And, finally...

Thrive – when a business succeeds over the long-term Next Normal.

In the thrive phase, businesses will have adjusted to the changes from COVID-19 and realized that at least some of these changes may be permanent. The pandemic accelerated fundamental and structural changes to parts of the global workforce, including a shift to reshoring manufacturing, a shift from labor to automation, and an enhanced focus on data protection and privacy. These can present new challenges for today's businesses – for example, validating that these pandemic-related transformations should be maintained long-term.

Also, societal expectations of businesses are shifting to include the needs and interests of various stakeholders and “leave no one behind.” The Business Roundtable's statement last August on the purpose of a corporation (which actually came months before the pandemic) is one of the most notable indicators of this shift. This may drive a higher expectation for rights-based behavior by businesses.

During the thrive phase, businesses can consider ways to integrate human rights within their corporate culture and examine their operations through a “human rights lens.” How can this be accomplished? Here are some considerations:

- Establish regular stakeholder engagement to monitor and mitigate potential human rights risks.
- Embed human rights into company culture and risk management, keeping risk policies, procedures and governance up to date.
- Identify business opportunities that help address human rights abuses, making this a catalyst for creating more resilient ways of doing business.
- Embed human rights into sustainability strategies, which may yield more robust business and investment approaches.
- Apply a long-term lens to potential human rights impacts, thinking about how new ways of working might positively or negatively impact human rights.

Building Trust Through Human Rights

The March 2020 Edelman Trust Barometer shows that stakeholders are paying more attention to how businesses act during the COVID 19 crisis. 90 percent of respondents stated that “businesses must do everything they can to protect the well-being and financial security of their employees and suppliers...”

How can leaders build this trust? To start, there are three questions they may want to ask:

- What did we do to prevent adverse human rights impacts during the crisis?
- What did we do to mitigate/solve those impacts?
- Did we choose to proactively respect/promote human rights?

The answers to these questions can provide a framework for making the right decision in the short and long-term, and for building out an effective long term approach to managing human rights risks.

Many companies are currently facing a range of difficult decisions during the COVID-19 crisis. Business leaders have new opportunities during (and after) the pandemic to uphold their commitment



to human rights. In doing so, they may be able to build trust with a number of different stakeholders. Their decisions can represent and reinforce their ethics, leadership and commitment to positive social impact. With a robust human rights framework in place, leaders and their organizations can become more confident that they are doing business in a manner that upholds the human rights of various stakeholders, and may even be able to improve human rights above the "old normal," allowing them to thrive in the Next Normal.

- To learn more about Sustainability, please visit Climate & Sustainability website
- To learn more about TPRM, please visit Third Party Risk Management website
- To learn more about Cyber, please visit Cyber website

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