

# Covid 19: Human Rights and State Responsibility

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## Abstract

Human rights dimensions of the Covid-19 response escalate the obligations of governments. Since the time Covid was first identified in December 2020 in Wuhan, China, Human Rights Watch has reported several human rights abuses including the authoritarian responses in some countries.<sup>1</sup> Many governments are expanding public health measures by abandoning universal human rights. People are arrested for violating lockdown measures and curfews. Police and/or security forces are using violence, including lethal force, to enforce public health measures such as curfews and the wearing of masks. Lockdowns have imposed restrictions on individual movement by restraining them from leaving their place of residence. Some countries have imposed partial lockdowns. While restrictions on freedom of movement are necessary in the interest of protecting public health, states still are accountable to ensure that such restrictions are proportionate, evidence-based, and time-limited.<sup>2</sup> There were grievances and inequalities across countries, some of which were based on racist, gender-specific or other discrimination. There is also increased oppression of those who think differently. The pandemic exposes the failures in the context of political action and cooperation. The article makes recommendations on how governments can confront the pandemic while respecting basic human rights.

**Keywords:** pandemic, human rights, vaccination, state responsibility, government

## 1. Introduction

The pandemic is gripping the world. Millions fall ill, thousands die, countries seal themselves off, health systems reach their limits, human rights are restricted, companies go insolvent, people have lost their source of income. The crisis has also taken a severe toll on people's mental health. Anxiety, depression, stress levels have shot up. Uncertainty causes post-traumatic stress disorder to spread. Also, those who were infected and recovered fear to infect with the virus again.<sup>3</sup> Fear has superseded emotions like anger, hatred, and love. People have started doubting, and distancing from each other. Fear has made life and existence more dangerous than the virus. False and negative information spread through media and internet (social media) has contributed to the Covid mass hysteria.<sup>4</sup>

## 2. Policing the Pandemic

Across countries, pressure is exerted to curb individual rights and freedoms. The crisis has evoked governments to enact extraordinary legislations in the form of severe lockdown restrictions, leading to a surge in cases of violence, crime, and disorder. Human rights violations including censorship, discrimination, arbitrary detention, and xenophobia have been reported from different parts of the world.<sup>5</sup>

The coercive measures have enabled governments to regulate the private lives of citizens. Today governments can decide who, how, when and where people are supposed to meet, what they can do in public and private. Often these regulations are imposed by ministerial ordinance and without a parliamentary involvement. Never in the past were such

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<sup>1</sup> See Menschenrechte bei Vorgehen gegen COVID-19 achten, March 20, 2020, <https://www.hrw.org/de/news/2020/03/20/menschenrechte-bei-vorgehen-gegen-covid-19-achten>, (accessed on April 25, 2021).

<sup>2</sup> Byanyima, W. Rights in a Pandemic, UNAIDS, 2020 (accessed on May 6, 2021), [https://www.unaids.org/sites/default/files/media\\_asset/rights-in-a-pandemic\\_en.pdf](https://www.unaids.org/sites/default/files/media_asset/rights-in-a-pandemic_en.pdf).

<sup>3</sup> Sherina Poyyail, All's Not Well: Mental Health Crisis Looms As India Grapples With COVID-19, April 29, 2021, <https://in.makers.yahoo.com/all-not-well-mental-health-crisis-looms-as-india-grapples-with-covid-19-025148655.html>, (accessed on April 26, 2021).

<sup>4</sup> Ahmad, A. R., & Murad, H. R. (2020). The Impact of Social Media on Panic During the COVID-19 Pandemic in Iraqi Kurdistan: Online Questionnaire Study. *Journal of medical Internet research*, 22(5), e19556. <https://doi.org/10.2196/19556>

<sup>5</sup> Addo, Isaac. (2020). Double pandemic: racial discrimination amid coronavirus disease 2019. *Social Sciences & Humanities Open*. 2. 1-4. 10.1016/j.ssho.2020.100074.

restrictions imposed in democracies even during the time of war or health emergencies.<sup>6</sup>

Let us remember that we have a history of human rights. Documents asserting individual rights and freedoms, such the Magna Carta (1215), the English Bill of Rights (1689), and the French Declaration on the Rights of Man and Citizen (1789) are the written precursors to many of today's human rights documents. The Contemporary international human rights law and the establishment of the United Nations (UN) have important historical antecedents.<sup>7</sup>

Those supporting lockdowns are convinced that fundamental rights can be restricted in times of pandemic as it is about weighing the common or social good.<sup>8</sup> The state has a duty to protect its citizens, and this duty cannot be left completely at the disposal of individual. Initially the measures were weak as we did not know much about the virus, but as the virus started mutating, the health system was overburdened, and a situation arose where individuals could no longer be cared for.<sup>9</sup> Human rights pertaining to identity, liberty, freedom, dignity everything is at stake. Life and existence too. Many have lost their jobs and social circles.<sup>10</sup> With mixed information from the governments, criticism on lockdown mismanagement and badly handled vaccine distribution people have started distrusting the data and authorities.<sup>11</sup> Some still do not believe in the pandemic.

Opponents argue that a lockdown is unconstitutional as it violates human dignity, and thus illegal. They are of the opinion that the dignity of patients whose surgeries have been delayed on account of Covid-19 (including cancer patients), or the dignity of children whose right to education has been significantly challenged.<sup>12</sup> Furthermore, some claim that governments are potentially liable to economic claims of the corporations and claims of individuals for violations of human rights and civil liberties, also claims against the police for unlawful arrest and assault. Governments are also accountable for violating the principles of public international law. Fundamental rights are not a commodity, but a prerequisite for a normal life in a democracy.<sup>13</sup>

Opponents further argue that the probability to die from Covid-19 is very low, even lower than the probability to die from other diseases. Other diseases are deadlier than Covid-19 but do not trip panic or unprecedented government interference.<sup>14</sup>

Countries have agreed to temporarily limit basic rights such as freedom of expression, movement, the right of assembly or the right to work. Paramilitary troops, special police units, state health workers are deployed - all equipped with far-reaching repressive powers. Noncompliance of lockdown orders is punishable by fines.<sup>15</sup> People are waiving their fundamental rights because fear determines the discourse.<sup>16</sup> However, restricting fundamental rights must be the last

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<sup>6</sup> Kevin Holder, Was Lockdown Lawful? Thoughts of a former Supreme Court Judge, October 27, 2020, <https://www.33bedfordrow.co.uk/insights/articles/was-lockdown-lawful-thoughts-of-a-former-supreme-court-judge>, (accessed on April 25, 2021).

<sup>7</sup> <http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/short-history.htm>, (accessed on April 26, 2021).

<sup>8</sup> Jura-Professor: Regierung hat Grenze des Vertretbaren überschritten, January 1, 2021, [https://www.haller-kreisblatt.de/region/22931837\\_Jura-Professor-Regierung-hat-Grenze-des-Vertretbaren-ueberschritten.html](https://www.haller-kreisblatt.de/region/22931837_Jura-Professor-Regierung-hat-Grenze-des-Vertretbaren-ueberschritten.html), (accessed on April 25, 2021).

<sup>9</sup> Stephen Sammut, Do COVID-19 Restrictions Serve the Common Good? March 10, 2021,

<https://www.crisismagazine.com/2021/do-covid-19-restrictions-serve-the-common-goodSAMMUT>, (accessed on April 27, 2021).

<sup>10</sup> Noor Ibrahim, Why is opposition to lockdowns, masks and science growing? The psychology of defiance explained, April 27, 2021, <https://globalnews.ca/news/7773467/why-opposition-lockdowns-masks-science-psychology-defiance/>, (accessed on April 27, 2021).

<sup>11</sup> Lockdowns compared: tracking governments' coronavirus responses, FT Visual & Data Journalism Team, April 27, 2021, <https://ig.ft.com/coronavirus-lockdowns/>, (accessed on April 27, 2021).

<sup>12</sup> Danielle Celermajer and Dalia Nassar, COVID and the Era of Emergencies What Type of Freedom is at Stake?

<https://www.berghahnjournals.com/view/journals/democratic-theory/7/2/dt070203.xml>

<sup>13</sup> Kevin Holder, Was Lockdown Lawful? Thoughts of a former Supreme Court Judge, October 27, 2020, <https://www.33bedfordrow.co.uk/insights/articles/was-lockdown-lawful-thoughts-of-a-former-supreme-court-judge>, (accessed on April 27, 2021).

<sup>14</sup> Bagus, Philipp; Peña-Ramos, José A.; Sánchez-Bayón, Antonio. 2021. "COVID-19 and the Political Economy of Mass Hysteria" *Int. J. Environ. Res. Public Health* 18, no. 4: 1376. <https://doi.org/10.3390/ijerph18041376>

<sup>15</sup> Maik Schüler, Menschenrechte und Covid-19: Es Wird Etwas Hängenbleiben, April 2, 2020, <https://www.amnesty.de/informieren/aktuell/menschenrechte-und-covid-19-es-wird-etwas-haengenbleiben#>, (accessed on April 26, 2021).

<sup>16</sup> See Fundamental rights under lockdown, <https://historia-europa.ep.eu/en/focus/fundamental-rights-under-lockdown>, (accessed on April 25, 2021).

step if there is no other option, as it goes to the very foundation of our coexistence.<sup>17</sup>

Governments can, of course, restrict citizens in a pandemic so as not to endanger public health. What it is not allowed to do is to harm parts of the population for this purpose. The government has no power to decide whose life is worth protecting and who is not, and yet, exactly this is happening across countries. For example, people who were in some cases seriously ill beforehand and had disabilities are ignored. People fear that they would be badly placed to receive intensive medical treatment if medical facilities and intensive care units were full, since in case of doubt their chances of survival from Covid-19 would be worse than those of non-vulnerable persons.<sup>18</sup> If a quarantine or curfew is imposed, the government has an obligation to ensure access to food, drinking water, medical care, and care services. The government should also meet the special needs of inmates in prisons and migrants in detention centers and address the needs of seniors and persons with disabilities living in institutions.<sup>19</sup>

### 3. Vaccination Jurisprudence

Recently, the ECtHR considered a national vaccination requirement permissible. According to the Court, the intervention in the physical integrity could be a necessary measure in the interest of social health care. The Court held that compulsory vaccination is justified on grounds of overriding health protection. As per the ruling, compulsory vaccination represents an interference with the physical integrity of the persons concerned. However, this interference is justified for the protection of the overriding interest of preventive health care.<sup>20</sup> The Court also approved sanctions for vaccination violations and considered the imposition of fines for violations of the vaccination obligation as a common practice to be permissible in principle. In particular, the Court did not see this as a violation of the right to respect for private and family life protected by the ECtHR. The overriding common or social good of the population took precedence. However, the Court did not approve the use of direct physical coercion to enforce compulsory vaccinations.<sup>21</sup>

This decision of the ECtHR is likely to have great impact on EU member-states in the context of Covid-19 pandemic. For instance, in Germany, there have been rulings on permissibility of school attendance bans for unvaccinated children. The ECtHR's decision could also influence the case in Germany. At the BVerfG, a lawsuit is currently pending by several parents against compulsory vaccination against measles for kindergarten children. For the German constitutional judges, it is now at least clear that such compulsory vaccination does not violate the ECtHR. They have held out the prospect of a decision before the end of this year. The key question here, is mandatory vaccination also permissible for Covid-19?<sup>22</sup>

In another case, the BVerwG deemed compulsory smallpox vaccination permissible. The relatively minor physical impairment in the context of vaccination was to be accepted to achieve the very valuable good of public health.<sup>23</sup> This decision of the BVerwG is on a similar line as the current vaccination decision of the ECtHR.

Most countries do not currently intend to introduce compulsory vaccination. The "vaccination obligation through the back door", i.e., for example as a hiring requirement for certain professions, as an admission requirement for events or for traveling by air or rail is under discussion across countries. According to the decision of the ECtHR, corresponding regulations or measures that would be below the threshold of a direct vaccination requirement should therefore at least not violate European law.<sup>24</sup>

It is interesting to see how many countries will make the vaccination compulsory or impose restrictions on the

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<sup>17</sup> Richar Mayr, Die Demokratie nimmt an der Corona-Krisenpolitik Schaden, January 29, 2021, <https://www.augsburger-allgemeine.de/kultur/Die-Demokratie-nimmt-an-der-Corona-Krisenpolitik-Schaden-id59001551.html>, (accessed on May 03, 2021).

<sup>18</sup> Harte Grundrechtseingriffe im Corona-Winter - Urteile zur Rechtmäßigkeit, January 13, 2021, [https://www.haufe.de/recht/weitere-rechtsgebiete/strafrecht-oeffentl-recht/sind-alle-regelungen-zur-corona-abwehr-mit-dem-gg-vereinbar\\_204\\_513412.html](https://www.haufe.de/recht/weitere-rechtsgebiete/strafrecht-oeffentl-recht/sind-alle-regelungen-zur-corona-abwehr-mit-dem-gg-vereinbar_204_513412.html), (accessed on May 04, 2021).

<sup>19</sup> See Menschenrechte bei Vorgehen gegen COVID-19 achten, March 20, 2020, <https://www.hrw.org/de/news/2020/03/20/menschenrechte-bei-vorgehen-gegen-covid-19-achten>,

<sup>20</sup> Europäische Gerichtshof für Menschenrechte hält nationale Impfpflichten für zulässig, April 9, 2021, [https://www.haufe.de/recht/weitere-rechtsgebiete/strafrecht-oeffentl-recht/der-egmr-haelt-nationalen-impfpflicht-fuer-zulaessig\\_204\\_540662.html](https://www.haufe.de/recht/weitere-rechtsgebiete/strafrecht-oeffentl-recht/der-egmr-haelt-nationalen-impfpflicht-fuer-zulaessig_204_540662.html)

(ECtHR, judgment v. 8.4.2021, 47621/13).

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> (BVerwG, judgment of 14.7.1959, I C 170.56).

<sup>24</sup> See supra note 21.

non-vaccinated. Although there is enough evidence to support the safety of vaccines, there are rare instances where causal relationships between vaccination and death have been established or a plausible risk.<sup>25</sup>

Opponents of vaccination are currently having a tough time making their voices heard. There are no reliable findings on possible late effects of any of the vaccines against Covid-19.<sup>26</sup> Several countries have reported deaths following vaccination against Covid-19. The number is low, and due to difference of opinion, these deaths are a matter of discourse.<sup>27</sup> Still, many people worry about the vaccine more than the virus it protects against. In India 180 deaths have occurred after Covid-19 jabs till March 31,<sup>28</sup> whereas Germany has restricted the use of AstraZeneca.<sup>29</sup> Denmark has become the first European country to ban AstraZeneca vaccine.<sup>30</sup> Ireland, the Netherlands, Austria, Norway, and Iceland have suspended the use of the AstraZeneca vaccine. The EU has been criticized for strategic errors in ordering vaccines.<sup>31</sup> Vaccine shortages have hit the poor countries as deliveries stalled.<sup>32</sup> It is also far from clear how well vaccines work against virus mutations, which seem to appear all over the planet.

There are unsettled questions regarding vaccine risks and injuries, compulsory vaccination drives, and the liability of the State. Certain vaccines might produce serious injuries or damages, hence there must be a balance between public health goal and protection of personal rights. Vaccination or any other preventive medical treatment should be carried out only with the prior, free, and informed consent. This is a settled rule developed in human rights instruments, human rights jurisprudence, and international bioethics declarations.<sup>33</sup> But there can be no informed consent when nobody knows the accurate truth.

The ideals of humanity and human rights state that human life is precious. This is also the wisdom of the UN and liberal democracies. However, the reverse is witnessed during the time of the pandemic. Principles of humanity, human rights, fundamental rights are suspended to protect the larger social interest. In this process we see large scale human rights violations across countries, also crimes against humanity, inequality, and injustices.<sup>34</sup> Violations and sacrifices are justified and or overlooked due to the fear of the virus coupled with lack of scientific consensus and knowledge. This provides lot of scope for discrimination and segregation. Very soon there may be a possible emergence of a new "Covid-elite" category, i.e., holders of so-called "vaccine passports".<sup>35</sup> Any law that differentiates or gives preferential treatment based on vaccination status is discriminatory. This is as irrelevant as ethnic background or religious affiliation. It has nothing to do with health or with endangering others.<sup>36</sup>

#### 4. State Responsibility With Respect To Vaccination

Article 8 of the Universal Declaration of Human Rights, Article 2 of the International Covenant on Civil and Political Rights, Article 13 of the European Convention for the Protection of Human Rights and Fundamental Freedoms

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<sup>25</sup> Miller, E. R., Moro, P. L., Cano, M., & Shimabukuro, T. T. (2015). Deaths following vaccination: What does the evidence show? *Vaccine*, 33(29), 3288–3292. <https://doi.org/10.1016/j.vaccine.2015.05.023>

<sup>26</sup>

[https://www.haufe.de/recht/weitere-rechtsgebiete/strafrecht-oeffentl-recht/der-egmr-haelt-nationalen-impfpflicht-fuer-zulaessig\\_204\\_540662.html](https://www.haufe.de/recht/weitere-rechtsgebiete/strafrecht-oeffentl-recht/der-egmr-haelt-nationalen-impfpflicht-fuer-zulaessig_204_540662.html)

<sup>27</sup> Prabha Raghavan, Explained: Reading the data on post-vaccination effects and deaths in India, April 30, 2021, <https://indianexpress.com/article/explained/explained-post-vaccination-effects-deaths-reading-the-data-available-so-far-7266875/>

<sup>28</sup> Rema Nagarajan, 180 deaths after Covid-19 jabs till March 31, 75% within 3 days, April 12, 2021,

<https://timesofindia.indiatimes.com/india/180-deaths-after-jabs-till-mar-31-75-within-3-days/articleshow/81978526.cms>

<sup>29</sup> Amy Brooke, Why has Germany restricted the use of AstraZeneca in under 60s?, March 31, 2021,

<https://www.thelocal.de/20210331/explained-why-has-germany-stopped-the-astrazeneca-jab-for-under-60s/>

<sup>30</sup> Denmark becomes first European country to ban AstraZeneca vaccine for good, April 14, 2021, <https://www.thenews.com.pk/latest/820077-denmark-becomes-first-european-country-to-ban-astrazeneca-vaccine-for-good>

<sup>31</sup> Coronavirus digest: More countries suspend use of AstraZeneca vaccine, March 14, 2021, <https://www.dw.com/en/coronavirus-digest-more-countries-suspend-use-of-astrazeneca-vaccine/a-56866786>

<sup>32</sup> See Vaccine shortages hit poor countries as global deliveries stall, April 10, 2021,

<https://www.aljazeera.com/news/2021/4/10/vaccine-shortages-hit-poor-countries-as-global-deliveries-stall>

<sup>33</sup> Acosta, Juana I., Vaccines, Informed Consent, Effective Remedy and Integral Reparation: An International Human Rights Perspective, 131 *Vniversitas*, 19-64 (2015). <http://dx.doi.org/10.11144/Javeriana.vj131.vier>

<sup>34</sup> Ajana, B. Immunitarianism: defence and sacrifice in the politics of Covid-19. *HPLS* 43, 25 (2021). <https://doi.org/10.1007/s40656-021-00384-9>

<sup>35</sup> *Ibid.*

<sup>36</sup> See Universal Declaration on Bioethics and Human Rights, <https://onlinelibrary.wiley.com/doi/10.1111/j.1468-2451.2005.00592.x>

recognize the protection of an effective remedy.<sup>37</sup> Compulsory vaccination violates the right to privacy and the right to physical integrity. Compulsory vaccination is possible only if the government's vaccination policy is provided by law, and if it is strictly necessary and proportional. Article 27 of the UNESCO Declaration affirms that: "... Any such law needs to be consistent with international human rights law."<sup>38</sup>

If the state opts for compulsory vaccination, and if people are injured because of such vaccination, State shall be liable to provide reparation for the victims. Non-compliance would mean the State commits an internationally wrongful act. Article 2 of the Responsibility of States for Internationally Wrongful Acts 2001 states: "Elements of an internationally wrongful act of a State, that there is an internationally wrongful act of a State when conduct consisting of an action or omission: (a) is attributable to the State under international law; and (b) constitutes a breach of an international obligation of the State."<sup>39</sup>

The most important document in the history of the ethics of medical research the Nuremberg Code, 1947 prohibits experimentation on humans without free and informed consent. The Code was formulated 50 years ago, in August 1947, in Nuremberg, Germany, by American judges sitting in judgment of Nazi doctors accused of conducting murderous and torturous human experiments in the concentration camps (the so-called Doctors' Trial).<sup>40</sup>

Article 5 of the Oviedo Convention on Human Rights and Biomedicine, 1997 approved by the Council of Europe emphasises on free and informed consent.<sup>41</sup> The same has been reaffirmed by the European Court of Human Rights.<sup>42</sup>

An assessment to analyze if measures restricting the rights of human beings are lawful was developed by the international human rights courts. As per this assessment, the measures should be provided by law, and measures should be strictly necessary and proportional. Burden of proof lies on the State adopting such measures.<sup>43</sup> The State must also consider the individual risk posed by each individual case.<sup>44</sup>

There are possibilities that the State might deny allegations and contend that the deaths were not caused solely due to the vaccine.

A State cannot adopt a compulsory vaccination policy without adequately fulfilling the criteria for the limitation of human rights. In case if a State adopts such a policy, it commits an internationally wrongful act and it has the duty to provide compensation for the victims. However, if the State has fulfilled all the criteria and nonetheless injuries or damages have occurred; or the State has implemented a vaccination policy based on prior, free, and informed consent, then in this case a State might not be obliged to compensate. Such an act on the part of the State would not make it liable for internationally wrongful act. But the State might have to compensate for injuries as a part of its public policy. The compensation would depend on the cause and nature of injury and or damage caused.<sup>45</sup>

## 5. Conclusions

<sup>37</sup> Universal Declaration on Bioethics and Human Rights,

<https://en.unesco.org/themes/ethics-science-and-technology/bioethics-and-human-rights>Universal; Declaration of Human Rights,

<https://www.un.org/en/about-us/universal-declaration-of-human-rights>; International Covenant on Civil and Political Rights,

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>; European Convention on Human Rights,

<https://www.coe.int/en/web/conventions/full-list/>

[/conventions/treaty/005#:~:text=The%20%22European%20Convention%20on%20Human,and%20family%20life%2C%20freedom%20of.](https://www.coe.int/en/web/conventions/full-list/#conventions/treaty/005#:~:text=The%20%22European%20Convention%20on%20Human,and%20family%20life%2C%20freedom%20of.)

<sup>38</sup> Supra note 35.

<sup>39</sup> See Responsibility of States for Internationally Wrongful Acts (2001) (un.org),

[https://legal.un.org/ilc/texts/instruments/english/draft\\_articles/9\\_6\\_2001.pdf](https://legal.un.org/ilc/texts/instruments/english/draft_articles/9_6_2001.pdf)

<sup>40</sup> Evelyne Shuster, Fifty Years Later: The Significance of the Nuremberg Code, November 13, 1997, [https://www.nejm.org/doi/full/10.1056/NEJM199711133372006#:~:text=The%20Code%20was%20formulated%2050,%2Dcalled%20Doctors%27%20Trial,\(accessed%20on%20April%2025,%202021\)](https://www.nejm.org/doi/full/10.1056/NEJM199711133372006#:~:text=The%20Code%20was%20formulated%2050,%2Dcalled%20Doctors%27%20Trial,(accessed%20on%20April%2025,%202021)).

<sup>41</sup> See Oviedo Convention and its Protocols, <https://www.coe.int/en/web/bioethics/oviedo-convention>, (accessed on April 25, 2021).

<sup>42</sup> M.A.K. and R.K. v. United Kingdom, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-97880%22%5D%7D>, (accessed on April 29, 2021).

<sup>43</sup> This principle can be inferred from ECHR, Glass v. United Kingdom, App. No. 61827/00, (9 March 2004), <https://swarb.co.uk/glass-v-the-united-kingdom-echr-9-mar-2004/>(accessed on April 29, 2021).

<sup>44</sup> See M.A.K. and R.K. v. THE United Kingdom, (Applications nos. 45901/05 and 40146/06), (accessed on April 25, 2021), <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-97880%22%5D%7D> (accessed on April 25, 2021), Hutten-Czapska v. POLAND, (Application no. 35014/97), <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-75882%22%5D%7D>, (accessed on April 25, 2021).

<sup>45</sup> Acosta, Juana I., Vaccines, Informed Consent, Effective Remedy and Integral Reparation: An International Human Rights Perspective, 131 Universitas, 19-64 (2015). <http://dx.doi.org/10.11144/Javeriana.vj131.vier>

We have been guided by simulations from politicians, virologists, and data analysts. The main problem is that there is no scientist who knows the objective truth. There is an urgent need to strengthen scientific pluralism. However, instead of bringing out people from their state of shock, the countries are relying on political instruments to discipline people. Across countries taking personal responsibility is missing among the citizens.<sup>46</sup> The world agrees that during the pandemic all rights including Fundamental Rights should be suspended. Until this time humans were wearing a mask of humanity. Now they wear Covid masks. The virus has uncovered the mask and exposed our reality. Imagine a situation wherein the next virus makes it difficult for us to survive even with the use of masks, sanitizers, and vaccination. What would the world then do? Suspend human rights? Due to lack of scientific knowledge and fear of the unknown virus, the world has come to a standstill. We hope that we will come out of this crisis post vaccination. What then? Are we out again to destroy the planet, to exploit every resource available to us to the fullest until the arrival of the next virus? Our sole interest is how to save humans, and not the planet. Had we seriously thought of saving the planet we would not have had this crisis. State responsibility involves safeguarding the natural foundations biodiversity to the future generations. One generation should not be allowed to exploit all the natural resources to the deprivation of subsequent generations. It should do more to protect climate and environment. We may hope that the world will get a vaccine that is 100 percent effective and can be used universally, irrespective of age or group with no major side effects. Until then it is the responsibility of the respective country parliament to protect individual freedom and see to it that the rule of law does not become the victim of this pandemic. Quoting Martin Luther, “*Injustice anywhere is a threat to justice everywhere*”.

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