

## **Human dignity and cross-border migrants in the era of the COVID-19 pandemic**

Nimesh Dhungana, Departments of Methodology and International Development, LSE

### **Introduction**

The coronavirus (COVID-19) outbreak, and the resultant lockdowns and cross-border travel restrictions have reinvigorated public debates about the vulnerability of the global poor and the deprivation they face. “If coronavirus doesn’t kill me, hunger will” is a quotation from an informal worker in India that, in part, expresses the acute struggle for survival facing informal workers and migrants across the global South (Dhillon, 2020). Emerging literature has shown internal migrants enduring deteriorating economic and health conditions, with limited access to preventive health services, and lack of social protection provisions in areas of basic income, food and housing (Pulla, 2020; Sen, Rajan & Banerjee, 2020; Sengupta & Jha, 2020). Concerns are also being raised over how tighter border restrictions and growing State surveillance are making cross-border migrants further susceptible to health and socio-economic marginalisation (Daniels, 2020; Hargreaves, Kumar, McKee, Jones & Veizis, 2020; Kluge, Jakab, Bartovic, D’Anna & Severoni, 2020; McAuliffe & Bauloz, 2020).

Informed by these urgent concerns, the present article seeks to explore how Nepali labour migrants returning from India are subject to dignity violation in the wake of the COVID-19 pandemic; and whether political response is emerging against such dignity violation, and if so, in what form. Given the fast-evolving context of pandemic response in Nepal, together with limited scholarly evidence surrounding the topic, the paper is based primarily on a targeted review of selected journal articles and media articles from Nepal, along with petitions and reports from rights groups based in Nepal, focused on the first two months of the border closure (22 March – 24 May).

## **Human dignity: context and critique**

While human dignity is a hotly contested topic, within the contemporary global governance discourse, the notion is closely linked to the liberal idea of human rights. The UN Declaration of Human Rights, for instance, states “All human beings are born free and equal in dignity and rights”, asserting the interdependence between the two concepts in the interest of promoting global equality and justice (United Nations, 1948). Subsequent international guidelines and conventions have sought to reinforce the link between human dignity, human rights and State responsibility (UN General Assembly, 1966). In recent years, as part of the shift towards rights-based humanitarianism, human dignity has also gained prominence in the humanitarian sector (Slim, 2015).

Within the field of development studies, the concept of human dignity may be located in the debates on human development and capability-based development. According to Martha Nussbaum, human dignity combines elements of “internal capability”, in the form of “bodily health”, and “external capability”, in the form of “having control over one’s environment” (Nussbaum, 2011, pp. 33-34). Broadly speaking, human dignity is concerned with one’s self-worth as a human being (intrinsic dimension), together with the duty of the State to ensure concrete provision for the protection and promotion of human well-being (external dimension).

Despite these normative and policy claims, another line of scholarship has argued that poor and marginalised communities routinely face assaults on their human dignity, owing to unequal power relations, lack of social safety provisions, coupled with discriminatory laws and policies, and bureaucratic indifference (Farmer, 2004; Gupta, 2012; Harrell-Bond, 2002; Yamin, 2016). By putting a critical spotlight on what they see as the irresponsibility, ineptitude and power abuse prevalent within some State institutions, these scholars have called for a shift from

normative and philosophical discussions on human dignity to what Kaufmann, Kuch, Neuhaeuser & Webster (2011) terms a “negative approach to human dignity”, with a focus on how certain social groups are subject to “humiliation, degradation or dehumanization” (p.3).

### **The COVID-19 pandemic, Nepal’s cross-border migrants and violations of dignity**

On 22 March 2020, faced with the growing risk of community-level transmission of the virus from the Nepali migrants re-entering the country from India (Basnet, Koirala, Pandey & Koirala, 2020), the Nepali government decided to seal its open border with India, which has historically been a subject of bi-lateral political dispute (Shrestha, 2013). The decision triggered a major border crisis, involving an influx of returnee Nepali migrants, who faced growing threat of virus, loss of livelihoods, as well as police surveillance in the Indian cities (Sengupta & Jha, 2020). Many were stranded at various Indo-Nepal border checkpoints (Shah, Shah & Shah, 2020), forcing some to take life-threatening measures such as crossing a river that flows between Indo-Nepal border (Badu, 2020).

In the face of growing public and media criticism of the failure to attend to the plight of the stranded migrants, an agreement was apparently reached between the Indian and Nepali to set up quarantine centres along the border, and provide the migrants with basic food and shelter (Giri, 2020). However, more than eight weeks into the border closure, it appeared neither government has managed to ensure that the quarantine facilities meet basic standards of health, hygiene and security. Some media reports have quoted quarantined migrants as saying “This is a jail, not a quarantine facility” (Paudel, 2020a), underlining the nature of neglect prevalent within the government-run quarantine facilities. These facilities, according to emerging media reports, appear far from consistent with the World Health Organization standards, which call for “respect and dignity” to be maintained in the management of quarantine facilities (World Health Organization, 2020). Experts have warned of growing cases of anxiety and depression

among quarantined migrants (Shah et al., 2020), with at least one incident of a returnee migrant committing suicide inside a quarantine facility (Dhakal, 2020). Concerns are also raised that the overcrowded quarantine services, instead of curtailing the spread of the outbreak, are seemingly exposing the migrants and wider community to an increased risk of infection (Basnet et al., 2020).

Of concern is also how the central government's response to the pandemic has tended to blame and scapegoat returnee migrants. For instance, the Prime Minister of Nepal, K.P Oli, has repeatedly termed the "unchecked Nepali migrants", because of their tendency to defy government-run health screening and quarantine facilities, as responsible for the increased cases of COVID-19 (*Nepal PM: Unchecked Migrants from India Contributing to Rise in COVID-19 Cases*, 2020). At the local level, there have been cases of government authorities deploying questionable measures of contact tracing and health surveillance such as 'red marking' houses of the returnee migrants, in a bid to ensure closer monitoring of and compliance with the government-imposed 14-day quarantine (*Red Mark Painted on Foreign Returnees Houses in Jhapa*, 2020). Although these measures may be justifiable from an urgent public health perspective to reduce the risk of community-level transmission, they have risked stigmatising and discriminating returnee migrants.

### **Political response against dignity violation: protests, pressure groups and petitions**

The above accounts do not mean that Nepali migrants have passively accepted how they are being treated. In some places, stranded migrants have been reported to have protested the government's decision to seal the border without guaranteeing the safe return of the migrants (Badu, 2020). There are reports of migrants fleeing quarantine facilities, as a show of discontent about the ways such facilities are managed (Paudel, 2020a).

Investigative journalists and civil society activists, in turn, have sought to capture and publicise the insecurity and neglect experienced by stranded migrants. One media account quotes a migrant as asking, “Why do I have a citizenship card if my government won’t make arrangements for me? Only for voting? I feel as if I am not a Nepalese citizen”, thereby asserting their political right to return home and calling on the State to fulfil its responsibilities towards its citizens (Paudel, 2020b).

Civil society groups have expedited their efforts to monitor violations of the rights and dignity of migrants (Advocacy Forum Nepal, 2020; Nepali Times, 2020). Such efforts are expressed in the language of rights, freedom and dignity of migrants, as enshrined in the national constitution and international conventions (Nepali Times, (2020), most notably the Constitution of Nepal, which guarantees the right to live with dignity, and the International Covenant on Civil and Political Rights, (1966), which specifically condemns any State’s intervention that “threatens the life or well-being of the community” in the name of emergency management (UN General Assembly, 1966).

The crisis and growing societal pressure have also reactivated certain State institutions. In response to the petition filed by legal activists, on 7 April 2020, the Supreme Court of Nepal demanded that the government uphold the rights of the migrants to return to the country, while also ensuring adequate testing and treatment provision, together with food and shelter for stranded migrants (Advocacy Forum Nepal, 2020; Pradhan, 2020). Similarly, the National Human Rights Commission, after launching a high-level human rights monitoring initiative to oversee the situation of migrants, has appealed to the government that returnee migrants be provided with adequate health check-ups, food and shelter, and are ensured “dignified repatriation to their homes” (National Human Rights Commission of Nepal, 2020; p.2). Whether or how these mix of protests, pressure groups and petitions have succeeded in

changing the conduct of the government is a question that merits further investigation. But they represent noteworthy political initiatives sparked by the COVID-19 pandemic, geared at holding the State accountable to its citizens in the midst of a major crisis.

## **Conclusion**

The paper tentatively concludes that the Nepali government's decision to seal its open border with India, and its subsequent interventions to curtail the flow of outbreak have undermined the human dignity of Nepali migrants, defined as a combination of internal capability and external capability (Nussbaum, 2011). It also raises a major normative question as to whether, to what extent and for how long, poor and marginalised populations such as returnee migrants should be expected to endure dignity violation in the interests of protecting the health of the population at large.

That cross-border migrants, notably refugees and asylum seekers, often experience bodily hardship, humiliation and even death as part of the detention and deportation practices in the receiving or destination States is increasingly documented (DeBono, 2016; Squire, 2017). According to Squire (2017), the ill-treatment of refugees represents “a crisis of modern humanism”, characterised by normalisation and tolerance of injustice against those who are deprived of basic social and economic security (p.515). Nepal's case is reminiscent of these long-standing and emergent cases of injustice facing marginalised migrants. At the same time, it also departs from existing cases, in the sense that it is returnee citizens, neither asylum seekers nor ‘stateless’ refugees, with constitutional and legal rights, whose dignity is being undermined in response to a pandemic.

According to crisis scholars Ansell, Boin & Keller (2010), the governance of cross-national crisis demands “extreme adaptation and unprecedented cooperation” across wide-ranging administrative and political systems (p. 204). In the present case, timely cooperation between

both the ‘home State’ (i.e. Nepal) and ‘destination State’ (i.e. India) seemed central to ensure effective governance of the pandemic. Forging a bi-lateral cooperation, however, is not independent of the wider politics between the two countries. For example, at the time of writing this paper, the two countries are locked in a serious border dispute, with the Nepali side accusing India of encroaching on its territory, which the Indian side has denied (Nayak, 2020). Not only does such political tension stand to interfere with the effective governance of cross-border migration, it also throws into doubt the prospect of timely and effective bilateral cooperation in responding to the pandemic. Further attention into these larger political dynamics is necessary in preparing for and responding to a public health crisis of cross-national nature.

Finally, the intersecting crisis of COVID-19 and cross-border migration in Nepal has renewed political discourse and demands surrounding the rights and dignity of poor migrants. Indeed, research on the socio-political dimensions of disasters has long pinned hopes on disasters as a catalyst for renewed political activism for accountability and justice (Curato, 2019; Pelling & Dill, 2010). The point is not to overly idealise the transformative potential of the political actions sparked by the COVID-19 crisis in Nepal. But they represent noteworthy politics, in their ability to have laid bare the chronic ineptitude of the State to safeguard the everyday security and human dignity of returnee migrants.

## References

- Advocacy Forum Nepal. (2020). *Legal intervention to strengthen Criminal Justice System during COVID-19 in Nepal*. Retrieved from Advocacy Forum Nepal website:  
<http://advocacyforum.org/downloads/pdf/publications/legal-intervention-to-strengthen-criminal-justice-system-during-covid-19-in-nepal.pdf>
- Ansell, C., Boin, A., & Keller, A. (2010). Managing Transboundary Crises: Identifying the Building Blocks of an Effective Response System. *Journal of Contingencies and Crisis Management*, 18(4), 195–207. <https://doi.org/10.1111/j.1468-5973.2010.00620.x>
- Badu, M. (2020, March 30). Nepalis are swimming across the Mahakali to get home. Retrieved 31 July 2020, from <https://kathmandupost.com/sudurpaschim-province/2020/03/30/nepalis-are-swimming-across-the-mahakali-to-get-home>
- Basnet, S., Koirala, S., Pandey, B., & Koirala, J. (2020). COVID-19 Containment Efforts of a Low-Resource Nation: The First Four Months in Nepal. *Cureus*.  
<https://doi.org/10.7759/cureus.8946>
- Curato, N. (2019). *Democracy in a Time of Misery: From Spectacular Tragedies to Deliberative Action*. Oxford University Press.
- Daniels, J. P. (2020). Venezuelan migrants “struggling to survive” amid COVID-19. *The Lancet*, 395(10229), 1023. [https://doi.org/10.1016/S0140-6736\(20\)30718-2](https://doi.org/10.1016/S0140-6736(20)30718-2)
- DeBono, D. (2016). Returning and Deporting Irregular Migrants: Not a Solution to the ‘Refugee Crisis.’ *Human Geography*, 9(2), 101–112. <https://doi.org/10.1177/194277861600900210>
- Dhakal, S. (2020, May 3). ‘Quarantined people can suffer mental health problems’. Retrieved 31 May 2020, from The Himalayan Times website:  
<https://thehimalayantimes.com/nepal/quarantined-people-can-suffer-mental-health-problems/>
- Dhillon, A. (2020, March 30). Divided Delhi under lockdown: ‘If coronavirus doesn’t kill me, hunger will’. *The Guardian*. Retrieved from <https://www.theguardian.com/global->



[development/2020/mar/30/divided-delhi-under-lockdown-if-coronavirus-doesnt-kill-me-hunger-will](#)

Farmer, P. (2004). *Pathologies of Power: Health, Human Rights, and the New War on the Poor* (New Ed edition). University of California Press.

Giri, A. (2020, March 31). Nepal and India agree to take care of and feed each other's citizens stranded on the border. Crossings to remain closed. Retrieved 25 July 2020, from <https://kathmandupost.com/national/2020/03/31/nepal-and-india-agree-to-take-care-of-and-feed-each-other-s-citizens-stranded-on-the-border-crossings-to-remain-closed>

Gupta, A. (2012). *Red tape: Bureaucracy, structural violence, and poverty in India*. Duke University Press.

Hargreaves, S., Kumar, B. N., McKee, M., Jones, L., & Veizis, A. (2020). Europe's migrant containment policies threaten the response to covid-19. *BMJ*, 368. <https://doi.org/10.1136/bmj.m1213>

Harrell-Bond, B. E. (2002). Can Humanitarian Work with Refugees be Humane? *Human Rights Quarterly*, 24(1), 51–85. <https://doi.org/10.1353/hrq.2002.0011>

Kaufmann, P., Kuch, H., Neuhaeuser, C., & Webster, E. (2011). Human dignity violated: A negative approach-Introduction. In P. Kaufmann, H. Kuch, C. Neuhaeuser, & E. Webster (Eds.), *Humiliation, Degradation, Dehumanization* (Vol. 24, pp. 1–5). Springer Netherlands.

Kluge, H. H. P., Jakab, Z., Bartovic, J., D'Anna, V., & Severoni, S. (2020). Refugee and migrant health in the COVID-19 response. *The Lancet*, 395(10232), 1237–1239. [https://doi.org/10.1016/S0140-6736\(20\)30791-1](https://doi.org/10.1016/S0140-6736(20)30791-1)

McAuliffe, M., & Bauloz, C. (2020, April 28). The coronavirus pandemic could be devastating for the world's migrants. Retrieved 28 May 2020, from OpenDemocracy website: <https://www.opendemocracy.net/en/pandemic-border/coronavirus-pandemic-could-be-devastating-worlds-migrants/>

National Human Rights Commission of Nepal. (2020). *The Major Highlights of the Activities of NHRC Nepal on the COVID-19* (p. 6). Retrieved from National Human Rights Commission of Nepal website:

[https://www.nhrcnepal.org/nhrc\\_new/doc/newsletter/1101074151The%20Major%20Highlights%20of%20the%20Activities%20of%20NHRC%20Nepal%20on%20the%20COVID-19,%2018%20May%202020.pdf](https://www.nhrcnepal.org/nhrc_new/doc/newsletter/1101074151The%20Major%20Highlights%20of%20the%20Activities%20of%20NHRC%20Nepal%20on%20the%20COVID-19,%2018%20May%202020.pdf)

Nayak, S. (2020). *India and Nepal's Kalapani Border Dispute: An Explainer* (ORF Issue Brief No. 356; p. 12). Observer Research Foundation.

Nepal PM: Unchecked migrants from India contributing to rise in COVID-19 cases. (2020, May 27). Retrieved 31 May 2020, from MSN website: <https://www.msn.com/en-in/news/newsindia/nepal-pm-unchecked-migrants-from-india-contributing-to-rise-in-covid-19-cases/vi-BB14Cg69>

Nepali Times. (2020, March 31). Nepal and India stop citizens from returning. Retrieved 31 May 2020, from <https://www.nepalitimes.com/latest/nepal-and-india-stop-nationals-in-each-others-countries/>

Nussbaum, M. C. (2011). *Creating Capabilities: The Human Development*. Harvard University Press.

Paudel, R. (2020, April 9). COVID-19: Our government failed us, say Nepalese workers stranded at border. Retrieved 28 May 2020, from <https://www.downtoearth.org.in/news/health/covid-19-our-government-failed-us-say-nepalese-workers-stranded-at-border-70337>

Paudel, R. (2020, April 10). 'Our Govt Has Forgotten Us': Modi, Nepal PM Discuss Stranded Workers as Unrest Grows Among Them. Retrieved 31 May 2020, from The Wire website: <https://thewire.in/south-asia/our-govt-has-forgotten-us-modi-nepal-pm-discuss-stranded-workers-as-unrest-grows-among-them>

- Pelling, M., & Dill, K. (2010). Disaster politics: Tipping points for change in the adaptation of sociopolitical regimes. *Progress in Human Geography*, 34(1), 21–37.
- Pradhan, T. R. (2020, April 7). Supreme Court tells government to bring all stranded citizens willing to enter Nepal home. Retrieved 31 May 2020, from <https://kathmandupost.com/national/2020/04/07/supreme-court-tells-government-to-bring-all-stranded-citizens-willing-to-enter-nepal-home>
- Pulla, P. (2020). Covid-19: India imposes lockdown for 21 days and cases rise. *BMJ*, 368. <https://doi.org/10.1136/bmj.m1251>
- Red mark painted on foreign returnees houses in Jhapa. (2020, March 29). Retrieved 31 May 2020, from Khabarhub website: <https://english.khabarhub.com/2020/29/85649/>
- Sen, A., Rajan, R., & Banerjee, A. (2020, April 17). ‘Huge numbers may be pushed into dire poverty or starvation...we need to secure them’. Retrieved 28 May 2020, from <https://indianexpress.com/article/opinion/coronavirus-india-lockdown-economy-amartya-sen-raghuram-rajan-abhijit-banerjee-6364521/>
- Sengupta, S., & Jha, M. K. (2020). Social Policy, COVID-19 and Impoverished Migrants: Challenges and Prospects in Locked Down India. *The International Journal of Community and Social Development*, 2(2), 152–172. <https://doi.org/10.1177/2516602620933715>
- Shah, J. N., Shah, J., & Shah, J. N. (2020). Quarantine, isolation and lockdown: In context of COVID-19. *Journal of Patan Academy of Health Sciences*, 7(1), 48–57. <https://doi.org/10.3126/jpahs.v7i1.28863>
- Shrestha, B. N. (2013). The Natural Environment and the Shifting Borders of Nepal. *Eurasia Border Review*, 4(2), 57–74.
- Slim, H. (2015). *Humanitarian ethics: A guide to the morality of aid in war and disaster*. Hurst & Company.

- Squire, V. (2017). Governing migration through death in Europe and the US: Identification, burial and the crisis of modern humanism. *European Journal of International Relations*, 23(3), 513–532. <https://doi.org/10.1177/1354066116668662>
- UN General Assembly. (1966, December 16). *International Covenant on Civil and Political Rights*. Retrieved from <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>
- United Nations. (1948, December 10). *Universal Declaration of Human Rights*. Retrieved from <https://www.un.org/en/universal-declaration-human-rights/>
- World Health Organisation. (2020, February 11). Key considerations for repatriation and quarantine of travellers in relation to the outbreak of novel coronavirus 2019-nCoV. Retrieved 28 May 2020, from <https://www.who.int/news-room/articles-detail/key-considerations-for-repatriation-and-quarantine-of-travellers-in-relation-to-the-outbreak-of-novel-coronavirus-2019-ncov>
- Yamin, A. E. (2016). *Power, suffering, and the struggle for dignity: Human rights frameworks for health and why they matter*. University of Pennsylvania Press.