

**Mandates of the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and the Special Rapporteur on minority issues**

REFERENCE:  
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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extreme poverty and human rights; Special Rapporteur on the right to food; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 35/19, 32/8, 42/16, 34/9 and 34/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **humanitarian crisis of approximately 100 million internal migrant workers in India amid the COVID-19 pandemic, who are at risk of dying due to starvation, fatigue, rail and road accidents, in addition to lacking reliable and affordable transport means, food, water, sanitation, shelter and social protection, while facing police brutality in the process of searching for food or travelling large distances from cities back to their villages.**

According to the information received:

India went into voluntary quarantine on 22 March 2020. On March 24 at 8pm, Prime Minister Narendra Modi announced a nationwide lockdown for 21 days, merely four hours before the lockdown was put into place. State governments proceeded to seal districts and state borders and suspended all public transportation, catching the informal sector internal migrant workers completely off-guard, forcing them to embark on long often dangerous journeys back to their homes; some had no other option than to travel hundreds of kilometers on foot.

As a result of the lock down measures relating to COVID-19, an estimated 400 million informal sector workers in India, which include approximately 100 million internal migrant workers, are at risk of falling deeper into poverty, while lacking access to food, water, sanitation and shelter. Many of them are stranded in intolerable conditions after losing access to regular income and/or

being forced to vacate their residence by their landlords since 22 March 2020. People living in poverty in India, including not only informal sector and internal migrant workers, but also homeless persons and all those who are excluded from India's public distribution system (PDS), are facing increasingly high levels of hunger and lack shelter after the country went into lockdown. They often do not have access to adequate food or information about availability of community kitchens. Their vulnerability is often compounded by long-standing social and structural discrimination based on caste, ethnicity, religion, and gender. Furthermore, there are reports indicating that some people who have stepped outside their homes to access food from community kitchens are being beaten by police. There have also been reported cases of violent migrant-police encounters at heavily policed bus terminals within cities and at state boundaries, as police resorted to beating migrants with batons for having violated the lockdown orders.

It is also understood, from the information received, that most of the migrant laborers belong to marginalized communities including lower castes. Thus a failure to respect, protect and fulfill their rights on an equal basis with other Indian citizens and residents violates cardinal principles of non-discrimination under both Indian law and international human rights law that applies to India. Whether it is access to shelter, food, water, sanitation or freedom of movement in the form of transport options, every effort must be made to show that the migrant laborers are not being treated less protectively.

On 26 March 2020, the Indian Government announced a set of policy measures including a "relief package" for people living in poverty, which includes food rations and direct cash transfers for daily wage workers and other people living in poverty. However, it has been reported that more than 90 per cent of internal migrant workers have not received food rations from the Government for various reasons, including the failure to update the 2011 census data to determine the beneficiaries of ration cards and the residence of internal migrant workers in states outside their home states. Moreover, people who did not qualify for the public distribution system in the past now face a risk of food insecurity and are in need for food subsidies, given the massive loss of livelihood due to COVID-19.

According to the information received, the policy responses to the migrant crisis vary significantly from state to state. Some states like Uttar Pradesh have reportedly been mistreating migrants who are returning home and stigmatizing them as virus carriers, particularly in the case of Dalits, Adivasis, and other minorities.

Furthermore, it is reported that the delayed government response in introducing special trains to take urban migrants back to their villages was fraught with problems like train cancellations and exorbitant fares, which have thus far brought

little relief to urban migrants. The Government of India has made more than 1000 trains available to the states to send migrants back home. However, a lack of coordination between state governments of origin and destination has led to migrants not being received by their home states at the borders, forcing them to travel by foot instead. In some states like Uttar Pradesh and Bihar, the state government has placed internal migrants in make-shift relief camps in overcrowded conditions, thereby posing significant health hazards with respect to the transmission of the virus.

Moreover, the recent changes in legal provisions for labor in the states of Uttar Pradesh, Madhya Pradesh and Gujarat aimed at dissolving labor laws and deregulating the capital-labor relations in the name of pushing growth is deeply concerning, as it risks further marginalizing migrant workers and worsening their plight. In addition, the economic recovery package announced on 12 March 2020 would appear not to prioritize laborers, particularly of the informal sector, and migrant workers.

As per the information received, the number of tests for COVID-19 does not seem to be sufficient to stem the spread of the virus and measures like self-quarantine and physical distancing have been rendered impractical due to the high population density and lack of adequate housing, especially in megacities.

We take note of and appreciate the temporary measures taken thus far. On 29 March 2020, the Ministry of Home Affairs ordered measures to ensure temporary shelter and food for internal migrant workers, and announced a temporary ban on evictions of laborers. A revision of this order by the Ministry, dated 29 April 2020, states that migrant workers who are stranded will be allowed to go home, after medical screening. However, in the absence of either sustainable shelter, food and living standards in cities, or affordable and reliable transport options to their villages, both of these orders do not seem to have been fully implemented.

While we do not wish to prejudge the accuracy of the information received, we wish to express our serious concern at the alleged starvation, fatigue and rail and road accidents faced by internal migrant workers who have no access to social security and have been forced to travel large distances with little government support. We are also gravely concerned at the alleged abuse of force by police against internal migrants and at the lack of coordination between local governments to facilitate their return home. We would like to additionally express concern at the use of outdated data for the distribution of food rations and cash transfers which seem to be leaving millions behind.

We appreciate that the COVID-19 pandemic may have led to the reorganization of social security systems in India, and we also appreciate the steps the government of India

and many state governments have taken to provide support to migrant labor thus far. However, we are concerned that the overall measures taken in India do not seem to be in line with the rights to social security, health, food and housing, neither they seem to have fully considered alternate or additional measures to avoid or mitigate the impact on individuals who are already in vulnerable situations and whose situations are likely to be exacerbated by the pandemic.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the steps taken by the Government to ensure that all internal migrant workers, including those who are not covered by social security schemes, are receiving relief packages and are being transported safely from cities to their villages especially along the migration corridors, in line with India's international obligations.
3. Please explain whether the Government has allocated additional funds and human resources to ensure that newly unemployed internal migrant workers affected by the lockdown receive debt relief, shelter options, eviction and rent moratoriums and temporary work programmes.
4. Please provide information on the number of internal migrant workers that have received food rations and direct cash transfers from the central and various state governments' relief package. Please indicate how many migrants have been safely transported back to their villages via trains and buses.
5. Please explain how the Government plans to ensure the portability of social security benefits to the informal sector workers, so that they can have access to social welfare programmes regardless of where they live, after they move back to their villages.
6. Please provide a breakdown in terms of the caste and socio-economic status of migrant labor, data on vulnerable populations affected by the

migration induced by the pandemic, including on women, children and older persons, and any special measures taken to assist them.

7. Please provide information as to which steps the Government has taken, or intends to take, to guarantee the fundamental right to be free from hunger, and whether the Government is considering of universalizing the public distribution system to ensure equal access to adequate food by all persons, particularly in light of food insecurity caused by the COVID-19 crisis.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Olivier De Schutter  
Special Rapporteur on extreme poverty and human rights

Michael Fakhri  
Special Rapporteur on the right to food

Dainius Puras  
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Balakrishnan Rajagopal  
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

Fernand de Varennes  
Special Rapporteur on minority issues



**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to remind your Excellency's Government of its obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which India is a party since April 1979, to respect, protect and fulfil a range of human rights, including the right to social security (Article 9), the right to health (Article 12), and the right to adequate standard of living (Article 11), including the right to food, the fundamental right to be free from hunger stipulated in Article 11(2), and the right to adequate housing.

In terms of the right to health, we would like to specifically highlight Article 12(2)(c), which obliges States to take the steps necessary for "the prevention, treatment and control of epidemic, endemic, occupational and other diseases". In this connection, the Committee on Economic, Social and Cultural Rights establishes that States must ensure that health-care goods, services, and facilities are available in adequate quantity (availability); are financially, geographically and physically accessible, including accessible information and communication, without discrimination (accessibility); are respectful of medical ethics, culturally appropriate and sensitive to gender and life-cycle requirements (acceptability); and scientifically and medically appropriate and of good quality (quality) (E/C.12/2000/4, para. 8).

We would like to bring to the attention of your Excellency's Government the international standards regarding the protection of the rights of persons belonging to minorities, in particular Article 27 of the International Covenant on Civil and Political Rights (ICCPR), to which India is a party since April 1979, as well as United Nations 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to ensure that persons belonging to minorities can exercise their human rights without discrimination (Article 4).

We wish to further recall that on April 17, 2020, the Committee on Economic, Social and Cultural Rights has issued a statement highlighting State parties' obligations in the context of COVID-19. It recommended the adoption of several measures including: payment of wages and benefits to all workers; a moratorium on evictions; providing social relief and income support to ensure food and income security to all those in need; subsidizing the cost of essential foodstuffs; and ensuring the unrestricted flow of essential goods including staple foods.