

# Research report

Forum: Human rights Council

Issue: Setting rules upon human rights restrictions in pandemics

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## Introduction

‘To what extent can governments restrict human rights during a pandemic’ is one of the two issues our committee will discuss. After having read this document you should have enough information to prepare a position and write a resolution on this issue. It is still encouraged that after reading this you research your nations’ stance on this issue. This report serves as background information on restricting human rights during pandemics in order to form an argument in line with your country’s position.

The world is currently facing the Covid-19 pandemic. The pandemic was declared by the WHO 11<sup>th</sup> of March 2020. This has made governments take precautions such as instil lockdowns, close businesses and enforce mask mandates. During the Spanish flu pandemic circa 100 years ago restrictions such as these were also in place, as people were also told to wear to face masks. The universal declaration of human rights was proclaimed by the United Nations (UN) in 1948. This is a common standard of achievements of all people and nations according to the UN website. The declaration is nowadays applied on a permanent basis at all levels when discussing human rights. The closing of religious buildings such as churches and mosques could be seen as a restriction of the freedom to practice religion which is one of the articles in the declaration of human rights from the UN.

## Definition of key terms

### Basic Human Rights

A set of fundamental rights for all humans put together by the UN in 1948. These rights include the rights to live free from slavery and violence as well as the right to practice religion.

### Pandemic

An epidemic of infectious disease that has spread over a big region such as multiple continents or the whole world.

### Covid-19

The Covid-19 virus broke out around the world in early 2020, starting in Wuhan China. This is a respiratory virus having caused over 4 million death worldwide as of august 2021.

### Stay at home order

A stay at home order is a restriction put in place by the government to stop people from going outside and spreading Covid-19. Citizens are only allowed out for medical care, groceries and essentials jobs. Exercise outside is often also allowed.

### Mask mandate

A law put in place by most governments asking residents to wear masks, in certain situations or at all times to stop the transmission of disease through air between two people.

### Vaccine mandate

A mandate by the government to get vaccinated against the Covid-19 virus.

### Misinformation

During the pandemic the spread of misinformation became a clear issue. People started spreading false information about the severity of the virus and this caused a lot of confusion. The false information and news was easily spread through social media at a rapid rate.

## General overview

If everybody would have equal opportunities and access to all the same things such as food, housing, healthcare and job security everybody would have been equally affected by Covid-19. The people that lack the fundamentals just mentioned are affected more severely by the pandemic because it is not possible for everybody to have these things. The main priority during the pandemic is to save as many lives as possible and taking as many precautions to do so, even if it limits some of the basic human rights.

### The right to education

Article 26 in the declaration of human rights declares education a fundamental human right. During the Covid-19 outbreak schooling was not safe as over the world and so nearly all schools worldwide closed their doors in the height of the pandemic. Most countries and schools set up online schooling platforms in order to still provide education to students. For some countries and schools this was not possible because of financial or electronic issues, such as lack of internet or devices among the students. Closing the schools did not only affect education but also mental and physical health of the students. Without meals provided by schools students could lose their access to nutrition and with no sports classes from school students also lost their physical activity. Staying healthy is especially important during a pandemic. Lack of physical activity and social interaction from schoolmates and friends as well as increased stress levels from living in a pandemic has caused anxiety and mental health issues to increase.

### The right to religion

Article 18 of the universal declaration of human rights states that everyone has freedom of thought, conscience and religion. During the pandemic lots of countries closed religious buildings such as mosques, synagogues and churches. In order to comply with stay at home orders and to adhere to social distancing rules. Making it more difficult for people to practice their religion just when people would need it most. The closing of churches has actually led to more people not going to church even after opening back up.

### Vulnerable people

Some people have been affected worse than others during the pandemic. According to the WHO and UNICEF in 2017 more than 2 billion people did not have access to basic sanitation and more than 884 million people did not have safe drinking water. Stanford published in 2019 that an estimated 150 million people do not have access to shelter and housing worldwide. These people are at a higher risk for Covid-19 because homelessness and over-crowded asylums makes it impossible to socially distance or quarantine. This also counts for refugee camps or correctional facilities and prisons, once the virus gets inside the confined space it spreads quickly infecting a lot of people. The poor are not only greater risk for getting the disease, but it is also harder for them to get medical care when that is needed. In order to control the virus a lot of facilities were closed down causing people to lose their jobs this unemployment mostly affects poorer people.

### Right to freedom of movement

In order to protect as many lives as possible, measures have been taken that restrict the freedom of movement these include lockdowns, quarantines and stay at home orders. The restrictions are to slow the spread enough so that the medical sector can handle the stress put on the hospitals and intensive care units. The lockdowns had a significant impact on job-security and the job market, the access to education, healthcare and food. People with unsafe home environments are at a higher risk than ever, not being able to leave the situation. This proves freedom of movement is crucial to ensure safety for many people, however we cannot go without a lockdown or restriction of movement. Different countries and societies have different approaches when restricting the residents, some enforce mandatory curfews where others hand out fines.

Having everybody be at home has made domestic violence rates go up drastically. With the measures to stop Covid-19 cutting people off from their regular lives and the outside world, means of escape and help for victims of abuse. The lack of freedom of movement is putting people in more dangerous situations than they were in before. This is about people with abusive partners which is mainly women, but does also happen the other way around or in same-sex couples. The abuse from parents on LGBT+ kids has also rapidly increased from being home all the time and the kids have nowhere to go to.

### Access to healthcare

It is important for people to have access to healthcare. Regardless of wealth and status in society, if people need treatment when infected by the virus they should be able to get treatment. Healthcare is not available for everybody, some people cannot afford to get treatment since it is not free in all countries. Sometimes healthcare is also too far away for people to access, especially if they live in rural areas.

The halt that was put on the medical system when care is not for Covid-19 or other emergencies has drastically affected LGBT+ people. Trans people have had access to hormone treatment and surgeries scheduled back because it is no longer a priority. HIV testing has also been put on the back burner. LGBT+ people already face stigma when looking for healthcare because of the criminalization of same-sex relationships and people targeting trans people because of their gender identity and/or expression. This is the case in many countries making LGBT+ individuals at higher risk for Covid-19.

### Privacy and Covid-19 apps

In order to combat Covid-19 a lot of countries have come up with an app to further advance contact tracing. The app would give a notification when you have been next to or in contact with somebody who has Covid-19, registered in their Covid-19 app. This app in combination with regular Covid testing is meant to be the quickest way to isolate and inform people that have come in contact with Covid-19 or that have contracted the virus. The main issue that has formed is that some of these apps violate privacy regulations. They provide location tracking of all users and the population along with health status, contact with others, etc. because of

the immediate threat of Covid-19 governments could justify introducing measures violating privacy regulations. The question is if governments will pass up on having this information once the immediate threat has passed, this is something human rights organisations should keep an eye out for.

## Major parties involved

### World Health Organisation (WHO)

The WHO reinforces the advice to wear a mask, stay home and get vaccinated on their website. They advise governments on what to do but do not put mandates in place for all nations.

The WHO has also been very focussed on the human rights issues that the response to the Covid-19 virus are causing. WHO Director General, Dr Tedros Adhanom Ghebreyesus, has said: “All countries must strike a fine balance between protecting health, minimizing economic and social disruption, and respecting human rights”. They have also published a document called “Addressing Human Rights as Key to the COVID-19 Response” this can be found in the appendix.

### China

China was the first nation to be hit with Covid-19. At first when patients started getting ill the doctors and medical experts were censored when trying to speak up about their concerns around the virus. Because of this it took longer for the rest of the world to catch on leaving the virus to spread. Once the government saw how big the threat they were facing was, they quickly took action by releasing a stay at home order and enforcing a mask mandate. By instating such harsh location-specific lockdowns the virus was quickly contained.

These location specific lockdowns are also being used in other countries such as Australia as of August 2021. This ensures that basic human rights do not have to be violated any longer than needed.

### England/ United Kingdom

The England was one of the last nations in Europe to close down schools and major events at the beginning of 2020. On March 3<sup>rd</sup> UK Prime-minister Boris Johnson reportedly said: “I was at a hospital the other night where I think there were a few coronavirus patients and I shook hands with everybody, you will be pleased to know, and I continue to shake hands.” This was on national television, more than a month after the first confirmed cases in the country. Fast forward over a year to 19 July 2021, England celebrates ‘Freedom day’, as the first country in Europe, almost all the Covid restrictions are lifted, however the country has one of the highest new positive tests per day counts. The government announced that since half of the UK adults were already fully vaccinated at the beginning of June, it was safe enough to open up fully again which is needed from a mental health and economic standpoint.

## Timeline of key events

11<sup>th</sup> March 2020: WHO declares pandemic

<https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>

30<sup>th</sup> April 2020: The Human Rights council of the UN held an online conversation about protecting human rights during the Covid-19 crisis.

<https://www.ungeneva.org/en/news-media/taxonomy/term/175/2020/04/human-rights-council-discusses-human-rights-implications-covid>

April 2020: The UN released this document discussing the importance of human rights during the Covid-19 outbreak.

[https://www.un.org/victimsofterrorism/sites/www.un.org.victimsofterrorism/files/un\\_-\\_human\\_rights\\_and\\_covid\\_april\\_2020.pdf](https://www.un.org/victimsofterrorism/sites/www.un.org.victimsofterrorism/files/un_-_human_rights_and_covid_april_2020.pdf)

22<sup>th</sup> February 2021: Secretary General highlights Covid-19 when opening Human Rights council's Forty-Sixth session.

<https://www.un.org/press/en/2021/sgsm20589.doc.htm>

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## Previous attempts to solve issue

Severe acute respiratory syndrome (SARS), a disease similar to Covid-19, spread in 2003, from Asia to other continents. It took about 8 months for the virus to be contained. At the time there were restrictions put in place very similar to the ones put in place for Covid-19. Patients were isolated and quarantine measures were taken. This virus took 774 lives which is very little compared to Covid-19, the difference was that it took longer for a response against Covid-19 which gave the virus more time to spread before measures were put in place. There has not been a virus outbreak on such a big scale as Covid-19 in recent years and so there are no good examples about what to do when human rights are restricted on such a big scale for such a long time. Because SARS was on a smaller scale it cannot provide enough insight about this issue.



## Overview of possible solutions

Communication with citizens is very important during a pandemic, residents need to know the situation, what is being done to help and why the measures taken will work. In an ideal world people would be asked for advice on things that affect them, such as teachers and students advising the government about education and how to make it work best during a lockdown.

The Covid-19 response is being used to construct a plan on how to handle future pandemics. Measures taken that work well and had the intended impact are noted and ones that do not are being reviewed and edited to work.

Countries had different response times to the virus. If all countries would have had the same response coordinated internationally it could improve the response would an issue like this arise again. A coordinated response could also prevent human rights violations in the future. Global solidarity could not only help in a response against human rights. More developed countries could also help respond in less economically developed countries with providing more medical care and economic measures, making the virus get less out of hand.

Lockdown measures can be dangerous for certain citizens. When measures are put in place protection should be available for people who need it. These shelters should get enough support to keep working effectively and should have access to as much space as necessary and possible.

Vaccines should be accessible for everybody who wants one. We can make sure that vaccines are deployed to countries that cannot get them as easily. As well as rural locations in countries, everybody should be able to get the vaccine without needing to travel far, since travel is not possible for all residents. All countries should have all people that want the vaccine be fully vaccinated before we start handing out third doses.

We urge all delegates to also look at how far governments should be allowed to go when putting restrictions in place. Should governments be allowed to use military force to keep people inside? Should governments even be allowed to make people stay home at all? And is it okay for governments to make vaccines mandatory?

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## Further Reading

I

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