Human Rights Abuses in the Enforcement of Coronavirus Security Measures

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“This virus is no respecter of persons.”[ii] Coronavirus is a pandemic of global proportions which some have termed the third world war.[iii] Due to the pandemic, quarantine measures have been put in place across the globe. While typically restriction of movement of free people would fall under a human rights violation, there is an exception for threats to a nation that pandemics fall under. Nonetheless this exception does not cover the human rights violations in the enforcement of quarantine measures which have been brought to light around the globe. This abusive policing is not new, but the media coverage in most cases is. In response, the U.N. in a resolution about the Coronavirus pandemic should include recommendations that address these abuses.

As of April 13, 2020 Coronavirus has been around for less than 6 months and has been contracted through person-to-person contact by people in over 200 countries.[iii] By contrast, HIV/AIDS was found in 1983, can only be contracted through specific activities where body fluids are present, and incidents—after 37 years—have only been found in 142 countries (however, 32 million have died).[iv] The most recent Ebola crisis lasted from 2014–2016, was transmitted through direct contact with infected fluids, and spanned across just three African nations.[v] When a pandemic, such as AIDS and Ebola have been deemed “a threat to international peace and security” the United Nations Security Council has been known to step in by adopting resolutions.[vi] Today, the U.N. Security Council is mulling over some draft resolutions in response to Coronavirus, but without U.N. guidance countries have imposed quarantine and social distancing measures on their own. It is the enforcement of such quarantine measures that has concerning human rights implications.

As of today, April 15, 2020, over one third of the world’s 7.8 billion people are on lockdown.[vii] In fact, more people are under lockdown today than were even alive during WWII.[viii] India has imposed a 21-day lockdown for its 1.3 billion citizens.[ix] Germany has banned meetings of more than two people.[x] This global lockdown has included 91% of all enrolled learners in the world.[xi] These quarantine measures on their face, restricting the movement of free people, are a violation of the U.N. Universal Declaration of Human Rights.[xii] The Declaration was adopted in 1948 in “recognition of the inherent dignity and of the equal inalienable rights of all members of the human family.”[xiii] Some of the listed enumerated rights that are violated by quarantine orders are, the right to: liberty,[xiv] freedom of movement,[xv] freedom of religion in community with others,[xvi] freedom of peaceful assembly and association,[xvii] work and protection against unemployment,[xviii]...
education, and freely participate in community. However, while quarantines may violate these rights the U.N. has said that in response to serious public health threats to the “life of a nation,” human rights law allows for restrictions on some rights. Those restrictions, however, must be justified on a legal basis as strictly necessary. This “strictly necessary” standard must: be based on scientific evidence that is not arbitrary nor discriminatory, be set for a determinant amount of time, maintain respect for human dignity, be subject to review, and be proportionate to the objective sought to achieve. Putting quarantine measures in place from the worldwide medical communities’ recommendations to stop the spread of a global pandemic seems to be exactly this type of situation, but the implementation is not without its own set of problems.

While social distancing has been lauded as the method to “flatten the curve” (until a vaccine can be found) it is a refuge for the privileged that exacts a far heavier toll on the poor. People in poor countries rely more heavily on daily hands on labor and informal sector employment to earn enough cash each day to feed their families, they live day-to-day and cannot afford to stockpile food and necessities, and they frequently do not have easy access to clean water. In impoverished places social distancing cuts off access to wages, food, and water that is not supplemented in any other way. Further, and what the remainder of this paper will focus on is the policing used to enforce the quarantine measures in the developing world which is often abusive, an impermissible violation of the U.N. Universal Declaration of Human Rights, and an illustration of the colonial legacies still in place in the developing world.

Article 5 of the Universal Declaration of Human Rights says, “no one shall be subject to torture or to cruel, inhumane, or degrading treatment or punishment.” As reported above there are some articles of this declaration that can be suspended when “strictly necessary” for “the life of a nation,” however, Article 5 is not one of them. What follows is a survey of enforcement abuses taken from news articles documenting how the quarantine measures have been enforced around the world.

Filipino president Duterte told the country in a public address that lockdown violators could be shot. While there have not been any reports of anyone being shot, reports have alleged that police have put people in public animal cages, and subjected others to physical punishments which the police video and then post online to shame the violators.

In Brazil, people found on the streets without a reason had their feet bound in the public square. This is occurring while the Brazilian president publicly criticizes the stay at home orders and actively contradicts the directions of Mayors and governors. Because of the inconsistent quarantine measures some criminal gangs have imposed their own “coronavirus curfew,” posting signs and using megaphones to tell citizens to stay at home “or else.” Police are also using helicopters to create sand storms to drive people off of the beaches.

The South African police rounded up 1,000 homeless men and crammed them into a soccer stadium where they were assigned ten to a tent. Adequate social distancing would have required no more than two per tent. The homeless men interviewed said that the virus would spread like wildfire among this group, they would be safer “social distancing” by themselves on the street, and they were terrified they were sent there to die. South African police also used physical punishments, water cannons, and rubber bullets on people violating restrictions.

Videos of quarantine violators from India and Pakistan show young and old men being forced to crawl, do squats, and being beaten. Some people are also put into a stress position where they are made to hold their ears from between their legs and made to hop around. In India migrant worker were sprayed with a chemical solution containing bleach to “disinfect them.” Another
migrant who was caught violating quarantine orders had the words “I have violated lock down restrictions, keep away from me” written on his forehead.[xxxv]

Amnesty International reported that in Iran possibly 36 prisoners were killed who were protesting in fear of their risk of contracting coronavirus. These protests sprung up in multiple prisons that had promised to release certain categories of prisoners due to the pandemic and then went back on their promise.[xxxvi]

There are other instances that disproportionately affect the poor but perhaps do not rise to the level of an Article 5 human rights violation. A Chinese-Australian working in Beijing was fired from her job and deported for going for a run.[xxxvii] The United Arab Emirates, Australia, Singapore, Austria, Hong Kong, and Britain have imposed fines exceeding $3K for violations.[xxxviii] India, Britain, Mexico, Singapore, Hong Kong, and Russia have threatened and imposed prison time for violators.[xxxix]

Just as the *Locust Effect* points out it is countries with police forces set up to maintain the control of the ruling class from colonial times that have the most widespread reports of police abuses during this time of quarantine enforcement. Tellingly, it is not the police tactics that have changed in these places, only the international spotlight on them that this pandemic has created. However, it is precisely because of this spotlight that the U.N. should use the extra latitude afforded in times of crisis to speak out against the abuses and call for their end. Member states recognize that interference in their private internal affairs can be overridden times where international security and peace are threatened, and this is just a time as that.[xli]

Currently the U.N. General Assembly is deadlocked over two competing proposed Coronavirus resolutions.[xlii] One proposal with 130 member-state co-sponsors calls for international cooperation by exchanging information, scientific knowledge, and best practices.[xliii] The other proposal sponsored by Russia, with support from the Central African Republic, Cuba, Nicaragua, and Venezuela calls for abandoning trade wars, rejecting any implementation of protectionist measures, and the lifting of unilateral sanctions without U.N. Security Council approval.[xliv] In light of the ongoing police abuses that are happening globally in the developing world as countries try to implement quarantine orders the U.N. resolution should incorporate a section on human rights acknowledging everyone’s right to life, freedom from excessive force, torture and humiliation, the right to due process, and accountability to those standards.

During the West African Ebola pandemic, the West African Regional Office of the High Commission on Human Rights wrote an instructive memo expressing what should be contained in an Ebola resolution.[xliv] In this report they specifically recommended that a resolution should call for:

- Peacefully diffusing protests before they take place.
- Giving clear orders to security forces to refrain from excessive force and abuse of power. Give clear guidelines on what is reasonable force and what is not.
- Assurance that there will be independent investigations for human rights violations.
- Insure national and local laws are implemented in accordance with principals of due process.
- The allowance of religious and education programming on public television and radio to supplement the inability to meet for educational and religious purposes.
- Insurance that all quarantined people had access to food, water, sanitation, and medical assistance.

These measures even if adopted probably will not stop the bulk of human rights abuses happening
due to this pandemic. However, just as the *Locust Effect* laid out the steps Georgia took to reform corruption, this resolution could be a good first step. The published abuses have already started to generate a grassroots social demand for change. This could be levied into some political movements that can identify the courageous reformers. Once the acute crisis is over this budding change could create the perfect window for NGO’s to come in and support local reformers attack corruption, clean house in the local criminal justice system, create new respect for the reformed system and win public trust. [xliv]

The problem of human rights abuses will not be solved overnight. They will probably not be solved in our lifetime, but in this peculiar time of global crisis the daily reports of abusive policing in the third world can be a catalyst for change. The U.N. is in a particularly well-placed

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Rose Perper, Rhea Mahbubani, & Sinead Baker, Everything We Know About the Coronavirus, From who’s Most at Risk to Where New Cases are Spreading, Business Insider, (Mar. 29, 2020) [hereinafter Everything We Know], https://www.businessinsider.com/coronavirus-cases-maps-us-world-spread-symptoms-death-rate-2020-1.

See One Third, supra note 6.

Id.

See Everything We Know, supra note 7.


Id. at preamble.

Id. at article 3.
[xv] Id. at article 13.1.

[xvi] Id. at article 18.

[xvii] Id. at article 20.1.

[xviii] Id. at article 23.1.

[xix] Id. at article 26.1.

[xx] Id. at article 27.1.


[xxi] There is an argument that developing nations should not impose the same quarantine measures as industrialized nations, that argument is beyond the scope of this paper. For an overview of the argument see Ahmed Mushfiq Mobarak & Zachary Barnett-Howell, *Poor Countries Need to Think Twice About Social Distancing*, Foreign Pol'y (April 10, 2020), https://foreignpolicy.com/2020/04/10/poor-countries-social-distancing-coronavirus/.


Id.

See *Virus Laws*, supra note 30.


