

Committee: Human Rights Council (HRC)

Issue: Addressing the tension between individual rights and quarantine during global health crisis

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INTRODUCTION

The world is going through a pandemic right now, meaning almost everyone is familiar with terms such as quarantine, lockdown, and self-isolation. During periods of a health crisis, the tension between individual rights and quarantine arises. People and the system itself sometimes are unable to meet the strict measures that come with a lockdown.

Being under lockdown means that the government has restrained a lot of individual rights from the citizens. Quarantine severely impacts the right to free movement, privacy, provision, and public assembly. These rights are removed from individuals for one specific purpose: avoiding the spread of a life-threatening disease to protect citizens' health and life.

States are obliged to protect the citizens, meaning that a government can create quarantine laws and restrict individual's rights in the process. Also, public health requires interventions that involve restrictions of choice. On the contrary, citizens do not feel safe when a government can easily encroach on their rights. Therefore, an appropriate balance between public health and individual rights needs to be achieved.

Governments must protect their citizens, but reducing their legitimate rights makes them more vulnerable to possible abuse of power by a government or political party. Questions arise: What is the best way to protect citizens' health without infringing on their rights? How can we find the perfect balance between public health and individual rights?

DEFINITION OF KEY TERMS

COVID-19

COVID-19 is "a mild to severe respiratory illness that is caused by a coronavirus (Severe acute respiratory syndrome coronavirus 2 of the genus Betacoronavirus), is transmitted chiefly by contact with infectious material (such as respiratory droplets) or with

objects or surfaces contaminated by the causative virus, and is characterized especially by fever, cough, and shortness of breath and may progress to pneumonia and respiratory failure (COVID-19 was first identified in Wuhan, China in December 2019)".¹ COVID-19 is a global health crisis that states are facing right now. The measures that are taken to cope with the virus are controversial as they restrict some individual rights.

Disease

"A condition of the living animal or plant body or of one of its parts that impairs normal functioning and is typically manifested by distinguishing signs and symptoms"² A disease with a high transmission rate or high death rate can become a global health crisis.

Virus

"Any of a large group of submicroscopic infectious agents that are usually regarded as nonliving extremely complex molecules, that typically contain a protein coat surrounding an RNA or DNA core of genetic material but no semipermeable membrane, that are capable of growth and multiplication only in living cells, and that cause various important diseases in humans, animals, and plants"³

Pandemic

With the term "pandemic," we refer to "an outbreak of a disease that occurs over a wide geographic area and affects an exceptionally high proportion of the population."⁴ A pandemic can be categorized as a global health crisis.

Global health crisis

With the adjective "global", we refer to something universal and has a worldwide effect. Health is "the condition of being sound in body"⁵ and the term "crisis" refers to "a time or state of affairs requiring prompt or decisive action"⁶. Hence, with the term "global health crisis" we cite a severe situation that affects people's health all around the globe, where

¹ "COVID-19." *Merriam-Webster.com Dictionary*, Merriam-Webster, www.merriam-webster.com/dictionary/COVID-19. Accessed 14 Jul. 2020.

² ." "Disease." *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/disease>. Accessed 30 Jul. 2020.

³ ." "Virus." *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/virus>. Accessed 30 Jul. 2020.

⁴ "Pandemic." *Merriam-Webster.com Dictionary*, Merriam-Webster, www.merriam-webster.com/dictionary/pandemic. Accessed 14 Jul. 2020.

⁵ "Health." *Merriam-Webster.com Thesaurus*, Merriam-Webster, www.merriam-webster.com/thesaurus/health. Accessed 14 Jul. 2020.

⁶ "Crisis." *Merriam-Webster.com Thesaurus*, Merriam-Webster, www.merriam-webster.com/thesaurus/crisis. Accessed 14 Jul. 2020.

immediate action is needed. A global health crisis can emanate from acute diseases, industrial processes, and poor living conditions. The global health crisis has a significant impact on everyday life, people's health, the economy, and sometimes people's rights and freedoms.

Individual rights

“Individual rights refer to the liberties of each individual to pursue life and goals without interference from other individuals or the government.”

Important examples of individual rights:

Right to life: "A being has the right not to be killed by a state or another person.",

Right to public assembly: “Nobody can restrict you from joining or force you to join an assembly, group or union.”,

Right to free movement: "Anyone can move between the borders of a state as well as leaving and entering a state,"

Right to privacy: "A state has not the right to access an individual's medical record,"

Right to provide: "Individuals have the right to work in order to be able to provide an adequate living to themselves." ⁷

Lockdown

A lockdown is “a temporary condition imposed by governmental authorities (as during the outbreak of an epidemic disease) in which people are required to stay in their homes and refrain from or limit activities outside the home involving public contact (such as dining out or attending large gatherings)”⁸. A lockdown, as well as the subsequent terms mentioned below, quarantine and self-isolation, conflict with individual rights such as the right to free movement and assembly.

⁷ Nanzer, Pat. “Individual Rights and Community Responsibilities.” *Individual Rights and Community Responsibilities | Learning to Give*, www.learningtogive.org/resources/individual-rights-and-community-responsibilities. Accessed 15 Jul. 2020.

⁸ “Lockdown.” *Merriam-Webster.com Dictionary*, Merriam-Webster, www.merriam-webster.com/dictionary/lockdown. Accessed 15 Jul. 2020.

Quarantine

The term quarantine cites to “a restraint upon the activities or communication of persons or the transport of goods designed to prevent the spread of disease or pests” and also to “a state of enforced isolation”⁹.

Self-isolation

Self-isolation is “the act of isolating or separating oneself or itself from others”¹⁰. When discussing issues of public health, self-isolation is enforced to citizens by the government.

BACKGROUND INFORMATION

Pandemics and epidemics

COVID-19, a disease that was first found in Wuhan, China, in December of 2019, is not the only time humanity has faced a global health crisis. Ebola, HIV/ AIDS, Tuberculosis, Dengue virus, Spanish flu, other types of Coronaviruses such as SARS and MERS, and many more, are pandemics that have impacted humanity and have killed millions of people. In each case, states have taken measures to protect their citizens. The main problem with any new global health crisis that emerges is that not only the health support systems are understaffed or without the proper equipment, but also a cure for the virus is not always available. Therefore, sometimes states implement measures that mainly restrict the contagion of the virus. For people to protect themselves, they usually practice social distancing. States sometimes go under quarantine or lockdown. These measures have many social and economic effects. People lose face to face communication and human interaction, while many others lose their jobs, money, or financial aids due to quarantine measures.

Ebola

“Ebola virus disease (EVD) is a deadly disease with occasional outbreaks that occur primarily on the African continent. EVD most commonly affects people and nonhuman primates. It is caused by an infection with a group of viruses within the genus Ebolavirus”¹¹.

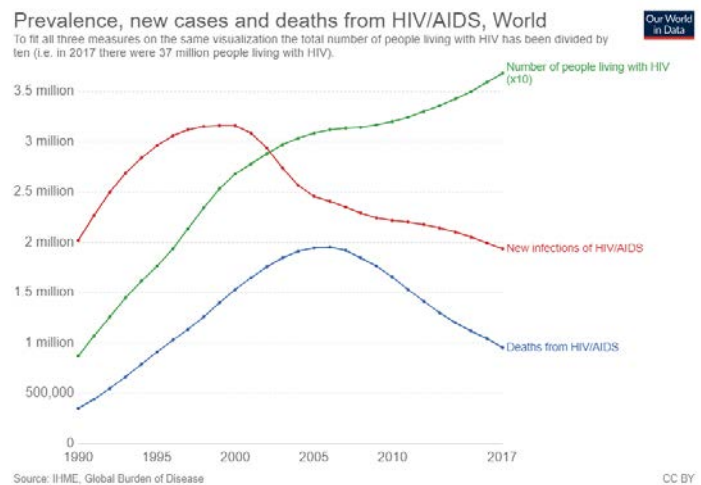
⁹ “Quarantine.” *Merriam-Webster.com Dictionary*, Merriam-Webster, www.merriam-webster.com/dictionary/quarantine. Accessed 15 Jul. 2020.

¹⁰ “Self-isolation.” *Merriam-Webster.com Dictionary*, Merriam-Webster, www.merriam-webster.com/dictionary/self-isolation. Accessed 15 Jul. 2020.

¹¹ “What Is Ebola Virus Disease?” *Centers for Disease Control and Prevention*, Centers for Disease Control and Prevention, 5 Nov. 2019, www.cdc.gov/vhf/ebola/about.html. Accessed 16 Jul. 2020.

This virus was first identified in 1976 in the Democratic Republic of Congo. Since then, it has infected numerous people and has had some outbreaks, mainly in the African continent and more specific in the sub-Saharan Africa. It can be mainly contaminated through body fluids and blood. The measures used to prevent the virus's spreading are limiting human contact with others if you live in an area or travel to an area where there is an outbreak. When someone returns from an area with an outbreak, they should quarantine for 21 days and develop symptoms to contact their doctor immediately. People who show any symptoms are isolated and tested as well as people who came in contact with them.

Finally, it is essential to note that the Food and Drug Administration (FDA) has certified the “Ebola vaccine rVSV-ZEBOV (tradename “Ervebo”) for the prevention of EVD”¹².



HIV/ AIDS

It is believed that HIV came from chimpanzees to humans first in the 1920s in the Democratic Republic of Congo. However, HIV was not identified as an epidemic until the 1980s when it had already spread worldwide. Unfortunately, since soon the virus started to be called the "gay virus," the stigma on infected people and the general prejudice that followed with the HIV topic, people were poorly educated on the issue and on measures to prevent the spread leading to an extreme outbreak of the virus in the 1990s.

Figure 1: Diagram displaying HIV/AIDS data based on people who are affected by it in correlation with the year.

In the early 2000s, the UN called for a global fund to fight the epidemic. Only after 2012, the majority of people infected with AIDS started getting the appropriate treatment. Now, people who are infected with HIV and are under medication (ART), have low chances of transmitting the virus to their sexual partners. Also, it is unlikely that they develop AIDS.¹³

¹² “What Is Ebola Virus Disease?” *Centers for Disease Control and Prevention*, Centers for Disease Control and Prevention, 5 Nov. 2019, www.cdc.gov/vhf/ebola/about.html. Accessed 16 Jul. 2020.

¹³ Diagram Source: Roser, Max, and Hannah Ritchie. “HIV / AIDS.” *Our World in Data*, 3 Apr. 2018, ourworldindata.org/hiv-aids. Accessed 16 Jul. 2020.



Figure 2: This picture shows the specific type of mosquito (Aedes aegypti) that transmits the virus

Dengue virus

Dengue virus is a disease that comes from a specific type of infected mosquitos. There are four different types of Dengue viruses, meaning a person can get infected multiple times from this virus. This virus exists in approximately 100 different countries, making the areas of high-risk round up to 40% of the world.

This virus is transmitted through mosquito bites, making mosquito repellent the best way to protect yourself from the disease. However, there is a Dengue vaccine available that is assisted to do before traveling to high-risk areas.

Spanish flu

The Spanish flu is a pandemic that occurred in 1918 in Europe. Quickly the virus was transmitted to the rest of Europe, American, and some parts of Asia. It is estimated that around 1/3 of the world's population was infected with the deaths coming up to 50 million.

There was no medication found for the flu, so the measures that were taken to confine the spread were similar to the measures taken during the COVID-19 pandemic. People were instructed to wear masks and limit their contact with other individuals. Places where many people met together were closed down, such as corporations, schools.

SARS

The virus was first detected in 2002 in Asia. In a short period, the virus escalated and was spread around other continents such as America and Europe.

Similar to the outbreaks of the Spanish flu and COVID-19, people during the SARS outbreak were advised to stay at home, areas in high risk went under quarantine, places where mass gatherings were occurred because of their nature were closed, people wore masks, hand sanitation was encouraged, and people were advised to limit their contacts.

COVID-19

COVID-19 is a pandemic that started in December 2019, in Wuhan, China. This pandemic has a very high spreading rate and develops mild symptoms similar to the ones of influenza, making it hard to track the infected people. Because of this, this disease spread throughout the world very quickly. A lot of the countries went under quarantine and lockdowns were some others decided not to. Countries that went under quarantine, such as Finland and Greece, are now in one of the best conditions pandemic-wise. In some cases, not putting the country under lockdown was a fatal mistake as we can see the terrible situation in the UK and Italy. Whereas in Sweden, a country that did not go under lockdown as the Swedish Constitution legally protects the freedom of movement for the citizens, the situation is not good but not bad.

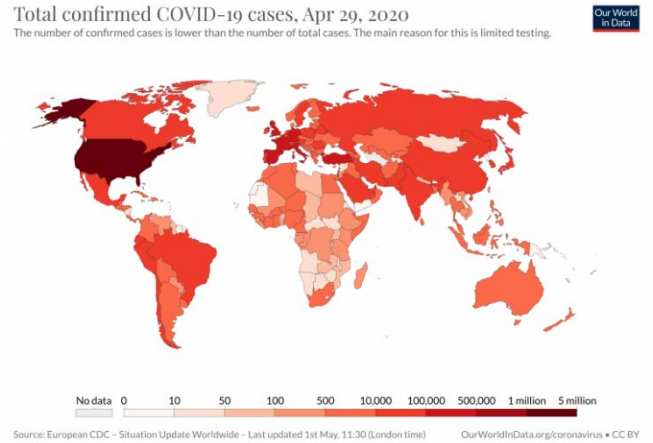


Figure 3: COVID-19 cases around the globe statistics

There has not been an antibiotic or a vaccine found, fit for this virus, so the measures for protecting the people are the same as the aforementioned measures on SARS and the Spanish flu. This pandemic's economic impact is also severe as a lot of tourism-based businesses and economies are facing a problem. Travel bans and the fear of possible infection are restricting people from visiting another area and going out. Needless to say, that this pandemic does not only have health impacts but also economic, political, and social.¹⁴

Individual rights

Individual rights are rights that play a significant role in how the modern constitution and laws of each country were formed and established. Starting with the man who introduced to the world the concept of individual rights in the way they exist in this day, John Locke. John Locke is the "Father of Liberalism". He based his theory on the idea that every individual has these rights just because of their human nature. Even before John Locke, declarations were protecting and supporting individual rights, such as the "Magna Carta (1215)"¹⁵, the Bill of Rights (1689), the French Declaration of the Rights of Man and the Citizen (1789), and the

¹⁴ Statistics source: Ritchie, Research, and data: Hannah. "Coronavirus (COVID-19) Cases - Statistics and Research." *Our World in Data*, ourworldindata.org/covid-cases. Accessed 16 Jul. 2020.

¹⁵ Magna Carta refers to the individual rights only of the highest social and economic castes, which comes in collision with the idea of modern individual rights (every human being has individual rights).

American constitution. Individual rights rely on principals of freedom and equality. Categorizing individual rights into three main categories:

| Civil and political rights | Economic and social rights | Third generation rights |
|---|---|--|
| <p>These are connected with political equality and civil liberties. Civil and political rights were the aspiration of most of the revolutions that have happened.</p> | <p>These rights are connected with labor rights and economic facet. The fundamental purpose of these rights is to protect workers from being exploited.</p> | <p>Third generation rights are considered to be individual and collective rights, as they refer to the responsibility a generation has to the next generation.</p> |

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

African countries

There are a lot of global outbreaks that started in Africa. Africa's main problem is how poor the sub-Saharan African countries are. Most of the countries have a flawed health care system due to the lack of resources. These countries have much experience dealing with outbreaks of deadly diseases (Ebola, Yellow fever, etc.).

Another problem is that their economy is unable to support the health crisis. Organizations, such as the WHO, assist Sub-Saharan African states by giving medical and financial support.

China, Singapore, Vietnam

Most of the pandemics that belong to the coronavirus family originate in Asia. One of the first significant diseases outbreaks was the SARS outbreak in 2003. At that time, transparency between countries on health issues was not expected, and countries did not know how to respond to the outbreak. Singapore and Vietnam, countries that responded with extreme measures, confined the spread very effectively.

In the case of COVID-19, China did not respond quickly enough and tried to cover up the Wuhan outbreak, giving time to the pandemic to spread. After an increased number of casualties, China moves into lockdown, which was simpler to enforce than in other countries because of the communistic regime.

USA

The USA is a country that is very familiar with epidemic outbreaks. The USA has experienced many health crises, from Smallpox and Cholera to HIV/AIDS and the COVID-19 outbreak. In most cases, a vaccine was found, or simply the epidemic faded out.

During the current COVID-19 outbreak, the situation in the USA was atrocious. The rate of infected people, in contrast with the population, exceeded one of China's. In general, there was abysmal handling in the whole situation, which contrasts with the excellent health care system and the thriving economy the US has.

Sweden

The Swedish government decided to take a completely different approach to the COVID-19 outbreak. Even though the WHO had advised countries to go under lockdown, Sweden did not comply with this advice.

Schools and businesses continued to be open, as well as cafes and restaurants. In this way, the Swedish economy was mildly impacted by the outbreak. The Swedish constitution law protects individuals from having their right to free movement taken away from them. The Swedish government did not encroach on people's individual rights (right to free movement and to provide were protected). It is important to note that Sweden's cases were not higher than countries that went under lockdown.

World Health Organization (WHO)

The WHO's role in disease outbreaks is crucial. It categorizes whether an outbreak can be classified as an epidemic or a pandemic. It informs and educates the public and also the governments recommending appropriate actions and measures that should be taken.

After the SARS outbreak, the WHO has fostered four main principles on handling a possible future outbreak. These are funding and supporting scientific researches on the viruses, supporting health care systems, increased transparency between countries on these issues, and proper information on the public over the outbreak.

TIMELINE OF EVENTS ¹⁶

| Date | Description of Event |
|--|--|
| 1918 | Spanish flu pandemic |
| 1961-1975 | 7 th Cholera outbreak |
| 1981 | HIV is identified as a pandemic |
| 1981- present | HIV pandemic outbreak |
| 2002 | SARS outbreak in Asia |
| April 2009- April 2010 | The outbreak of the H1N1 swine flu infected 60.8 million people and killed 12,469 people |
| 2012 | The majority of people infected with AIDS started getting the appropriate treatment |
| 2018 | It is estimated that about 37.9 million people are infected with HIV |
| December 2019 | COVID-19 was first detected in Wuhan, China |
| 4 th January 2020 | WHO informs the media for the first time of a possible outbreak of pneumonia in China |
| 10 th January 2020 | WHO puts out an announcement on how should governments respond to the outbreak (including testing, possible measures, and treatment) |
| 13 th January 2020 | The first case out of China |
| 3 rd February 2020 | WHO publicizes the Strategic Preparedness and Response Plan to assist states with weaker health systems |
| 11 th -12 th February 2020 | The WHO called a Research and Innovation Forum on COVID-19 |
| March 2020 | Many countries go under quarantine |
| 11 th March 2020 | COVID-19 was officially classified as a pandemic |
| 13 th March 2020 | COVID-19 Solidarity Response Fund was inaugurated |
| 18 th March 2020 | WHO introduced the solidarity Trial |

¹⁶ "Archived: WHO Timeline - COVID-19." *World Health Organization*, World Health Organization, www.who.int/news-room/detail/27-04-2020-who-timeline---covid-19?gclid=CjwKCAjwmMX4BRAAEiwA-zM4Jsi_D075gK80-3mpwjCI2ICr46ZuNkQXPO8hEKnfZBc-_CywcGshhoCmVgQAvD_BwE. Accessed 16 Jul. 2020.

| | |
|-----------------------------|---|
| 31 st March 2020 | In Italy, the confirmed cases reach 100, 000 |
| 29 th April 2020 | In the US the confirmed cases surpass a million |
| 11 th June 2020 | The confirmed cases in the US reach 2 million, while in Brazil, the cases surpass 730,000 in only 45 days. |
| 13 th July 2020 | “State of Food Security and Nutrition in the World” report calculates that between 83 million and 132 million people could be brought face to face with hunger, financial, and job loss this year because of COVID-19 and the lockdown measures that followed. <i>(Conflict with the right to provide?)</i> |
| 18 th July 2020 | Confirmed deaths due to COVID-19 reach 600,000 worldwide |
| 30 th July 2020 | COVID-19 cases exceeded 17 million globally; in the US, the cases are close to 4 million, in Brazil, the cases are over 2,5 million, and in India, it is estimated that the cases reach 1,4 million. |

UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

The UN has taken action in protecting states from the threat of a pandemic. The World Health Assembly (WHA) has taken a significant role in strengthening the legal framework on this matter, and WHO has also helped states during pandemics.

- WHA resolution 58.3 in 2005 is the revision and enhancement of the International Health Regulations (IHR) to strengthen the framework protecting states from a possible health crisis (link to the resolution: https://www.who.int/ipcs/publications/wha/ihr_resolution.pdf).

“The UN has also taken a major role in the protection of individual rights. Starting with [The Universal Declaration of Human Rights](#) (UDHR) was enforced on the 10th December 1948 in Paris by the General Assembly, to [The International Covenant on Economic, Social and Cultural Rights](#), which was introduced to the public in 1976 and [The International Covenant on Civil and Political Rights](#) that adopted the [Second Optional Protocol](#) in 1989.”¹⁷

¹⁷ “Human Rights.” *United Nations*, United Nations, www.un.org/en/sections/issues-depth/human-rights/. Accessed 18 Jul. 2020.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

This particular issue is hard to be solved as it has a lot of different aspects that need to be taken into consideration and many dilemmas. The dilemma that arises is the protection of public health or individual rights? Most countries had decided in a pandemic situation that public health is more critical as they decided to implement quarantine and lockdowns.

We could acknowledge Sweden's response to the COVID-19 outbreak in an attempt to solve the issue. Sweden took some measures to prevent the spread of the virus, such as having a travel ban on individuals who want to enter the country. Nevertheless, Sweden did never go under lockdown. They protected the right to free movement individuals to have. By not closing down businesses, they also protected the right to provide. As the data we have are limited, and the outbreak continues to exist, we cannot estimate the result of this handling.

POSSIBLE SOLUTIONS

In this issue, there are many dilemmas and factors that need to be taken into consideration—the need for the perfect balance between the protection of public health, therefore, life and individual rights.

Taking action

States should do the necessary to protect an individual's health, as it ensures the population's well-being while minimizing individual freedom. Meaning that, if measures are taken early, then there is no need for these measures to be extreme. Hence, some loose measures such as a limited number of people in tight spaces or public transportation means. In that way, infected cases will not rise suddenly and steeply, which indicates no need for states to implement a lockdown. It is also suggested that these measures be enforced by existing law and not a crisis law as crisis laws have a minimum legal basis.

Raising awareness

Simultaneously, the public must be adequately educated on the current health crisis and not terrorized by false information from the media. Media should be used as a mean for the people to be informed and not as political propaganda mean, praising the decision the government of the country adopted.

Transparency

Finally, transparency between states should be encouraged, as in many outbreak cases, could have been under control if there were an earlier detection and acknowledgment by the state that the outbreak begun.

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