

Carr Center Covid-19 Discussion Series

Examining the Coronavirus from the Lens of Human Rights

We spoke with three faculty from the Carr Center for Human Rights Policy to get their take on the global pandemic, with an eye towards human rights.



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Why do human rights matter in a pandemic situation, such as the coronavirus?

SIKKINK – Human rights issues are central to the coronavirus crisis. Our individual and collective rights to health and in some cases, a right to life itself, are at stake. It is one of those hard cases where our right to health and life may come in conflict with other rights, and in particular, our right to freedom of movement. I believe that in this case, our collective right to health takes precedence over individual rights to freedom of movement. To protect our collective right to health, people need to stay at home and self-isolate. To fully implement human rights, we need to place more emphasis on the responsibility of all actors, and not just states, to take action together to make sure rights are enjoyed.

MCCARTHY – Moments of crisis, whether “natural” or human-made, always place into sharp relief the pre-existing conditions of inequality and injustice in any given society. Whenever people experience widespread anxiety and suffering due to something like a pandemic, access to basic human needs—food and water, housing and medicine, work and pay—depends on where we are already positioned in the vicious and often violent hierarchies that structure our world. Whenever basic human needs are not provided or protected, human rights are violated. Many recent commentators have been quick to point out that coronavirus is a “great equalizer,” citing well-known celebrities and other well-positioned “elites” who

have tested positive alongside “ordinary people.” But the deeper truth is that this pandemic is a great *un*-equalizer. Its most devastating ravages—at once physical, material, and emotional—will disproportionately impact those who are most vulnerable: those who are immunocompromised or incarcerated; those who are living in poverty or lacking in health care; those who are stateless or undocumented or housing insecure; those who routinely experience discrimination or isolation; those who are unemployed or working paycheck to paycheck. It’s clear that our most powerful institutions—governments and civil society organizations, hospitals and schools, militaries and marketplaces—are inadequately prepared and ill-equipped to deal with this global health crisis. Given this, human rights are both a language of critique and a lever of accountability. Human rights aren’t the perfect vaccine or cure we need at this moment, but they are a powerful antidote as we work to meet the collective challenges of this pervasive and ongoing crisis.

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RISSE – Human rights matter during a pandemic because there is really no such thing as a purely natural disaster. How disasters affect people, and whom it affects most, is a matter of human choices. Recall hurricane Katrina: some people lived where it did much damage, others didn’t; some people had means to evacuate and places to go during the evacuation, others didn’t; and then some people had an easier time drawing attention to their situation than others. The disproportionate magnitude of damage across communities often elucidated greater divisions along lines of race and class. For the case of pandemics, similar points apply: some people are more easily in a position to take time off work than others; some have an easier time being in self-quarantine than others; some need to continue to do the kind of work that gives them a lot of exposure. Human rights always looks at the standpoint of the underdog—and charges us with making sure that the most vulnerable are getting most attention in times like these. Sadly, it is likely that we will realize the full extent of disruption only once this is all over.

How do we balance the rights of individuals (e.g., freedom of movement or association) with those of the community (right to health)?

SIKKINK – The coronavirus crisis involves both a range of rights and responsibilities of many actors. Our rights to health, but also to liberty, freedom of movement, education, information, food, and shelter are all at stake. As countries ramp up exclusionary quarantine, travel, and border policies, some of these rights may be imperiled, and governments need to strike a balance between protecting health and respecting human rights. A quarantine is a legitimate and necessary state policy in times of health emergencies, but the state must attend to the rights of individuals caught in the quarantine to provide adequate health care, food, and shelter.

This balancing of rights and responsibilities is foreseen in the Universal Declaration of Human Rights of 1948, the founding document of human rights law. The Universal Declaration speaks of the need at times to limit rights in order to “respect the rights and freedoms of others.” The Universal Declaration goes further, and recognizes that each of us has “duties to the community,” and its preamble calls on all of us to promote rights. But in ordinary times, people sometimes like to talk mainly about their rights, and less about their responsibilities to the community and duties to promote the rights of others. This extraordinary situation we live in today reminds us that the rights of all are linked intrinsically to responsibilities to the broader

community. In this case, our simple responsibilities may not be onerous: to stay at home and avoid all unessential travel, wash our hands, cover mouths and noses when coughing or sneezing, but also to be informed, not to panic, and not to hoard essential items like face masks and hand sanitizer. We have responsibilities also to support those health workers, or sanitation workers, or the workers delivering food from restaurants, who don't have the luxury of staying at home.

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MCCARTHY - By definition, human rights are both individual and collective. We *each* have rights—say, to freedom of speech and movement, or to freedom from slavery and torture—and *everyone* has these rights. But rights are not always understood or practiced in this double, “both-and” sense. In cultures and countries that privilege individual over collective rights—the United States being an obvious example—we are faced with particular challenges in times like these. Some people insist on the right to move around and get together, regardless of the fact that doing so will increase risk of exposure to coronavirus, both to ourselves and to others, especially our elders. On its own, this is an expression of the individual right to freedom of movement and association, which can certainly be defended from a civil libertarian or even human rights perspective, despite the clear and growing calls to “stay at home,” “self-quarantine,” and “shelter in place” as a way to help “flatten the curve.” That said, not everyone has the luxury of doing these things. Those who have no “place” to “shelter,” whose “homes” are not safe places to “stay,” who have to work outside the home because their jobs require them to do so or because they need the paycheck, and who are working on the front lines of the “corona-crisis” as health care professionals—all of these folks complicate how we think about “movement” and “association,” to say nothing of “freedom” and “rights.” I hope we can think more deeply about our collective *responsibilities* to one another in two ways: first, that we do whatever we can to ensure that those who are most physically vulnerable can fully and freely enjoy their human right to health at a time when it's in real peril; and second, that we do whatever we can to ensure that those who are most economically vulnerable can fully and freely enjoy their human right to work and wages at a time when most people are one paycheck away from another kind of crisis. If we have the privilege of the individual choice to exercise our human right to *not* move and to associate *virtually*, then let us fully and freely embrace this responsibility. But let us not, in the process, stigmatize those who move and work outside the home because they have to do so. Let me close with one more point about the increasingly aggressive calls, from both experts and elected officials, to completely and indefinitely isolate ourselves from one another: if our government, or any other entity, seeks to exploit this pandemic for personal profits or political power-plays, let us act swiftly and collectively to shut down any assault on democratic freedoms and raise up the right of people to govern themselves. Authoritarianism, too, is a lethal virus that threatens all of us in this unprecedented moment.

RISSE - What is quite striking is what a range of ways countries are affected by the virus and what kind of capacities their political systems can muster to fight it. It seems that the fact that China is an authoritarian regime has much to do with its ability to address this problem. And sure enough, China tries to get much praise for its regime's ability to do so. For countries that care about the rights of their citizens, and about the rule of law, fighting the virus will be more difficult. We hear all around, especially in America, that people refuse to comply with sensible health measures by way of appealing to their liberties. I think we may well have to accept that things we take for granted will have to be constrained, at least for a while. We have gotten too used to things going well, and especially in America many people have become lazy, politically

speaking. It is of course also important to note that rights like the freedom of association are only constrained in certain ways – everything that can be done digitally can still be done. But what is much more important is to be vigilant. There will need to be constraints, obviously, since we need to get our societies up and running again, and we need to make sure that the health care systems are not getting overwhelmed, among other things. But we have to be vigilant about ensuring that the restrictions imposed on the rights we hold as citizens or human beings are narrowly tailored to the purpose of defeating the disease, with a very clear understanding that any restrictions will be lifted once that purpose is achieved. And most importantly, we have to be vigilant that regimes do not seize more lasting powers for themselves under the guise of trying to do good. One might think, for instance, of governments wanting to stay in office longer than the law permits. Things like that – they must not happen.

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How can we contextualize the pandemic within your specific domain of expertise in human rights?

SIKKINK – Many of the ideas in my new book are pertinent to the coronavirus situation. The book is called *The Hidden Face of Rights: Toward a politics of responsibility*, and was just published by Yale Press. In it, I argue that to fully implement human rights, we need to place more emphasis on the responsibility of all actors, and not just states, to take action together to make sure rights are enjoyed. Even if all governments were taking efficient action, but individuals didn't also do their share by staying home and washing their hands, the crisis would not be averted. We have a responsibility to think about what comes next and what we need to do after the pandemic. I believe we have the potential to move the world in positive directions after the pandemic if we think seriously about the lessons we are learning. We are learning that we need more, not less, international cooperation and governance, but also that we were traveling too much, in ways that were harmful to the environment, and that maybe we can return to a somewhat simpler way of life that would be better for our health and our planet.

MCCARTHY – As a historian of politics and social movements who just finished a book, *Stonewall's Children*, on the “living queer history” of LGBTQ people in the U.S. since the 1969 Stonewall rebellion, I have been thinking a lot about the lessons we *should* have learned from the AIDS crisis, which devastated the gay and lesbian community during the 1980s and 1990s (and continues to plague many communities and countries to this day). Personally, I have been quite struck, and deeply moved, by the fact that many of the folks I see taking the “corona-crisis” most seriously are members of the LGBTQ community, who have first-hand, front-row experience with how a lethal virus, long neglected and left untreated, can devastate a community and shape a generation. More broadly, at the risk of generalization, I also see members of “Gen X” taking this far more seriously than some people who are older and younger than us. I can't help but think that our generation's experience with AIDS has shaped our current practices during this pandemic, whether we realize it or not. Politically speaking, renewed public references to HIV/AIDS in the wake of COVID-19

should also remind us of the profound human costs and consequences of unconscionable political inaction and social stigma. I will never forget—or forgive—the Reagan administration’s fear and loathing, lies and neglect during that terrible time, because we lost far too many of our queer siblings because of it. This helps to explain why I feel the rage rising all over again whenever Trump or one of his people refers to the “China Virus,” a racist frame meant to distract us from his administration’s routine failings. And herein lies the crucial lesson for this moment in history: we need not just heed the words of experts and follow the lead of elected officials, but also listen to the lived experiences of the most vulnerable and vital members of our human family, especially those who are at highest risk of exposure and those who are caring for them. This is no time to diminish or disregard the voices of the people who are on the front lines of *this* crisis. As the brave AIDS activists and angels in America taught us more than a generation ago: silence equals death.

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RISSE - I am currently preoccupied with thinking about human rights in the digital age, also commonly referred to as digital lifeworlds. Over the last 20 years or so, human affairs have increasingly become dependent on digital media, and this will very much increase now that the key theme in the response is to do as much economic activity as possible while physically distant from each other, so in digital versions. Some of that will come to stay: our digital lifeworlds will expand. And that of course also increases the role of those actors in society that provide such technology and services, or that know what do with it. And here we generally must make sure that human rights as we know them get properly adapted to the digital age. That has long been recognized as an enormous challenge, but to the extent that the digital age makes enormous strides now (and also clarifies those who are or are not participating in it), these challenges grow in relevance.



