

## THE RESTRICTIONS OF HUMAN RIGHTS – COVID-19 PANDEMIC AND ETHICAL ISSUES

Lukáš SIEGEL

Department of Philosophy and Applied Philosophy, University of Ss. Cyril and Methodius in Trnava;  
lukassiegel@gmail.com, ORCID: 0000-0002-4283-3508

**Purpose:** The purpose of this article is to analyze some of the most significant ethical and human rights impacts of the COVID-19 pandemic. The analysis aims to demonstrate the failures of many political decision that lead to restriction and limitation of human rights.

**Design/methodology/approach:** We analyze various documents, reports and news articles that provide essential information about the different governmental restrictions that may lead to controversial human rights issues. We also use some philosophical texts to support our theoretical basis for the defence of human rights. Overall, we aim to find some of the groups that were vulnerable during COVID-19 pandemic and describe some of the human rights concerns and ethical issues.

**Social implications:** We hope that our article will impact political regulations and restrictions that can have severe human rights implications. We also hope to inspire citizens, scientists and politicians to uphold and protect human rights and dignity during COVID-19 pandemic.

**Findings:** In our article, we have found that many countries had problems with creating rules, restriction and regulations that are upholding and protecting human rights or did not have ethical implications. We have also found that many vulnerable groups were disadvantaged because regulations did not take into account their precarious position.

**Originality/value:** We have analyzed the ongoing ethical and human rights problems with the COVID-19 pandemic because we believe that they present some of the most fundamental challenges to our society. Our analysis tries to demonstrate some of the most fundamental human rights issues and proposes to address these issues to avoid any future failures.

**Category of the paper:** Research paper (ethical/human rights analysis).

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## **Introduction**

The COVID-19 pandemic has created many unforeseen scenarios and situations. Countries reacted differently as some created strict rules and regulations while others waited until the situation got much worse. Some countries were more prepared, and some lack the resources for the protection of the citizens. Our analysis aims to demonstrate several of the problematic measures taken by states and to provide feedback that could be useful for future scenarios. For instance, we are going to focus on minorities, women's rights and people with disabilities. We will be using various articles, reports and human rights publications that will enable us to understand the consequences of these restrictions. We will investigate some of the concrete cases and establish several examples of human rights concerns, or at least what was considered by various international organizations to be a violation of human rights during COVID-19 pandemic. The issue is that states often do not consider these extreme measures to be contradictory with regards to the protection and upholding of human rights. We will also focus on analyzing human rights issues and will try to formulate recommendations for governments. We do not want to argue that our pieces of advice are flawless and most effective, but we want to demonstrate that states can always choose to uphold human rights while implementing some restrictions or regulations.

## **COVID-19 – specific examples of human rights problems**

Our analysis starts with the report from Amnesty International about the COVID-19 pandemic and the impacts on human rights. The report, "Policing the pandemic: Human rights violation in the enforcement of COVID-19 measures in Europe" from June 2020 demonstrates concerns about the upholding the human rights within the European countries. In the introduction, it is written that "states must implement less restrictive measures to ensure compliance with the restriction, including a sufficiently robust public information campaign" (Policing the Pandemic..., 2020, p. 5). However, this was not the course of action for many states during the beginning of the COVID-19 pandemic. Many countries used prejudices, stereotypes and fear as a guide towards forming protective policies (as was shown by many human rights reports and articles). These policies lead to discrimination of certain groups that were left vulnerable during the COVID-19.

We will now analyze concrete examples of discrimination during the COVID-19 pandemic against certain minorities. For instance, Roma communities were the target of many preventive measures. Many human rights organizations or media outlets<sup>1</sup> criticized these measures against Roma communities. These outlets investigated the positions of Roma people and point towards discrimination and lack of basic care during various lockdowns and restrictions. Similarly, the report from Amnesty International mentions several countries that failed to protect human rights of Roma communities. For instance, in the case of Bulgaria, the report says: "The lockdown applied nationwide. However, local authorities in several municipalities issued ordinances imposing a special regime, including mandatory quarantines, specifically targeting Bulgaria's Roma community. These quarantines were enforced by armed police" (Policing the Pandemic..., 2020, p. 10). A very similar situation existed in Slovakia, where Amnesty International criticized specific measures that were used for the Roma community. The report says: "the authorities placed five Roma settlements under mandatory quarantine enforced by the police and the military, arguing that this containment was necessary to prevent the spread of COVID-19" (Policing the Pandemic..., 2020, p. 16). The people from these settlements claimed that there were many issues with the protection of their rights and freedoms. The final part of the Amnesty International report says: "In addition to the allegations of unlawful use of force, Amnesty International has documented that during the first days of the mandatory quarantine of the five Roma settlements, residents were not given information about the duration and the conditions of the quarantine and that the authorities did not separate those who had tested positive for COVID-19 from the rest of the community" (Policing the Pandemic..., 2020, p. 17). These two countries serve as an example of the human rights concerns that were present during COVID-19 pandemic towards Roma<sup>2</sup> community in Europe.

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<sup>1</sup> For more, see article: The Roma are among most threatened by coronavirus in Europe (2020) by Shannon Pfohman and Thomas Hackl, <https://www.euractiv.com/section/coronavirus/opinion/the-roma-are-among-most-threatened-by-covid-19-in-europe/> or Europe's Roma people 'left behind' during coronavirus pandemic (2020) by Isabel da Silva, <https://www.euronews.com/2020/07/08/europe-s-roma-people-left-behind-during-coronavirus-pandemic>.

<sup>2</sup> For more examples, see the report "Coronavirus pandemic in the EU – Fundamental Rights Implications – Bulletin 4" by European Union Agency for Fundamental Rights. In this report, they mention other difficulties that the Roma community is facing during the COVID-19 pandemic. For instance, the report mentions problems with clean water, sanitation or vulnerability of Roma children (Coronavirus pandemic in the EU – Fundamental Rights Implications – Bulletin 4, 2020, p. 30).

## Women as vulnerable group during COVID-19 pandemic

Another vulnerable group during the COVID-19 pandemic are women that suffer from domestic violence (Kuzior et al., 2021). During the lockdown, people were required to stay at home and women were often left vulnerable with abusers. Women and children often suffered because of these circumstances, and many governments failed to deliver proper protection. For instance, different international organizations urge governments to be particularly careful during a lockdown and take precautions to avoid these situations. United Nations Regional Information Centre for Western Europe posted an article where they summarized a position of WHO about the increase of domestic violence towards women. They claim that the emergency calls by women increased and that women were often left trapped with violent partners (WHO warns..., 2020). Human Rights Watch warns countries to take precautions while initiating policies that may endanger women. In the article posted on the website of Human Rights Watch, they write that "In many countries, women from already marginalized communities find themselves on the front line as essential workers, with a more precarious financial situation as informal workers, or facing unaddressed institutional racism and health disparities. All of this makes accessing services for gender-based violence more difficult" (Women Face..., 2020). Women are one of the most vulnerable groups because they are still many prejudices and stereotypes present towards their status in society. Human Right Watch correctly points out in their article that many women from minorities or marginalized communities have a much harder time finding support and help during the pandemic.

As we have argued above, the marginalized groups and minorities were often discriminated during the first months of the COVID-19 pandemic. Some states even introduced controversial regulations that intervened with the possibility of having an abortion (many women consider an abortion a crucial right). For instance, in the article by EURACTIV, they claim: "Many hospitals in Slovakia have stopped performing abortions following a government decision to postpone all planned surgeries except life-saving ones due to the risk of infections during the coronavirus pandemic. This has resulted in Slovakia effectively limiting access to safe and timely abortions, several human rights organisations have warned, prompting ombudswoman Mária Patakyová to request the country's new health minister, Marek Krajčí (OĽaNO), to guarantee women have access to safe abortions during the pandemic" (Gabrizova, 2020). We are not arguing that states directly wanted to hinder access to certain rights<sup>3</sup>, but rather that harsh and fast decisions resulted in many unforeseen consequences.

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<sup>3</sup> Other institutions also pointed out this problem within Slovakia and called for a better approach towards the rights of women. For instance, the website of the Council of Europe also mentions these issue but also focuses on other countries that had a problem ensuring women's sexual and reproductive rights (COVID-19: Ensure women's access to sexual and reproductive health and rights, 2020).

## **Impacts of COVID-19 on people with disabilities and their daily life**

Minorities and women are not the only groups that have been left vulnerable during the COVID-19 pandemic. Many argue that people with disabilities faced many new obstacles and were left vulnerable because many services were unavailable to a certain degree because of various governmental restrictions. People with disabilities often need special care and medical procedures to protect their health and wellbeing. However, during COVID-19, many services were limited, cancelled or otherwise unavailable.

We will now return to the European Union Agency for Fundamental Rights and their "Coronavirus pandemic in the EU – Fundamental Rights Implications – Bulletin 4" where they have a section on the people with disabilities and their vulnerability during COVID-19. In the passage about people with disabilities, it is written: "Persons with disabilities continued to face challenges in their everyday life as a result of the pandemic. In certain cases, practices could arguably even amount to discrimination. In Austria, the Aid Association of the Blind and Visually Impaired reported that contact-tracing applications did not take into account the needs of persons with disabilities" (Coronavirus pandemic..., 2020, p. 29). Other countries also had problems with upholding the rights of people with disabilities. For instance, in the article "Coronavirus: Why disabled people are calling for a Covid-19 inquiry" the author mentions several cases of discrimination against people with disabilities during COVID-19 pandemic. For instance, the author argues that many people with disabilities in the UK feel insecure because they are more vulnerable to COVID-19. They also have less support from the government because of the restrictions, so they often have to rely on themselves to fulfil basic needs (Webster, 2020). We can argue that the governments were not prepared for these scenarios because nobody expected a global pandemic that would limit and hinder daily activities of citizens. For people with disabilities, limiting access to certain services is a severe intrusion to the daily functionalities. This limitation means that person with disabilities has to rely on himself to provide basic care and do all the daily routines without most support.

American Psychological Association (APA) posted an article that describes the psychological impacts of COVID-19 on people with disabilities. They write: "Emerging research on COVID-19 shows that the coronavirus pandemic has increased psychological distress both in the general population and among high-risk groups." (How COVID-19..., 2020). They support their claims by appealing to older researches about physical distancing, mass trauma and past pandemics. They claim that people with disabilities face social isolation, suffer from loneliness or have limited access to medical supplies and socioeconomic resources (How COVID-19..., 2020). To uphold and protect the rights of people with disabilities, governments have to think about the impacts of decisions on the mental health of vulnerable groups. Many of the current data, articles and documents from various international

organizations suggest that not all the decisions have taken into account the impacts on the mental health of the vulnerable citizens<sup>4</sup>.

## **Protecting and securing human rights during the pandemic**

In this section, we are going to establish the ethical recommendations for the COVID-19 restrictions and decision making process. Firstly, we will argue that any decision impacting human rights has to consider the impact on human dignity. Slovak philosophers Zuzana Palovičová and Tatiana Sedová argue that human dignity is a crucial element in understanding the concept of human rights. They claim that we have to respect the idea of freedom; the freedom to be different and to choose what we want ourselves. This kind of thinking represents the modern understanding of freedom (Palovičová, and Sedová, 2018, p. 38-39). We argue that human rights should always respect the dignity of human beings. The definition of human dignity is often controversial, but we want to use dignity as an aspect that needs to be considered while developing any restrictions on human rights (Kuzior, 2014, p. 68; Kuzior, 2019). Philosopher Christoph Menke presents several significant remarks about the concept of dignity and its implications for human rights. Menke analyzes different approaches to dignity and writes that human dignity is a necessary condition for human rights. He also claims that governments have to respect and accept people to acknowledge their rights (Menke, 2017, p. 172). He summarizes his position and claims that the traditional understanding of human dignity is not sufficient for human rights because the concept of human rights emerged later than the idea of human dignity. Therefore, we have to think about how we want to understand the concept of human dignity to not fall under the old theories (Menke, 2017, p. 176). We are arguing that dignity and living in dignity is crucial for any modern society. Governments are here for the people and have to create measures and rules that consider the dignity of human beings. They have to reflect older understandings of dignity and introduce measures according to new conditions and circumstances.

Palovičová, in her other work, mentions diversity and highlights its importance because certain groups of people are often left vulnerable under the standard circumstances in society. She values approach that upholds individual needs and promotes diversity (Palovičová, 2017, pp. 34-35). When we apply this argumentation to current conditions with COVID-19 pandemic, it means that the rules, regulations and restriction that any state creates has to take into account the most vulnerable groups that may need different and specific modifications to standard

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<sup>4</sup> Before we continue, we want to mention elderly because they are one of the most vulnerable groups during the COVID-19 pandemic. The elderly are extremely vulnerable to all the impacts that we mentioned in our article. All the documents and reports also focus on the elderly as one of the most vulnerable groups. Unfortunately, our article does not focus on this specific group but used other groups that are often neglected.

procedures. For instance, a person with a disability cannot be subjected to standard societal restrictions that would result in the endangering essential daily activities or prevent them from participating in society. We also need to mention consequences on social and economic rights, as many ethical problems arise from lack of support. First, we need to establish some theoretical understanding of social protection to address some of the mentioned failures in governmental restrictions. For instance, author Judith Wyttenbach argues that social protection is an essential and complex duty for the state. Governments should establish a system that grants people decent living conditions so they can live in dignity (Wyttenbach, 2017, p. 332). Similarly, the report from the United Nations "COVID-19 and Human Rights: We are all in this together" from April 2020 recommends that states protect the social and economic rights through various measures of social protection. For instance, they focus on unemployment, reduction of protection or care services and the closing of schools (COVID-19 and Human Rights..., 2020, p. 8). Any measures by the government must uphold and protect the rights of the people, even though they aim to preserve and protect citizens from the pandemic. Otherwise, states face enormous consequences and are criticized for violating various human rights or making harsh decisions. For instance, while developing any restrictions on medical procedures, governments need to take into consideration how these restrictions will impact vulnerable groups in society. In this section, we argue that governments need to uphold rights and protect all aspects of citizen's lives because life is a complex condition and cannot be reduced just to health protection. We need to protect the health, social and economic rights of the citizens while upholding the notions of dignity, freedom, diversity and vulnerability (Kuzior, 2020).

## **Conclusion**

The COVID-19 pandemic had many unforeseen impacts and consequences. We have described some of the most significant ones and how they impact various vulnerable groups in society. For instance, we have analyzed Roma communities and how they were impacted during the first stages of COVID-19 restrictions. We also focused on women because there was an increase in domestic violence during lockdowns. People with disabilities faced many obstacles because of restrictions and regulations preventing their daily activities. Many vulnerable groups also felt lonely and abandoned because of lockdowns that isolated people from any form of social interaction. We have to keep in mind that governments are responsible for creating inclusive regulations that will uphold and protect individual needs of vulnerable groups. There are several key factors that governments need to consider while developing any kind of policy for tackling COVID-19 pandemic. First, they need to respect the concept of human dignity and the diversity of human beings. The diversity is a crucial factor because it acknowledges the need for specific conditions of certain vulnerable groups.

For instance, we need to consider how restrictions of support services (assistance, medical therapies, mental health protection) will impact people with disabilities and their daily lives. We also argued for the protection of social and economic rights because the longterm effects of COVID-19 are impacting living conditions of citizens. People are more liable to lose work or suffer from a lack of various social services. We have focused primarily on these three groups, Roma communities, women and people with disabilities. Each of these groups suffered consequences from governmental restrictions throughout the world. Ethical dilemmas during COVID-19 are continuing and we have to prepare for new challenges, and have to rethink our current ethical approach that often resulted in discrimination, human rights issues and forgetting the vulnerable groups.

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