

Section B: Local Stories (Human Rights)

Coronavirus and Human Rights: Marilyn Crawshaw, with John Bibby as Interviewer

Emergencies always create good pretexts for those who wish to curtail the freedom of others, so enhanced awareness is essential for all those who wish to protect human rights and other freedoms.

I (JB) have been able to interview Marilyn Crawshaw, a leading member of the York Human Rights City Network, which has recently issued a Fact Sheet on ‘Coronavirus and Human Rights’ (<https://www.yorkhumanrights.org/current-work/>). Other Fact Sheets will follow. This Fact Sheet defines three key areas where attention to human rights is crucial in the current period: balancing priorities when difficult decisions have to be made, how crises can be used to curtail democracy as mentioned above, and the importance of “dignity, the right to life, and non-discrimination”. It also identifies some of the many issues of special concern and key communities to be alert to, viz: mental health, disability, refugees. “As is often the case,” the Fact Sheet states, “neutral sounding measures to combat coronavirus can lead to inadvertent discrimination”. I agree with that. For example: “Stay at home” is easy to do if you have a comfortable spacy house and a nice garden: it is very different if home is a B&B or a small flat at the top of a tower block with teenage kids who want nothing more than to break away from their parents’ shackles.

The Fact Sheet also points out that “mass school closures may mean that some children go without the only meal they receive every day and add to gendered care-giving burdens”. This suggests to me (JB) an interesting area for monitoring and research: Will the gendering of “care-giving burdens” fall differently when two parents are at home, there are older siblings, and when visits to grandparents are reduced? Marilyn reminded me that being from a BAME group also seems to add to COVID-19 mortality. The need for disaggregated data collection and analysis – and asking the ‘right’ questions, informed by human rights thinking, is clear. Also, the Women’s Budget Group (<https://wbg.org.uk/>) has shown that the economic impact of governmental COVID-19 measures falls disproportionately upon females.

I don’t doubt that, but an empirical analysis of modalities could also be important.

What about the impact of age? “The idea that ventilators could be rationed and (elderly people) essentially sacrificed, is abhorrent” states the York Fact Sheet; thence the only secure rationale for the lockdown. I (JB) agree. So governments must not paint themselves into a corner where “There Is No Alternative” (TINA). TINA is the enemy of good governance. However, my view (JB) is that old people are going to die, and many old people will die soon. Very old people will die very soon. I am 75: my chance of surviving another ten years is probably about 70%; the probability that I survive *another* ten years after that is about 30%. So if I were to be ill, and it were a choice between me and a younger person, I have no doubt that the best health care should be lavished on the younger person, not on me. Equally, if it was me or a 95-year old, the same ethic suggests that I should get the preferential treatment. Marilyn disagrees. She argues that there is a difference between, on the one hand,

Issue 126 Special Coronavirus Issue

individuals making well-informed decisions about their treatment and, on the other hand, such decisions being applied through blanket policies based on age, disability or other characteristics. The legally binding Convention of Human Rights and Biomedicine (to which the UK is a signatory) clearly states: *‘Access to health care, in particular in a context of scarce resources, should be equal and guided by medical criteria, to ensure that the most vulnerable people, such as persons with disabilities, older persons, refugees and migrants, are not victims of discrimination.’*

In other words, judgements should be made on the basis of the efficacy of medical treatment and open to challenge on human rights grounds. Recent media traffic regarding access to treatment makes clear the consternation that the application of the emergency powers has generated among vulnerable communities. The fact the UK Secretary of State for Health and Social Care had to publicly state that blanket policies were not acceptable reflects the fact that, in some places, because of lack of resources, other decisions were being taken.

At a national level, Harriet Harman chairs the Parliamentary Joint Committee on Human Rights. She has spoken out stating that while times of national crisis may call for strong and decisive leadership, “it is also vitally important that checks and balances are in place to ensure that human rights are not disregarded, and that people remain fully protected under the law”. The Committee’s recent Briefing Paper (XXX 2020) expressed concern at several mismatches between what was being said by government spokespersons and what the regulations actually stated. Meanwhile the Committee invited submissions (and York Human Rights City Network is collating a response locally - <https://www.surveymonkey.co.uk/r/9H7YPDP>) regarding (a) What steps need to be taken to ensure that measures taken by the Government are human rights compliant?; (b) What will the human-rights impact of measures taken by Government?; and (c) Which groups will be disproportionately affected by the Government’s measures?

Question (c) particularly involves multidimensional statistical components. Age, class and race will certainly be key determining factors. Being old is one thing; being old *and* poor *and* being discriminated against is a human rights hell-hole.

“2020march19: COVID-19 Response Scrutinised to Ensure Human Rights Are Upheld - Committees - UK Parliament.” n.d. Accessed April 20, 2020.

<https://committees.parliament.uk/committee/93/human-rights-joint-committee/news/145641/COVID-1919-response-to-ensure-human-rights-are-upheld>.

York Human Rights City Network. 2020. *Coronavirus and Human Rights Fact Sheet*. <https://www.yorkhumanrights.org/current-work/>