## Epidemics & Human Rights

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#### The Right to Health

"Obligates states to implement "strategies of infectious disease control"



### Agenda

- " Terminology
- The Social Context of Quarantine
- " The Law of Quarantine
- " Recommendations

#### The Right to Health vs.

Liberty of Movement Privacy The Right to Work Freedom of Religion **Equal Treatment** Due Process/Right to Judicial Review



#### Social Distancing Measures

- " Quarantine
- " Isolation
- " Sanitary Cordon

## QUARANTINE

#### **CONTAGIOUS DISEASE**

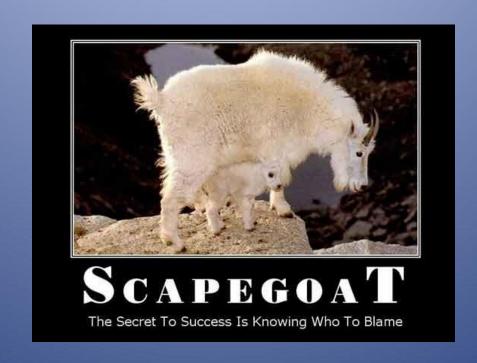
NO ONE SHALL ENTER OR LEAVE THIS WEBSITE WITHOUT WRITTEN PERMISSION OF THE LOCAL HEALTH AUTHORITY. (Art. 4477 - V.A.C.S.)

NO PERSON EXCEPT AN AUTHORIZED EMPLOYEE OF THE HEALTH DISTRICT SHALL ALTER, DESTROY OR REMOVE THIS CARD. (Art. 4477 - V.A.C.S.)

ANYONE VIOLATING THIS REGULATION WILL BE FINED NOT LESS THAN \$10.00 NOR MORE THAN \$1,000.00 FOR EACH VIOLATION. (ART. 770 Texas-Penal Code)

BY ORDER OF

#### The Social Context of Quarantine



#### The Siracusa Principles

# The derogation of human rights in the name of public health must be:

- "Instituted in accordance with law
- "The least restrictive alternative
- "Based on a legitimate objective
- "Necessary in a democratic society
- "Not arbitrary, unreasonable or discriminatory.

#### The Hickox Case





#### Problems with the Siracusa Principles

- " Difficult to accept *any* risk during an emergency
- "Applying the least restrictive alternative test in an narrow, individualistic manner
- "Inadequate judicial review no assurance of counsel
- "Inadequate support for subjects and dependents lack of compensation

#### Recommendations

- "Recognize the tendency to scapegoat
- " Base policy on the best possible science
- " Construe the least restrict alternative broadly to consider population level factors
- " Enhance procedural rights
- Develop norms of reciprocity