

# 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

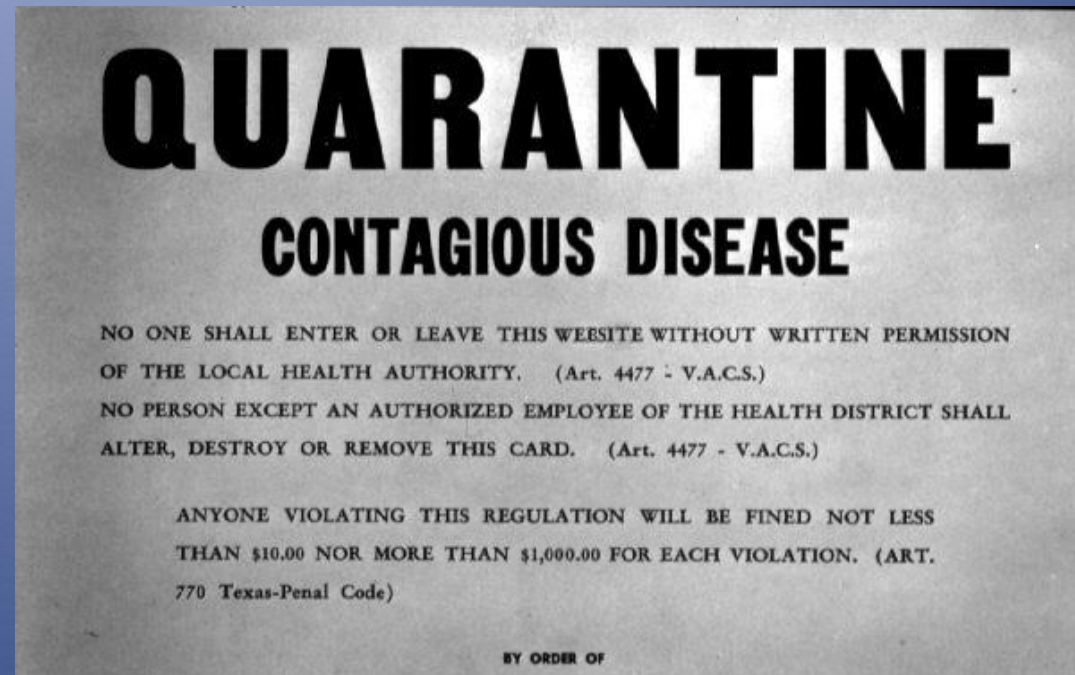
Equal Treatment

Due Process/Right to Judicial  
Review



# Social Distancing Measures

- “ Quarantine
- “ Isolation
- “ Sanitary Cordon



# The Social Context of Quarantine



**SCAPEGOAT**

The Secret To Success Is Knowing Who To Blame

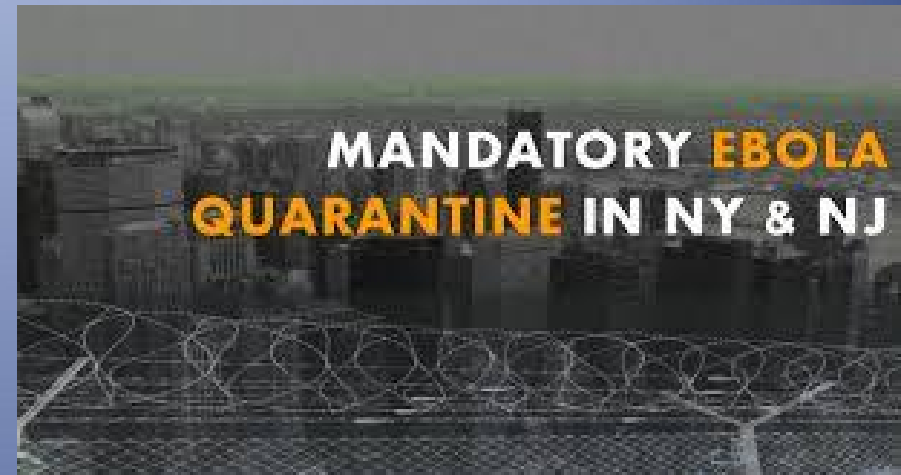
# The Siracusa Principles

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