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## The Age of Covid-19: Protecting Rights Matters

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### ABSTRACT

*Covid-19 ('C-19') has created uncertainty around the world; human rights ('HRs') as stated in the Universal Declaration of Human Rights ('UDHR'), regulations and morals got dismantled. Established HRs have been curbed in the interest of saving lives. Activities people were accustomed to, and took for granted, have been greatly restricted by worldwide lockdowns and social distancing regulations. What motivated the writing of this chapter is our global economic, social and political environment at the 21<sup>st</sup> century, and today's role of HRs. Why has globalisation, a process of integration and interaction among individuals, companies, and governments, worked extremely well for economic and political gains since the early 1980s, yet failed in its capacity for responding to a global health crisis? Furthermore, this chapter brings to light our decline of values, the rising propaganda for identity and people's strong opinions about their rights, and why the thinking of today's societies and global and social changes must be considered for protecting FRs. Previous charters were created out of circumstances at the time. And that is not less true for protecting FRs in the age of C-19. Subsequently, this paper moves away from using HRs as stipulated in the UDHR as the key construct for protecting FRs. FRs are defined here as human intrinsic needs essential for a person's development ranging from basic needs to self-ac-*

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*tualization. Not surprisingly, some of these needs overlap with the definition of rights contained in the UDHR. This chapter revisits human rights in changing societies to ensure that they continue to protect all people equally in these unprecedented, unexpected, and vulnerable times. The argument is presented that it is difficult to protect FRs, both in the age of Covid-19 and in the future, when the rights defined by the UDHR can lead to the pursuit of personal benefits which are not in the public interest. Furthermore, it brings to light the importance of responsibility and respect when leaders make tough decisions and people have to feel bounded to new norms.*

### I INTRODUCTION

Protecting fundamental rights ('FRs') in the age of COVID-19 ('C-19') is complex: to save lives, rights as stated in the *Universal Declaration of Human Rights* ('UDHR') have been curbed; social responsibility is declining; and identity activism is on the rise. With the outbreak of this vicious and deadly virus in China, restrictions have affected the rights people had previously taken for granted. Their strong volition to freely do what they want has been shattered by strict regulations.<sup>1</sup> These have also impeded people's innate needs. Above all, the rights of individuals to be warned about health risks was compromised by the sparsity and vagueness of information about C-19.

It is a challenge to find a way to protect FRs when rights that have been the pillars of our civilisation – fostered especially in Westernised but also other countries, and manifested in rules and laws for millennia – were overruled to save lives. Moreover, individuals and minority groups do not necessarily respect these restrictions any longer but insist on what they believe it is their right to have. These ways of thinking, these attitudes and behaviours, put at risk the well-being and lives of others around the world.

The age of C-19 is the latest and most horrendous example of what

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<sup>1</sup> 'Novel Coronavirus – China', *WHO* (Web Page, 12 January 2020) <<https://www.who.int/csr/don/12-January-2020-novel-coronavirus-china/en>>.

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happens when a lack of responsibility prevails in society. Humanity is in crisis; societies must acknowledge that rights cannot protect humanity without responsibility.

At the beginning of 2020, radical changes to normal daily living were imposed because of the fast spread of a new, deeply infectious and deadly virus.<sup>2</sup> Globalisation and international travel were ideal conditions for C-19 to spread quickly. Strict sanctions on people's daily lives created uncertainty, and people were tested by the unexpected need to manage life under unfamiliar conditions. Adding even more tension to these unprecedented circumstances were the many unknowns concerning the virus outbreak.<sup>3</sup> With C-19 spreading so viciously, people were asked to avoid social contact with others in order to reduce transmission.<sup>4</sup> Regulations to this effect were announced, but the new, life-saving restrictions interfered with human rights ('HRs').

The first section of this chapter discusses the virus, how the outbreak was handled and the impact of C-19 on the world. The main section brings to light the effect C-19 has had on people's lives and their rights to fulfil their innate needs and to be warned about health hazards. The chapter uses Maslow's theory of human motivation to argue for the significant role of FRs in the age of C-19. The term people's rights is commonly associated with HRs, as defined in the UDHR; however, this paper makes a distinction between the HRs stipulated in the UDHR and FRs, which are defined here as human needs essential for one's development, ranging from basic physiological needs

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<sup>2</sup> Catherine Cadell, 'Global coronavirus cases top 1 million: Johns Hopkins tally', *The Sydney Morning Herald* (Web Page, 3 April 2020) <<https://www.smh.com.au/world/asia/global-coronavirus-cases-top-1-million-johns-hopkins-tally-20200403-p54gnj.html>>.

<sup>3</sup> Lauren M Sauer, 'What Is Coronavirus?' *John Hopkins Health* (Web Page, 31 July 2020) <<https://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus>>.

<sup>4</sup> 'Coronavirus disease (COVID-19) advice for the public', *WHO* (Web Page, 4 June 2020) <<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>>.

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to self-actualisation. Some of these needs overlap with the definition of rights contained in the UDHR. The differentiation between the two definitions is a prerequisite for the discussion of protecting FRs in the age of C-19.

The last section concerns the political, monetary and economic benefits of globalisation and its failings during the outbreak of C-19, in addition to emphasising the difficulties in protecting FRs when societies are preoccupied with their own interests and hold strong views on identity and personal rights. The concluding comments highlight the significance of protecting FRs, draw attention to the predicaments that arise from attempting to do so, and propose that FRs must be for the common good and cannot be challenged with current legislation for reasons pertaining to personal interests in the midst of a global crisis.

## II THE KNOWN AND THE UNKNOWN

### *A The Confusion*

The new virus, which originated in Wuhan, in China's Hubei Province, began its spread without warning.<sup>5</sup> In its early weeks, C-19 was compared to the flu because both are infectious respiratory illnesses with similar symptoms.<sup>6</sup> This may have created misconceptions about the danger it poses to human life and health; human beings also tend to live in denial when an enemy cannot be seen, as in the case of C-19. Somewhat more serious attention was paid to the disease two months into the outbreak when the media revealed a rapid increase in transmission and early fatalities in Italy at the end of February.<sup>7</sup>

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<sup>5</sup> 'China didn't warn public of likely pandemic for 6 key days', *The Associated Press* (Web Page, 15 April 2020) <<https://apnews.com/68a9e1b91de4ffc166acd6012d82c2f9>>.

<sup>6</sup> Lisa L Maragakis, 'Coronavirus Disease 2019 vs. the Flu', *John Hopkins Medicine* (Web Page, 30 July 2020) <<https://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/coronavirus-disease-2019-vs-the-flu>>.

<sup>7</sup> Ciro Indolfi and Carmen Spaccarotella, 'The Outbreak of COVID-19 in Italy: Fighting the Pandemic', *JACC Journals* 2(9) (Web Page, 15 July 2020) <<https://caserports.onlinejacc.org/content/2/9/1414>>.

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With C-19, too much was new, and so it was not possible to fully respond using knowledge and skills gained in the past. Day by day, medical teams and scientists learned about the disease through the rapidly rising number of infected people, fatal cases and laboratory work. C-19 was identified as a new virus causing severe respiratory symptoms – unlike flu, which is triggered by strains of influenza-like viruses.<sup>8</sup> Its effects on human health after recovery could only be gathered over time.<sup>9</sup> Protection measures were limited to washing hands, using hand sanitiser and social distancing;<sup>10</sup> no consensus was reached on wearing masks after more than six months. In overpopulated and poor countries, even these simple safety measures were difficult to meet.<sup>11</sup>

Reactions to the outbreak of C-19 were diverse among leaders on national, state and district levels,<sup>12</sup> and a global response was lacking when compared to other world-endangering diseases such as Ebola.<sup>13</sup>

Countries followed their own assessments. What people were looking for was global solidarity in leadership and a consensus on how

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<sup>8</sup> ‘Similarities and Differences between Flu and COVID-19’, *Centre for Disease Control* (Web Page, 27 July 2020) <<https://www.cdc.gov/flu/symptoms/flu-vs-covid19.htm>>.

<sup>9</sup> Lisa I. Maragakis, ‘Coronavirus Disease 2019 vs. the Flu’, *John Hopkins Medicine* (Web Page, 30 July 2020) <<https://www.hopkinsmedicine.org/health/conditions-and-diseases/coronavirus/coronavirus-disease-2019-vs-the-flu>>.

<sup>10</sup> ‘Coronavirus disease (COVID-19) advice for the public’, *WHO* (Web Page, 4 June 2020) <<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public>>; ‘How to protect yourself and others from coronavirus (COVID-19)’, *Australian Government Department of Health* (Web Page, 30 July 2020) <<https://www.health.gov.au/news/health-alerts/novel-coronavirus-2019-ncov-health-alert/how-to-protect-yourself-and-others-from-coronavirus-covid-19>>.

<sup>11</sup> Farrah Tomazin, ‘‘Tsunami’ of cases as coronavirus spreads where social distancing is a privilege’, *The Sydney Morning Herald* (Web Page, 4 April 2020) <<https://www.smh.com.au/national/tsunami-of-cases-as-coronavirus-spreads-where-social-distancing-is-a-privilege-20200403-p54gr0.html>>.

<sup>12</sup> Paul Kelly, ‘Coronavirus: Virus exposes weak global leadership’, *The Australian* (Web Page, 31 July 2020) <<https://www.theaustralian.com.au/inquirer/coronavirus-virus-exposes-weak-global-leadership/news-story/5d980f57f22f212cc1e9078cd8b765b9>>.

<sup>13</sup> ‘Key events in the WHO response to the Ebola outbreak’, *WHO* (Web Page, January 2015) <[www.who.int/csr/disease/ebola/one-year-report/who-response/en/](http://www.who.int/csr/disease/ebola/one-year-report/who-response/en/)>.

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to deal with the global health, humanitarian and economic problems. People wanted cohesion, and this evoked questions and uncertainty about how well they were informed. However, humans have a strong sense of and need for the known.<sup>14</sup>

Hundreds of thousands became infected, and both the young and old died. Personal anguish and financial misery were seen on an unprecedented scale. Economic stimulus packages were announced, also on scales previously unimaginable. Financial losses escalated for individuals and in the private and public sectors. Normal daily expectations were reduced to meeting basic physiological needs. What gave people meaning in life before became less relevant when they had lost loved ones and their jobs, were close to becoming destitute or consistently heard devastating news.

### *B The Beginning of the Age of C-19*

The prosperity seen throughout the world in the 21<sup>st</sup> century stopped by the middle of March 2020, when C-19 was declared a pandemic. Drastic restrictions were enforced on individuals, small companies and large organisations regarding how to maintain their daily businesses or compelling them to close. People had to adjust to the unknown. Concerns about future economic and financial crises became evident. Most importantly, people's basic human needs and freedom to do what they pleased were impeded since they were asked to stay at home, unless leaving the house for necessary food shopping, medical reasons and limited exercise. These restrictions were put into place to stop the new virus from spreading. In addition, facts about the virus were limited at the time the lockdowns were implemented.

Two Chinese tourists in Rome tested positive for the virus on 31 January 2020, and one week later, an Italian man returned to Italy from the city of Wuhan and was hospitalised.<sup>15</sup> Italy reported a cluster

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<sup>14</sup> Abraham H Maslow, *A Theory of Human Motivation* (BN Publishing, 2015).

<sup>15</sup> 'Italian man dies from coronavirus as number of confirmed cases jump in Italy', *ABC News* (Web Page, 21 February 2020) <<https://www.abc.net.au/news/2020-02-22/italian-tests-positive-for-coronavirus-two-more-cases-suspected/11990454>>.

Elisa Anzolin and Angelo Amante, 'First Italian dies of coronavirus as outbreak flares

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of 16 cases on 21 February 2020,<sup>16</sup> but only two days later, *The Guardian* wrote about 76 infected patients and the first deaths related to C-19.<sup>17</sup> By early March, the virus had spread from Lombardy, a province in the northern part of Italy, to every region of the country.<sup>18</sup> The World Health Organization ('WHO') reports that the Wuhan Municipal Health Commission in China reported a cluster of pneumonia cases in Wuhan on 31 December 2019.<sup>19</sup> Chinese governmental records include data going back to 17 November 2019.<sup>20</sup> In France, also, cases were traced back to 16 November 2019.<sup>21</sup>

Regular reports about C-19 were seen in the media in connection with peak travelling around Chinese New Year; however, no international travel restrictions were announced.

Later information was disturbing. As early as 30 December 2019, Dr Li Wenliang warned his former schoolmates that a new coronavi-

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in north', *Reuters* (Web Page, 21 February 2020) <<https://www.reuters.com/article/us-china-health-italy/coronavirus-outbreak-grows-in-northern-italy-16-cases-reported-in-one-day-idUSKBN20F0UI>>.

<sup>16</sup> Anzolin Elisa and Amante Angelo, 'Coronavirus outbreak grows in northern Italy, 16 cases reported in one day', *Thomson Reuters* (Web Page, 21 February 2020) <<https://news.trust.org/item/20200221165731-rzbol>>.

<sup>17</sup> 'Coronavirus: northern Italian towns close schools and businesses', *The Guardian* (Web Page, 23 Feb 2020) <<https://www.theguardian.com/world/2020/feb/23/coronavirus-northern-italian-towns-close-schools-and-businesses>>.

<sup>18</sup> 'Coronavirus. Colpite tutte le regioni. La Protezione civile: ecco i numeri aggiornati', *Avvenire.it* (Web Page, 5 March 2020) <<https://www.avvenire.it/attualita/pagine/coronavirus-aggiornamento-5-marzo-2020>>; 'Coronavirus: Fears over rapid spread in Italy's south', *BBC News* (Web Page, 26 March 2020) <<https://www.bbc.com/news/world-europe-52048919>>.

<sup>19</sup> 'Archived: WHO Timeline – COVID-19', *WHO* (Web Page, 27 April 2020) <<https://www.who.int/news-room/detail/27-04-2020-who-timeline---covid-19>>.

<sup>20</sup> Helen Davidson, 'First Covid-19 case happened in November, China government records show – report', *The Guardian* (Web Page, 13 March 2020) <<https://www.theguardian.com/world/2020/mar/13/first-covid-19-case-happened-in-november-china-government-records-show-report>>.

<sup>21</sup> 'Coronavirus: France's first known case 'was in December'', *BBC News* (Web Page, 13 March) <<https://www.theguardian.com/world/2020/mar/13/first-covid-19-case-happened-in-november-china-government-records-show-report>>.

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rus infection had been confirmed.<sup>22</sup> His alerts were not appreciated by everyone – he was called a whistle-blower and criticised for making untrue comments.<sup>23</sup> He was diagnosed with the disease on 20 January 2020 and died on 7 February 2020. Eight people, including Dr Li, were disciplined by officials for cautioning people about the health risks of the newly discovered C-19.<sup>24</sup> According to the mayor of Wuhan, quick action at the early stage, which would have been crucial, was not taken.<sup>25</sup>

Some two months into the outbreak, on 22 January 2020, the WHO issued a statement to the effect that there was evidence of human-to-human transmission of the virus.<sup>26</sup> On the following day, an Emergency Committee under the International Health Regulations was set up to assess the seriousness of the outbreak and whether it was of international concern.<sup>27</sup> A consortium of independent members from around the world could not reach a consensus, based on the evidence provided, that the outbreak constituted a public health emergency.<sup>28</sup> By 30 January 2020, this opinion was revised, and it was concluded that the novel virus constituted a Public Health Emergency of International Concern.<sup>29</sup>

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<sup>22</sup> ‘Li Wenliang: Coronavirus kills Chinese whistle blower doctor’, *BBC News* (Web Page, 7 February 2020) <<https://www.bbc.com/news/world-asia-china-51403795>>.

<sup>23</sup> ‘Coronavirus whistle blower doctor Li Wenliang dies from infection in Wuhan, local hospital says’, *ABC News* (Web Page, 7 February 2020) <<https://www.abc.net.au/news/2020-02-07/doctor-who-warned-of-coronavirus-dies-in-china/11941948>>.

<sup>24</sup> ‘Coronavirus China: Dr Li Wenliang treated ‘inappropriately’ before death from COVID-19, Chinese officials admit’, *News.com.au* (Web Page, 20 March 2020) <<https://www.news.com.au/lifestyle/health/health-problems/coronavirus-china-dr-li-wenliang-treated-inappropriately-before-death-from-covid19-chinese-officials-admit/news-story/15517ef9476314352afc15dd5ab5d7da>>.

<sup>25</sup> Rebecca Ratcliffe and Michael Standaert, ‘China coronavirus: mayor of Wuhan admits mistakes’, *The Guardian* (Web Page, 27 Jan 2020) <<https://www.theguardian.com/science/2020/jan/27/china-coronavirus-who-to-hold-special-meeting-in-beijing-as-death-toll-jumps>>.

<sup>26</sup> ‘Archived: WHO Timeline – COVID-19’, *WHO* (Web Page, 27 April 2020) <<https://www.who.int/news-room/detail/27-04-2020-who-timeline---covid-19>>.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

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People formalise views and make decisions based on their perceptions. However, in this case, the global public became confused by mixed information and were doubtful whether they knew everything they needed to know. The announcements by the WHO, a body of professionals with expertise and responsibility for public health, did not ease their minds.

When disasters occur, experts and the public want to know whether the tragedy could have been prevented. With C-19, the question is asked, what could have been done to stop the virus from spreading and why did globalisation – a process of international connections and cooperation – enable this deadly virus to spread throughout the world?

### C The Costs of Saving Lives

The main solution to the pandemic was seen to be isolation and social distancing. However, these restrictions constituted drastic changes to people's normal lives and the normal operation of businesses. With such restrictions, governments and organisations put people's health first, and HRs<sup>30</sup> and the economy second.<sup>31</sup> International and domestic flights were cancelled; schools, places of worship, shops, shopping malls and restaurants were closed; and businesses, small and large, were asked to organise arrangements whereby their employees could work from home. When the UDHR was adopted by the United Nations on 10 December 1948, it unequivocally proclaimed the inherent rights of all human beings – to live in a world in which human beings shall enjoy freedom and are free and equal in rights.<sup>32</sup> But with C-19, societies were no longer free; business and private lives were harshly restricted by the new regulations to ensure that people would stay apart and not transmit C-19.

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<sup>30</sup> United Nations, 'Universal Declaration of Human Rights', 10 December 1948 <<https://www.un.org/en/universal-declaration-human-rights/>>.

<sup>31</sup> 'Australia: Legal Responses to Health Emergencies', *Library of Congress* (Web Page, 24 July 2020) <<https://www.loc.gov/law/help/health-emergencies/australia.php>>.

<sup>32</sup> See United Nations (n 30).

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### III C-19: AN ATTACK ON HUMANITY

#### *A Silent and Invisible Attack on Life and Achievements*

Our ancestors fought wars and wrought destruction upon one another in ancient times. Not surprisingly, the world's first charter of human rights goes back to 539 BC. At that time, Cyrus the Great – the first king of Persia, who freed the slaves – declared that all people had the right to choose their own religion, in addition to also establishing racial equality.<sup>33</sup> Despite these early ideas and rulings on equality, we do not know of any other significant documents on human rights issues, until 1215, when the Magna Carta first set out the right of habeas corpus. It established a tradition of civil rights that still exists today.<sup>34</sup>

Still, neither our charters nor the miseries caused by war could prevent humans from taking advantage of and interfering with the rights of others. Warriors went to war to conquer land in antiquity; the king of the Visigoths, Alaric, conquered Rome in 410 with the help of rebelling slaves who opened the city's gates;<sup>35</sup> and the World Wars and the Vietnam War were long and costly.<sup>36</sup> Concerns about the danger of nuclear weapons led to the signing of the Nuclear Test Ban Treaty between the United States, the Soviet Union and Great Britain on 7 October 1963;<sup>37</sup> and there was the inspection of weapons of mass destruction by United Nations officials in Iraq (2002–2003).<sup>38</sup> Modern

<sup>33</sup> 'History of Natural Law & Basic Freedoms, Cyrus the Great', *United for Human Rights* (Web Page, 2014-2020) <<http://www.humanrights.com/what-are-human-rights/brief-history/cyrus-cylinder.html>>.

<sup>34</sup> A Davis and J L Hancock, 'The Uniqueness of the Magna Carta in Human History' (Web Page, 13 June 2015) <[https://www.americanthinker.com/articles/2015/06/the\\_uniqueness\\_of\\_the\\_uniqueness\\_of\\_the\\_magna\\_carta\\_in\\_human\\_history.html](https://www.americanthinker.com/articles/2015/06/the_uniqueness_of_the_uniqueness_of_the_magna_carta_in_human_history.html)>.

<sup>35</sup> Richard Cavendish, 'The Visigoths sack Rome', *History Today* (Web page, 8 August 2010) 60(8) <<https://www.historytoday.com/archive/months-past/visigoths-sack-rome>>.

<sup>36</sup> 'Vietnam War', *A&E Television Networks* (Web Page, 29 October 2009) <<https://www.history.com/topics/vietnam-war/vietnam-war-history>>.

<sup>37</sup> 'Nuclear Test-Ban Treaty', *A&E Television Networks* (Web Page, 9 November 2009) <<https://www.history.com/topics/cold-war/nuclear-test-ban-treaty>>.

<sup>38</sup> Julian Borger, 'There were no weapons of mass destruction in Iraq', *The Guardian* (Web Page, 7 October 2004) <<https://www.theguardian.com/world/2004/oct/07/usa.iraq1>>.

chemical engineering has given rise to concerns that chemicals could be used for fatal attacks on humanity.

In the past, attacks were on tribes, groups and nations; C-19 has attacked the entire world, as well as its humanity and achievements. C-19 causes people to fall ill, interferes with their psychological state, deprives them of things they fundamentally need and have a right to, and kills them; it depresses the economy and renders individuals, private businesses, multinational companies and nations bankrupt.

Globalisation was developed to enhance cooperation between nations, companies and governments in order to facilitate business worldwide; it has raised the world market to new heights. However, globalisation appears not to function at its best during global health emergencies. Could globalisation become a process of attacking humanity and destroying its accomplishments?

Around the world, nations announced localised or national lockdowns at different times and for weeks or months while some tightened restrictions after lifting them.<sup>39</sup> Nothing else should or could have been done because of the importance of protecting life.<sup>40</sup> However, when restrictions have a significant effect on people's normal lives, one might ask whether all decisions were optimal. The question is whether these decisions were made on valid grounds and whether alternative decisions would have been less effective.

### *B Lockdowns: Interference with People's Needs*

How people have coped with the sudden, strange and horrendous new circumstances has depended on factors such as financial circumstances, whether they lost their jobs or businesses, family and government support, education, general health, life experiences and personal resilience. However, everyone's needs have changed, to varying degrees.

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<sup>39</sup> 'Coronavirus: The world in lockdown in maps and charts', *BBC News* (Web Page, 7 April 2020) <<https://www.bbc.com/news/world-52103747>>.

<sup>40</sup> 'Right to life: Public sector guidance sheet', *Australian Government Attorney-General's Department* (Web Page, ) <<https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny/public-sector-guidance-sheets/right-life>>.

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People possess a strong drive to fulfil their needs. A person might often think of their ‘needs’ as what they like to shop for. Taking action to obtain a desired purchase is only part of what makes people behave as they do. The real driving force behind human behaviour and ambitions is their distinctive, inborn need. These kinds of need have been identified through research such as that carried out by Abraham Maslow in the 20<sup>th</sup> century and are evident through evolution and reflected in the growing refinement of human behaviour through civilisation.<sup>41</sup> Our cultures, art and advanced science reflect what people are capable of achieving when they feel the need to actualise their potential.

### *C Maslow’s Work on Human Needs*

Abraham Maslow, an American psychologist, developed with a hierarchy of needs that humans want to have fulfilled.<sup>42</sup> His theory proposes that these needs greatly determine people’s behaviour – namely, what people do and why, what their patterns of behaviour are and what becomes habit or high achievement. His work also implies that a person’s psychological health is dependent on the fulfilment of their innate needs. This is important to note when millions of people have lost their jobs or have been required to take leave or pay cuts – ie when their needs abruptly change through no fault of their own.

Maslow’s Theory of Motivation comprises five main types of need.<sup>43</sup> Each consists of individual needs, which are universal and significant because they give people satisfaction whenever they are fulfilled. The theory also implies that people become motivated to achieve a higher levels of need when they are satisfied that the goals in the lower part of the hierarchical order have been achieved.

So, what does Maslow’s theory have to do with C-19? Maslow’s principal findings – namely, how a person’s behaviour, motivation and psychological health depend on how an individual is satisfied with

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<sup>41</sup> Abraham H Maslow, *Toward a Psychology of Being* (Wilder Publications, 2011).

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

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their needs – is relevant to understand the impact of lockdowns and uncommon regulations on humans. His studies provide valuable insight into the predicament that millions of people have experienced. During the first lockdown, they struggled with financial issues and staying positive and motivated, but then businesses had to close again when transmission rates began to increase again. Some businesses have closed for good, and many people have lost their jobs.

Maslow's studies help us to understand what people have gone through during the lockdowns and how they must have felt when they lost their jobs and began to struggle to meet urgent basic needs.

At the bottom of Maslow's hierarchy of needs are the basic or physiological needs, such as food, water, breathing and sleep. These protect the body from physical harm. One who lacks everything in life will most likely crave food and water above anything else and will also be motivated most by a lack of food. Safety ranks the second highest of the human needs; if the physiological needs are gratified, the body is absorbed in seeking and maintaining safety. Societies are preoccupied with their members' health and the well-being of their bodies, families, homes and regular jobs. What people also look for, and what they mean when they say they want safety, is stability in the world and the ability to see and maintain that which is familiar. Moreover, people have a preference for the known over the unknown.

Work with children has found that an undisrupted routine – an orderly world – is a requirement if young people are to feel safe. However, children feel anxious and unsafe if they experience unfairness, inconsistency and conditions that give the impression of an unreliable and unpredictable world. In society, adults learn to camouflage their innate feelings and reactions, whereas children and particularly babies become unsettled and show this when they sense danger or insecurity. On the other hand, young children seem to thrive when kept to schedules and when there is something they can count on. We can say that a child needs an organised world rather than an unstructured one, as well as parents who protect them from harm.

If the first two levels of needs are satisfied, then people focus on

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social needs such as a desire for love, belonging and affection. People will have a yearning for relationships – a partner and groups of friends. Being social, interacting with others and communicating are typical behaviours that humans want to engage in. Isolation and loneliness, by contrast, lead to depression.

The second highest category pertains to what we do to esteem and think highly of ourselves and to have an impact on others to gain their attention and respect. Needs that relate to a person's aims for achievements, high self-esteem, self-respect, confidence, freedom and independence – but also respect for others – fall under the umbrella of esteem needs. Being satisfied with one's self-esteem is about feeling adequate and useful in the world; a lack of these needs creates feelings of inferiority, weakness and helplessness and leads to discouragement. In the worst circumstances, severe traumatic neurosis can result.

Maslow's first four categories capture the basic conditions that concern coping with life. At the fifth and highest level of human needs, people are occupied with actualising what they are capable of becoming. Needs in this category are also known as cognitive needs. At this level, people generally seek purpose in their own lives, knowledge, a sense of purpose in being there for others and the ability to explore mindfulness. The need to reach out to others involves a readiness for caring and helping, empathy and compassion. Societies may also derive satisfaction from advocating ideologies such as justice, tolerance, education and moral issues.

The five levels of needs drive humans to develop and actualise their full potential. Achieving and maintaining the various conditions – and feeling ambitious enough to conquer the next level of needs – depends on factors such as education, culture, environment, age and opportunities. The needs are related to each other and are hierarchically ranked. A person can fall back and work on needs at a lower level. As life goes on, people may no longer think about previous needs because they take them for granted; ie those needs no longer dominate their conscious mind. What is important to acknowledge from empirical studies is that human beings have an innate desire to satisfy individual needs and to

fulfil higher needs. In normal life, the average person is partially satisfied and partially unsatisfied in the totality of what they want.

### *D Human Needs: Lost in the Age of C-19*

Eleven days after C-19 was declared a pandemic,<sup>44</sup> Australia, Canada and Japan already had over 1,000 cases and Bondi Beach in Sydney, along with pubs, restaurants and gyms, was closed. Millions of people in the US were placed under strict quarantine, and individual states asked all non-essential businesses to close. Jordan announced a strict nationwide curfew, and Syria banned visitors from all affected countries.

The news was received with concern and scepticism. People realised that they had been living with a deadly virus for almost three months. Maslow, as noted earlier, talks about humans' fundamental need for safety – a natural wish to be healthy and to know.<sup>45</sup> The latter desire was now barely, if at all, met.

On 19 April 2020, the Australian Foreign Minister, Marise Payne, asked for a global investigation into the origins of C-19 and its outbreak.<sup>46</sup> The response from China was not in favour of the request.<sup>47</sup> China moved to re-visit the mandate for an investigation after the pandemic.<sup>48</sup>

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<sup>44</sup> Rebecca Ratcliffe, 'Coronavirus: 21 March at a glance', *The Guardian* (Web Page, 21 March 2020) <<https://www.theguardian.com/world/2020/mar/21/coronavirus-at-a-glance>>.

<sup>45</sup> Maslow, above n 14.

<sup>46</sup> Brett Worthington, 'Marise Payne calls for global inquiry into China's handling of the coronavirus outbreak', *ABC News* (Web Page, 19 April 2020) <<https://www.abc.net.au/news/2020-04-19/payne-calls-for-inquiry-china-handling-of-coronavirus-covid-19/12162968>>.

<sup>47</sup> Graeme Smith, 'Murky origins: why China will never welcome a global inquiry into the source of COVID-19', *The Conversation* (Web Page, April 22 2020) <<https://theconversation.com/murky-origins-why-china-will-never-welcome-a-global-inquiry-into-the-source-of-covid-19-136713>>.

<sup>48</sup> Rob Picheta, 'China backs coronavirus investigation but says it should wait until pandemic is contained', *CNN* (Web Page, May 18 2020) <<https://edition.cnn.com/2020/05/18/health/world-health-assembly-china-inquiry-intl/index.html>>.

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In the meantime, people continued to face the unfolding difficulties in their own and other countries. The bleak outlook for a vaccine has amplified people's anguish. Their need for safety has been jeopardised twofold: first, by the uncertainty surrounding the unknown, i.e. the virus, how to protect themselves and the personal unfamiliar circumstances; second, people's fundamental right to know and be warned about the health risks of C-19 has been compromised.

By 10 January 2020, when the WHO was not recommending restrictions for international traffic and precautions for international travellers, 41 cases were reported by Chinese authorities.<sup>49</sup> When the WHO announced that there was a Public Health Emergency of International Concern on 30 January 2020, the number of cases in mainland China was almost 9,700, with at least 213 deaths.<sup>50</sup> However, when C-19 was declared a pandemic on 11 March 2020, there were 118,000 cases in 114 countries and 4,291 fatalities.<sup>51</sup>

C-19 changed the world profoundly and rapidly. By the end of April, the International Labour Organization reported a significant drop in working hours (10.5%) compared to the last quarter of 2019.<sup>52</sup> Upper-middle-income countries were hit most in the first quarter (8.8%), while a drop in employment in lower-middle-income (11.4%) and high-income (12.2%) countries was predicted in the second quar-

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<sup>49</sup> 'WHO advice for international travel and trade in relation to the outbreak of pneumonia caused by a new coronavirus in China', *WHO* (Web Page, 10 January 2020) <<https://www.who.int/news-room/articles-detail/who-advice-for-international-travel-and-trade-in-relation-to-the-outbreak-of-pneumonia-caused-by-a-new-coronavirus-in-china>>.

<sup>50</sup> Helen Regan et al, 'January 30 coronavirus news', *CNN* (Web Page, 31 January 2020) <[https://edition.cnn.com/asia/live-news/coronavirus-outbreak-01-30-20-intl-hnk/h\\_ccc67e9d3ac64e126fd44f219fec0e0b](https://edition.cnn.com/asia/live-news/coronavirus-outbreak-01-30-20-intl-hnk/h_ccc67e9d3ac64e126fd44f219fec0e0b)>.

<sup>51</sup> 'WHO Director-General's opening remarks at the media briefing on COVID-19', *WHO* (Web Page, 11 March 2020) <<https://www.who.int/dg/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19-11-march-2020>>.

<sup>52</sup> 'ILO: As job losses escalate, nearly half of global workforce at risk of losing livelihoods', *ILO* (Web Page, 29 April 2020) <[https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_743036/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_743036/lang--en/index.htm)>.

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ter.<sup>53</sup> CNBC reported on 30 March 2020 that the downturn in the economy could cost 47 million jobs and increase unemployment to over 32% in the US.<sup>54</sup> Analysts worried about particularly high layoffs in high-risk jobs.<sup>55</sup> BBC News reported on 7 April 2020 that a total of 81% of the global workforce of 3.3 billion had seen their workplaces partially or fully closed.<sup>56</sup> In this meltdown of the labour market, the ILO also warned that almost half of the global economy – 1.6 billion employees in informal jobs – could be out of work due to the decline in working hours and lockdowns, with people under the age of 25 being hit particularly hard because of working in informal employment sectors.<sup>57</sup>

The loss of employment caused significant changes in people's needs. Those previously in good positions, with high salaries and the ability to actualise their full potential in their work, faced grief, embarrassment, a lack of self-esteem and a loss of coveted reputation. Those who overspent because they had become used to high incomes may have struggled with bills after redundancy. Having no income leads to guilt, despair and helplessness for wage earners regardless of past or current work. Living with less was something many people had never had to deal with, and they were learning about it for the first time. Families had to lower their expectations and needs; of the 1.6 billion people employed in the informal economy, many were unable to earn a living to fulfil their most basic needs such as food, clean water

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<sup>53</sup> 'ILO Monitor: COVID-19 and the world of work', *ILO* (Web Page, 27 May 2020) <[https://www.ilo.org/wcmsp5/groups/public/---dgreports/--dcomm/documents/briefingnote/wcms\\_745963.pdf](https://www.ilo.org/wcmsp5/groups/public/---dgreports/--dcomm/documents/briefingnote/wcms_745963.pdf)>.

<sup>54</sup> Jeff Cox, 'Coronavirus job losses could total 47 million, unemployment rate may hit 32%, Fed estimates', *CNBC* (Web Page, 30 March 2020) <<https://www.cnb.com/2020/03/30/coronavirus-job-losses-could-total-47-million-unemployment-rate-of-32percent-fed-says.html>>.

<sup>55</sup> *Ibid.*

<sup>56</sup> 'Coronavirus: Four out of five people's jobs hit by pandemic', *BBC News* (Web Page, 7 April 2020) <<https://www.bbc.com/news/business-52199888>>.

<sup>57</sup> 'ILO: As job losses escalate, nearly half of global workforce at risk of losing livelihoods', *ILO* (Web Page, 29 April 2020) <[lo.org/global/about-the-ilo/newsroom/news/WCMS\\_743036/lang-en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_743036/lang-en/index.htm)>.

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and a place to sleep.<sup>58</sup> The changes to employment worldwide were in stark contrast to what we might understand from art 13 in the UDHR, which states that, ‘everyone has the right to work, to free choice of employment’.<sup>59</sup>

Humans are social beings. In the age of C-19, it would have been natural and important for people to reach out to friends; however, the lockdowns forced them to stay in isolation or with members of their households only. Such interference with private lives has been widely accepted because of the fear of C-19, but it is not in line with art 12, which states that, ‘no one shall be subjected to arbitrary interference with his privacy, family, home...’.<sup>60</sup> It is unnatural for human beings to avoid social contact, to sense other human beings, to talk and to listen, and to touch and be touched. People require love and affection – to both receive and give these.<sup>61</sup> People in relationships but not living under the same roof were separated for weeks or months.

In addition, people could not attend weddings or funerals, visit loved ones in hospitals or care homes, or give them comfort in their final hours. Travelling any distance to see relatives or friends, or for pleasure or business, was also restricted. art 23.1 states that, ‘everyone has the right to freedom of movement and ... the right to leave any country, including his own, and to return to his country’.<sup>62</sup>

Education was interrupted by the closure of educational institutions for weeks or months, and families were asked to homeschool and extend holidays. The disruption for learners was significant. According to a publication by UNESCO, as of 24 April 2020, 1.5 billion children and youth from pre-primary to higher education have been

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<sup>58</sup> Peter Kemny, ‘ILO raises global job loss forecast to 305M amid virus’, *Economy* (Web Page, 29 March 2020) <<https://www.aa.com.tr/en/economy/ilo-raises-global-job-loss-forecast-to-305m-amid-virus/1823051>>.

<sup>59</sup> UDHR art 13.

<sup>60</sup> UDHR art 12.

<sup>61</sup> Maslow A, *A Theory of Human Motivation* (BN Publishing, 2015).

<sup>62</sup> UDHR, above n 29, art 23.1.

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affected by school closures.<sup>63</sup> Figures were even higher on 30 March 2020 (1.6 billion or 90.3%). Four months later, on 23 July 2020, over 1 billion or 60.9% of young children and youth were still unable to attend school. Nations with country-wide closures dropped from 191 to 107 between the end of March and July 2020.<sup>64</sup> However, school closures also brought high social and economic costs for people across communities. Underprivileged learners were disadvantaged; children from poor families suffered malnutrition if they relied on meals provided by schools; and parents were unprepared for home learning and incurred costs when staying at home with their children. Neither should we ignore the fact that pre-schoolers and students missed the social contact they could enjoy at school. Under these conditions, social problems such as child labour, sexual exploitation and early marriages and pregnancies erupted. Yearly assessments were thrown into disarray, and students were stressed because their plans became uncertain. According to art 26.1, ‘everybody has the right to education...’<sup>65</sup> However, in the age of C-19, this right was greatly curbed.

Our learners were also disadvantaged by the interruption to their routines, which are important for older students but especially for the young, who need stability and an orderly world. They may also have felt insecure because of their parents’ change in work or employment status, or the different family dynamics.

Article 18 of the UDHR states that everyone has the right to manifest their religion or belief in teaching, practice, worship and observance.<sup>66</sup> However, worshippers could not attend churches, temples, mosques, synagogues or shrines for prayer because they were closed world-wide. Worship is a tradition that has been cultivated throughout

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<sup>63</sup> ‘1.3 billion learners are still affected by school or university closures, as educational institutions start reopening around the world, says UNESCO’, *UNESCO* (Web Page, 29 April 2020) <<https://en.unesco.org/news/13-billion-learners-are-still-affected-school-university-closures-educational-institutions>>.

<sup>64</sup> ‘From Disruption to Recovery’, *UNESCO* (Web Page, 1 August 2020) <<https://en.unesco.org/covid19/educationresponse>>.

<sup>65</sup> UDHR art 26.1.

<sup>66</sup> UDHR art 18.

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history. In the age of C-19, when people would have been drawn to prayers for comfort, strength and solutions to the global dilemma, they could not fulfil this intrinsic need. The last point concerns needs, which Maslow listed in his hierarchy of human motivation under esteem and self-actualisation. As mentioned earlier, a person's needs on these two levels include the need for relationships with oneself and others, personal interests, spirituality and ideologies. To protect FRs, these needs, which are beyond the physiological, are important because desires that lead to actualising one's potential can advance not only one's personal growth but also the growth of humanity – what societies have achieved and who we have become. However, with C-19, all of these innate and legitimate needs of our societies were infringed upon by novel circumstances. People were required to stay at home, faced uncertainty about their future and were even prevented from enjoying nature and attaining fulfilment through its beauty.

### IV FUNDAMENTAL RIGHTS AND RESPONSIBILITY IN PERSPECTIVE

The intense sensitivity that societies display towards HRs and what they believe they are entitled to makes it difficult to develop a scheme to protect FRs. Today's focus on identity rather than responsibility adds to the dilemma of identifying FRs, which are universal, valid and indisputable in the age of C-19 – and in other crises, which we hope will never occur.

The two previous sections presented accounts of C-19's impact on humanity and my argument that draws on Maslow's theory of human motivation to protect FRs in the age of C-19. Both sections shed light on our time – a time in which regulations and established rights are protested against and misused for individual gain – and examine why our HRs may be less effective today and how human behaviour (specifically, a lack of responsibility) has led to a pandemic that seems out of control.

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What follows does not provide a clear-cut path to a solution, but they do attempt to offer thoughts on protecting FRs in the age of C-19, providing detail on what must be protected and how.

As already stated, this paper sets FRs apart from HRs and proposes protecting FRs by drawing on humans' natural needs; for some, however, notions of FRs and HRs may be the same or similar. FRs, in my conception, are concerned with humans' innate needs, which are achieved by people through their development and over their lifetimes and are found through evolution. They are true, intrinsic, natural desires to strive for: food, safety, health, work, housing, family, being with others, and actualising one's potential in areas of individual choice. HRs, in contrast, were drafted by humans for a purpose.

The UDHR and earlier charters of human rights were created with wisdom and in the interest of humanity, with the aim of establishing equality among people at a certain time. Wars and unfair treatment of people of different cultures, races and religions occurred during the times the charters were written.

In the age of C-19, we must consider our global economy and politics, values and social movements. What was previously a reason to mandate the protection of rights may no longer be of the same significance today. One must ask why existing rights are not working. People's perceptions of their rights have changed, as has their respect for rights and laws; people now enforce individual views. This diversity makes it difficult to define FRs in a way that is widely accepted. One must be clear why particular FRs should be protected in preference to others, and one must question whether protecting FRs in the age of C-19 will also be helpful to humanity in other crises.

The FRs that it seems essential to protect would be the innate human needs that constitute the UDHR, such the right to employment, education, worship, privacy, freedom from aggression and the idea that people should act towards one another in a spirit of brotherhood. In other words, FRs that would have to be protected would be those that are concerned with what people need, not what they believe they should have. A paper that discusses the protection of FRs should also

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include a mandate for the right to investigate the cause of any disaster without delay in order to avoid further harm to humanity.

The argument for using Maslow's research on human needs in preference to the UDHR should not be viewed as disregard for the UDHR, but it does appear that the UDHR can be used for personal gain. In crises, when difficult decisions must be made, people should not be able to find a loophole in the UDHR to gain what they believe is their right.

Everyone's FRs should be protected equally; however, we know that the decisions of politicians and professionals have not been unified or equal but have placed various countries and states in better or worse positions in the age of C-19. Then again, it was not possible to lean on experience during this crisis, and leaders around the world have had dissimilar economic and social conditions and populations to deal with. Restrictions following the outbreak of C-19 did not make sense when they varied between political leaders and were impractical in some parts of the world.

The purpose of protecting FRs is to serve the people. However, for this to happen, FRs must resonate with the public and must be accepted and followed; people must see that these rights are in their best interests. People must understand why rights and restrictions are put in place and know that they should be fair to everyone and treat everyone equally. Furthermore, protecting FRs not only serves the individual and humanity but also assures that what societies have accomplished will be maintained: advanced knowledge of science, technology and medicine, and our cultures. Only through self-actualisation has humanity developed to the point at which we currently find ourselves.

Not everyone is equally credible. This is important for two reasons: first, FRs should be drafted by a body with credibility; second, authorities that have the power to make decisions should have special qualities such as competency, credibility, integrity, expertise, honesty, knowledge, responsibility and unbiased and lateral thinking. People who have the privilege of making critical decisions must weigh the consequences of their decisions in terms of their effects on people's

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lives. Even though unexpected circumstances may prompt urgent decisions, they must be scrutinised and responsible.

Protecting FRs must be seen in relation to today's world market and how companies and politicians are conducting business because it is here that rights are upheld or neglected. Globalisation, a process that began in the early 1980s, has prevailed in terms of connecting the world. Cooperation between organisations, political leaders and individuals has brought lucrative returns; however, while global cooperation worked well for financial profit, it failed during the outbreak of C-19. A prompt response in the form of cooperation and global leadership was missing. Why? Article 1 of the UDHR reminds us that, 'all human beings ... are endowed with reason and conscience and should act towards one another in a spirit of brotherhood'.<sup>67</sup> Has this fundamental wisdom been lost in the age of globalisation? Is it a sign that power through business can create its own culture, disassociated from people's right to live?

The age of C-19 provides impetus to formulate new FRs that can protect everyone equally, particularly in world crises such as C-19. It is important that these FRs cannot be challenged by individuals or minority groups for personal reasons. Restrictions on FRs in emergencies must be sound, sensible and in the interest of humanity.

### V CONCLUDING COMMENTS

In the age of C-19, values and policies are too often ignored, but the rights to which people feel they are entitled prevail. When these are the general sentiments, it is difficult to formulate FRs that will be respected as tools to protect humanity.

Protecting FRs matters. It is the difference between humanity prospering and not surviving. It gives guidance and opportunities to people, in private lives and in business, to do the right thing and ensure a better future for the next generations. However, if we place personal interests on pedestals, humanity is in trouble. This is why the battle to protect FRs is vital.

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<sup>67</sup> UDHR 29 art 1.

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My comments are directed towards people who are interested in the future of humanity and are in a position to make changes. The present world crisis of C-19 is unprecedented. Disrespect for rights beyond an individual's interests has become dangerously widespread. It is time to remind people of their responsibilities and the fact that responsibility counts. To be responsible also means to respect rules and regulations that one may not personally like. FRs that protect our civilisation are timely in an age when people too often ignore the idea that they should act towards others in a spirit of brotherhood,<sup>68</sup> and when individuals believe they are entitled to their desires and take action that is to the detriment of others, or even of humanity.

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<sup>68</sup> UDHR 29 art 1.