

THE PROTECTION OF HUMAN RIGHTS IN INFECTIOUS DISEASE CONTROL: LESSONS FOR GLOBAL HEALTH GOVERNANCE FROM A COMPARISON OF NATIONAL JUDICIAL PRACTICE

Call for Papers

Health and Human Rights Unit Workshop, School of Law, Queen's University Belfast

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Infectious disease outbreaks are reported on a near-daily basis—from measles in Europe and the US, to Ebola in Africa, polio in Asia, and the continuous threat of influenza, HIV/AIDS, TB, malaria and hepatitis. Preparing for and responding to such outbreaks typically involves some form of legal intervention, especially in case of pandemics, and these interventions typically involve one or more public health protection constraint measures. So, for example, controls may be applied to international travellers. Such controls can be either WHO-recommended (eg, cross-border temperature screenings during the Ebola outbreak in the DRC) or devised by individual states and regional co-ordination (eg, Italy's requirement of a polio vaccine for Indonesians; EU tracing of Lassa fever contacts). Controls may also apply internally to state citizens (eg, detention of patients refusing TB treatment in Ireland and the US).

The aim of these measures is to prevent or at least limit the spread of disease, while minimising interference with travel and trade. Crucially, this aim is widely pursued by treating public health as a security issue. Further, it is generally assumed that policy-makers prioritising populations' health pay less attention to the rights of potentially infected persons, patients, travellers and healthcare workers. This assumption is supported by widely publicised examples of rights infringements, including unjustified isolation, fatal shooting of mass quarantine protesters and breaches of medical privacy.

This workshop seeks to investigate current and past practices in infectious disease control, and our assumptions about these. It does this by investigating one site: national judicial practice interpreting human rights standards. More particularly, the workshop will explore (i) whether and how national judicial and quasi-judicial practice protect human/constitutional rights in the context of infectious disease controls; and (ii) whether and how a comparative human rights approach that pays more attention to these judicial and quasi-judicial practices could facilitate better global health governance.

Proposals on, but not limited to, the following themes are invited:

- the interpretation of human rights and constitutional standards in relation to public health measures of infectious disease control (eg, the protection of privacy and medical data, informed consent, personal liberty, freedom of movement, thought and religion, freedom of assembly)
- the application of principles such as dignity, rule of law, non-discrimination and equality in these control measures
- the interpretation and understanding of individual human rights at the intersection of public health control, security and national laws in areas rarely studied in infectious disease context, eg, burial law, criminal law, family law, crisis management and disaster law
- the reasoning of judicial and quasi-judicial bodies on human rights limitations based on risk assessment and epidemiological evidence as well as their attitude towards scientific uncertainty
- judicial and quasi-judicial approaches to post-pandemic protection of rights, eg, the rights of orphaned children or traumatised families
- national case-studies explaining the reasons for a lack of judicial practice and/or its limits, including barriers to access to judicial review of vulnerable groups (eg, migrants, children and women)
- explorations of the benefits and limits of quasi-judicial modes of human rights protection in this context (eg, complementary administrative practice) and, more generally, ways in which human rights protection can be secured in contexts characterised by a shortfall in relevant judicial practice

Please send your abstract of up to 500 words to: p.dabrowska@qub.ac.uk by 28 February 2020. Limited funding for travel and accommodation is available.

