Of COVID-19 Transmission Control
An Analysis of Logic of Rights and Ethics of Duty

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Abstract

At the onset of the COVID-19 epidemic, world leaders introduced face masking and tactical urbanism aimed at reducing physical contacts. The goal of these measures, as argued by the proponents, is to curtail community transmission of the virus to enable herd immunity. The enforcement of these measures attracted contradictions related to human rights and citizen duty. In the Global North, the rising cases of COVID-19 have been linked to resistance to regulations aimed at containing the virus. Predominantly, the younger generation perceive these measures as infringements on their freedoms and rights. Conversely, in the Global South, the implementation of COVID-19 measures has been marred by instances of human rights violations and extra-judicial killings in extreme cases. There are reported cases of arbitrary arrests, battery, and extortions consequent upon the enforcement of physical distancing and use of face masks. The paradox of the differential experiences between the Global North and South informed this article. Relying on extant literature and Procedural Justice Theory, the authors submit that rights and duties are not mutually exclusive, but can be blended through a proactive participatory process within a democratic framework. The article recommends a multi-level legislative framework for disaster management.
Keywords

- COVID-19
- human rights
- citizen duty
- law enforcement
- democracy

1 Introduction*

The Coronavirus (COVID-19) has affected over 400 million people globally resulting in about six million deaths (Worldometer, 2022). The virus acquired the status of a pandemic given the number of cases so far recorded and the deaths resulting from such cases (Glatter & Finkelman, 2021; Morens, 2020). Perhaps the reason why the mortality associated with COVID-19 is lower than the ones associated with earlier pandemics such as Black Death, Bubonic plague, and Spanish influenza which individually claimed tens of millions of lives is because of the advances in medicine. Coronavirus remains an existential problem which requires collective action in terms of prevention of transmission (Ornell et al., 2020; Tan et al., 2020). There have however been serious concerns with the way people have been responding to this virus. These concerns cover rights violations on one hand, and lack of commitment to civic responsibilities which have compounded global response to the virus, on the other. This article therefore looks at an approach to emergencies that blends human rights and citizen duty.

2 The Concept of Human Rights

Human rights are those inalienable rights of all members of the human family (UN, 2021). The United Nations’ Universal Declaration of Human Rights which is the single most important document on the subject of human rights globally emphasises the recognition of the inherent dignity of the human person and of the equal and inalienable rights of all people (Tannous & Gaffney, 2020; Smith 2020; Lindkvist, 2017). The concept has found its way into the regular linguistic and conversational mesh. Regardless of any intellectual rigour that might have been involved in its conceptualisations, the fact remains that its meanings cannot be divorced significantly from the fair idea that all and sundry have about it. Human rights simply mean that every human in every

* The authors would like to thank Dr Aghogho Akpome for the conversations between him and the lead author which provided useful insights for the article.
society has every right to dignity of person, freedom from fear and to achieve their highest aspiration.

The significance of human rights stems from the fact that there is need for a system that prohibits tyranny and oppression. It is the recognition of the inherent dignity, equality and equivalence of people that is the foundation of freedom, justice and peace in the world (UN, 2021). It is also the bedrock of social progress and development and international relations. It is for this reason that the Universal Declaration of Human Rights (UDHR) advocates that these rights should be protected by the rule of law. UDHR contains 30 articles that prescribe the conditions that guarantee individual liberty and dignity. It is noteworthy that 192 out of the 195 countries in the world are signatories to this charter (Youth for Human Rights, 2021). Even though UDHR is the baseline effort for ensuring human rights, regions and countries of the world, borrowing from its provisions, have also domesticated human rights in regional charters and national constitutions. The import of this is to adequately take care of the peculiar nuances across regions of the world that the UNDR may not have adequately addressed. For instance, in Africa, there is the African Charter on Human and Peoples’ Rights (also known as the Banjul Charter) which transcends the protection of human rights to the protection of the rights of ethnic nationalities in Africa.

3 Theorising Human Rights: Equal Claim to Nature and Self-Sovereignty

The idea of fundamental human rights has been around for a long time. It is informed by the fact that all persons came into the world by the same process of nature and therefore have equal status as human beings (Higgins, 2019). Intrinsically, no individual has a higher or better claim to nature than another. The fact that every person has inherent faculties and capacities to sustain autonomous and independent life underscores the basis for the construction of the theory of fundamental human rights. Following the equal claim to nature is self-sovereignty. The equal standing of every person in the society as a human being precludes any person from unilaterally assuming control over another (Higgins, 2019). What this means is that a person reserves the right to self-ownership and inalienable rights which cannot be transferred to another person. For these rights to be enforced, there is need for the maintenance of rule of law so that rights of the people are not abridged or violated (Follesdal, 2021). The next section will focus on citizen duty and the ethics of obligations.
Citizen Duty and its Ethics

Citizen duty presupposes that every member of any given society has responsibilities to that society (Appleby-Arnold et al. 2019; Blais & Achen 2019; Mullinix, 2018). In recent years, there has been increased consideration being given to duties. According to Harrison and Boyd (2018), citizen duty or obligation covers four areas and may be summarised as follows:

(a) **Moral obligation**: Moral duties are the things people are expected to do because they owe such actions to others or themselves. For instance, there is a moral duty to be truthful, to help other people and refrain from deviant behaviours such as alcoholism and reckless sexual activities. These types of obligations are not covered within the purview of the law, so it is not justiciable in most societies. Hence, default in these obligations does not attract strong punitive sanctions or societal disapproval.

(b) **Legal obligation**: Legal duties are the enforceable and justiciable actions which are linked to state sovereignty. Payment of taxes, acquisition of a driving licence before driving and asset declaration by politicians are examples of legal obligations.

(c) **Civic obligations**: Civic duties are reciprocal actions in response to the privileges one enjoys as a member of a given society. Voting in an election is an example of civic duties. It must be mentioned however that even though voting is a voluntary, citizen duty, it is compulsory in some countries including Australia, Argentina, Austria (Tyrol region), and Bulgaria. A number of these countries across the world have constitutionally stipulated sanctions for non-voters (IDEA, 2021).

(d) **Social obligation**: Social duties, according to Harrison and Boyd (2018), are an extension of civic obligations and they include such obligations we owe to society that contribute to the general good. Having children is a veritable way of replacing the old generation and perpetuating society. However, having children necessitates a readiness to care for them and raise them in a society-approved way. Defaulting in social obligations may or may not attract prosecution by the law system depending on the degree of non-performance of such obligations. For instance, a parent who wilfully neglects his child and exposes the child to harm will be prosecuted for negligence while another parent who has failed in socialising his child into the culture of their society will not. Among the types of duties examined, legal and civic duties readily relate to the kinds of duties that this article focuses on.
Organically, society requires the performance of certain obligations to be in perpetuity. The withdrawal or non-performance of such duties puts the system as a whole at a disequilibrium. The performance of citizen duty thus becomes an ethical issue. The ethics of citizen duty implies the rightness of fulfilling the responsibility expected of one by the society (Carreras, 2018). Tax payment, obedience to law and order, good citizenship etc. are examples of what a society needs to survive. Society relies on the collective action of its constituent elements to remain a going-concern and the reality is that the continuity of the social system is in the interest of the constituent elements, thus it is their responsibility to ensure that all inputs and responsibilities required of them are provided.

5 Theorising Citizen Duty: Procedural Justice Theory

Procedural Justice Theory (PJT) is a social psychological perspective which explicates the reasons behind obedience to law and it originated from the work of Tom Tyler (1990). The theory has since gained wide acceptance as a conceptual and analytical framework in criminology and police studies (Scott, West & Harrison, 2020). The crux of the theory is that there are two distinct modes that inform the level of compliance of individuals to the directives of powerful authorities. The first mode is *instrumental compliance* which has to do with fear of repressive apparatus at the disposal of the authorities to command obedience to rules. The second mode holds that the level of conformity to rules of powerful authority is *normative compliance*. This has to do with the supposition that people’s acquiescence and obedience to authority’s directives are premised on their judgement that the directives are morally appropriate and enforced in fairness (Stott et al., 2020).

The reality is that more often than not people hardly have confidence in political authority, so compliance to rules is mostly emanating from fear of sanctions. It must also be mentioned that COVID-19 regulations have not been enforced fairly and objectively. The defiance of COVID-19 protocols by the elite has been a disincentive for compliance for individuals across the world. Members of the political class in many countries have been caught violating the rules of COVID-19, yet they have superintended over the enforcement of the regulations. This is typical of the hegemony of the privileged.

The section below will examine the intersections between COVID-19 regulations, human rights, and citizen duty.
COVID-19 Regulations, Human Rights, and Citizen Duty

The COVID-19 pandemic has upended the world and brought fear and grief. It is a novel public health crisis which has turned the whole world into disarray. The most challenging thing about the virus when it surfaced in 2019 was that epidemiologists and virologists did not understand its behaviour and how it is transmitted (Mishra et al., 2020). Even now, there is still a lot of work needed to understand the variants because of how rapidly they mutate (CDCP, 2021). At the moment, there are over 400 million cases globally and 6 million deaths resulting from COVID-19. The number of cases and mortalities from COVID-19 may be more than recorded because of global disparity and inadequacies in health data management, especially in the South.

The acuteness with which the virus was claiming lives in the first and second quarter of 2020 informed why governments across the world adopted tactical urbanism. This involves shutting down businesses, schools, and lessening avenues for physical contacts. For instance, some countries set two metres, while others set 1.5 metres as the minimum physical distance that should be between two people. To drive these lockdown rules home, most countries had to resort to emergency legislation on COVID-19 regulation which empowers law enforcement agencies to ensure compliance from their populations. For some countries, their leaders issued executive orders. These efforts are laudable in that the most important role of any government is the protection of the lives of its citizens.

The adoption of tactical urbanism, lockdowns and travel restrictions as measures of halting the spread of COVID-19 across the world undermines citizens’ human rights and freedoms. For instance, according to the International Covenant on Civil and Political Rights (ICCPR), restrictions on human rights should only be applicable to situations of public health and national emergencies (UN Human Rights Committee, 1999). It stipulates that such restrictions must be lawful, necessary and proportionate, and in this case, restrictions on the rights to freedom of movement as guaranteed by Article 13 of the Universal Declaration of Human Rights (UDHR) must be conducted in compliance with the law. This implies that COVID-19-induced restrictions such as lockdowns, quarantine, isolation and travel bans should be for legitimate purposes, proportionate with their impacts, non-arbitrary and non-discriminatory in application, time bound, respectful of human dignity, and subject to review.

However, there has been a web of contradictions bordering on human rights violations as well as citizens’ resistance to COVID-19 restrictions across the globe. Anchoring our analysis on Procedural Justice Theory and using the schema of the South/North divide, we shall at this juncture examine citizen
duty and the modes of compliance to COVID-19 restrictions globally and its implications on human rights relying on country-specific case studies.

6.1 **State Repression and Instrumental Compliance in the Global South**

The instrumental mode of compliance to government regulations does not exert conformity necessarily as a result of citizen duty and obligation to obey, but for fear of the repressive apparatus of the state. Within the context of COVID-19 restrictions, we have earlier established that tactical urbanism and lockdown undermine the freedom of movement of people within and among countries. While the implication of such limitations of human movements was a global phenomenon, the measures taken by governments to implement such restrictions differ tremendously between the North and South. The implementation of lockdown measures has been characterised by tremendous human rights abuses across the world especially in the South where state repression has been disproportionately applied to enforce compliance to COVID-19 regulations. This is most evident in developing countries of Africa and Asia that are largely characterised by poverty, absence of good governance, weak civil society and weak democratic institutions. Documentary evidence provides proof of police and military officers inflicting violence on supposed COVID-19 rule breakers (Reuters, 2020). There have been incidents of inhumane and degrading treatment, violation of rights to freedom of movement, unlawful arrest and detention, illegal roadblocks, and unlawful seizure/confiscation of property and extortion. These practices are direct violations of Article 5 of the UDHR which stipulates that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment; as well as Article 9 which specifies that “no one shall be subjected to arbitrary arrest, detention or exile”. At this juncture, a few country-specific case studies of state repression to enforce instrumental compliance to COVID-19 restrictions in the South will be discussed.

6.1.1 **Nigeria**

Nigeria, a country of over 200 million people with the largest economy in Africa, recorded its first case of COVID-19 on February 27, 2020 in Lagos, while the first confirmed coronavirus-related death was reported on March 23, 2020. These figures have risen to 254,606 confirmed cases and 3,142 deaths as of March 4, 2022 (Nigeria Centre for Disease Control, 2022). In response to the outbreak, the Nigerian government on March, 9, 2020 constituted the Presidential Task Force (PTF) on COVID-19 to provide high-level strategic national response to the disease in the country. By March 8, 2020, the Nigerian government imposed travel bans on 13 countries, while initiating several phases of lockdowns starting from March 30, 2020. In addition to these, the Nigerian government
adopted other measures of curbing the spread of the virus including compulsory wearing of face masks, physical distancing and frequent washing of hands. The state governments borrowed a leaf from the central government and imposed similar measures including lockdowns and ban on inter-state travels. While the adoption of the above-mentioned COVID-19 measures is globalised and not limited to Nigeria, the implementation strategies adopted by the Nigerian authorities are rather repressive. Enforcements of COVID-19 protocols have been coercive as the police, military and state-instituted COVID-19 task forces have reportedly violated human rights across the country. For instance, in Rivers State, journalists and health workers who were on essential duty were reportedly abused, beaten and extorted by policemen and soldiers enforcing the lockdown order in Port Harcourt. According to Raimi (2020), there are tales of brutality and outright seizure of goods worth thousands of Naira from pedestrians and other petty traders whose only means of survival come from the sale of these goods. On May 10, 2020, the Rivers State Governor, Nyesom Wike, personally supervised the demolition of Prodest Hotel in Eleme as well as Etemeteh Hotel in Onne, Eleme Local Government Area of the State for violating the lockdown directives (Sahara Reporters, 2020).

The National Human Rights Commission in Nigeria, as at April 25, 2020, reported that, barely a month into the enforcement of lockdown by the

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| Women abused by police enforcing COVID-19 rules in Nigeria | – A woman was said to have been raped by police officers for not wearing a facemask around Sakpenwa Town checkpoint, 25km outside Bori, Rivers State, Nigeria. She was threatened with death if she would not cooperate.  
– In Nkpor, Anambra State, Nigeria, a victim was raped inside a vehicle of the COVID-19 task force.  
– A pregnant woman lost her pregnancy in police detention because she did not wear mask when she was going for doctor’s appointment. | Obaji (2020) |
### Table 1  
Showing human rights abuses that trailed the enforcement of COVID-19 (cont.)

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<td>The Act of Torture and Inhumane Treatment as Human Rights Violations during COVID-19 in Nigeria</td>
<td>It was reported that some Nigerian military officers were responsible for two deaths in Ebonyi State, Nigeria, whilst on enforcement COVID-19 enforcement duty. On Tuesday, the 14th of April 2020, the Police in Anambra State, Nigeria killed two persons, while enforcing the lockdown order in the state, the incident happened at the New Tyre Market Area of Nkpor in the Idemili North Local Government Area of the State.</td>
<td>Oboirien (2020)</td>
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<td>The Law and Human Rights in Nigeria’s Response to the COVID-19 Pandemic</td>
<td>The manner of the restriction enforcement in several areas around the country led to abuses of human rights, which includes: killing, incarceration without court orders and demolition of buildings. All of these whittled down popular support for COVID-19 protocols and delegitimised the measures.</td>
<td>Onyemelukwe (2020)</td>
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**Source**: compiled by authors
Nigerian government, more than 22 persons were killed by police officers and soldiers. The Commission had received over 105 complaints relating to human rights violations by security forces in 24 of Nigeria’s 36 States and the Federal Capital Territory, Abuja. The table below provides a synopsis of cases of human rights abuses associated with the enforcement of COVID-19 regulations across Nigeria.

### 6.1.2 South Africa

South Africa with a population of over 60 million people recorded the first case of COVID-19 on March 5, 2020, while the first confirmed death from the virus was recorded on March, 27, 2020. The numbers as of 3 March, 2022, have risen to 3,679,539 confirmed cases and 99,499 deaths (South Africa’s Department of Health, 2022). The World Health Organization (WHO) on November, 26, 2021 announced the outbreak of the Omicron variant of the disease in Botswana and South Africa. The South African government through the National Coronavirus Command Council adopted measures to curb the spread of the virus including a national lockdown which began on March 27, 2020 as well as imposition of travel restrictions. The enforcement of the lockdown regulations in the country was characterised by the use of excessive force by the police and the South African National Defence Force (SANDF). Several incidents of police brutality were recorded across the country and the prevention of civilians from filming police abuses led a human rights advocacy group known as the Right2Know to issue a statement accusing the police infringement of the constitutional rights of South African citizens. Despite the charge by the South African President, Cyril Ramaphosa for police restrain, over 152 incidents of police assault and 9 deaths were reported as at April 30, 2020, barely three weeks into the lockdown (Knoetze, 2020). In reaction to the incessant police brutality and the killing of Collins Khosa, a Pretoria High Court ordered the government of South Africa to ensure that citizens’ rights are protected and police abuse is prevented during the lockdown (Swart, 2020).

By these brutalities, the dignity of the human person and natural and legal rights of the victims were abridged. These have severe implications for the overall well-being of citizens as there is evidence in literature linking overregulation of the masses during the lockdown to physical, mental and psychological problems (Sahni et al., 2021; Karthigeyan et al., 2021; Ghosal et al., 2020).

The Office of the United Nations High Commissioner for Human Rights, Michelle Bachelet in a statement issued on April, 27, 2020, expressed concerns over the militarisation of COVID-19 lockdown measures across several countries (Bachelet, 2020). There are recorded incidents of gross abuses of human rights in other developing countries such as Brazil, India, Pakistan, where young and...
old men were put into a stress position of holding their ears from between their legs and made to hop around. In the Philippines, President Rodrigo Duterte, went to the extent of empowering the armed forces to shoot dead anyone who defied COVID-19 regulations. In Cambodia, the Prime Minister, Hun Sen passed a state of emergency law imposing a 20-year jail term for violation of COVID-19 regulations. The law also granted the Cambodian government enormous powers to carry out surveillance of telecommunications and to control the press and social media thereby infringing on the citizens’ rights to privacy.

It must be noted that even though the incidents of human rights violation during COVID-19 lockdown enforcement were rife in the South, there were pockets of such in the North. The Human Rights Watch (HRW) global coverage of the human rights dimension of COVID-19 response reported that in countries like Russia, China, Armenia, and Israel, the governments utilised digital surveillance measures that threaten the rights to privacy, free expression and association. The Chinese government’s imposition of restrictions and quarantine has little respect for human rights as in one particular incident 10 people were killed following the collapse of the building where they were forcefully quarantined (Wang, 2020). In France, police brutality and harassment were reported following lockdown enforcements. In reaction to this, the Open Society Justice Initiative alongside 20 other organisations signed a petition calling on the French Minister of Interior and the Director General of the National Police to ensure the police minimise the use of excessive, violent and discriminatory force while enforcing lockdown regulations. In Eastern Europe, countries such as Serbia, Belarus, Poland, Croatia, Bosnia and Herzegovina recorded highest levels of human rights violation during the lockdowns in Europe. The above cited cases suggest that human rights violation within the context of COVID-19 control measures is not peculiar to the South. The argument however is that it is substantially more common in the South.

6.2 Normative Compliance and the Dilemma of Citizens’ Resistance in the Global North

The other side of the idea of human rights is that as much as an individual has certain inalienable rights, they also have certain responsibilities and duties to the society. This brings us to the discourse of the normative mode of compliance to regulations which is anchored on citizens’ recognition of the legitimacy of political authority. Within the context of COVID-19 restrictions, studies have shown that behavioural adaptations and non-pharmaceutical interventions such as physical distancing, masking and lockdown are effective means of curtailing the spread of Covid-19 virus (Courtemanche et al., 2020; Wu et al., 2020; Yezli & Khan, 2020). Based on available scientific
Evidence, citizens are expected to comply with these COVID-19 restrictions for the greater safety of all. However, the perception of social distancing, travel bans and lockdowns as infringement on human rights such as freedom of movement as well as association and privacy, have implications on compliance with these regulations. Hence, individuals across the world are faced with a clash of two competing duties i.e., a dilemma of the duty of either complying normatively with COVID-19 restrictions, or the duty of enforcing and protecting their fundamental human rights by resisting the restrictions. It is the increasing need for citizens to demand for the latter and protect their fundamental human rights that has resulted in a wave of resistance against COVID-19 regulations especially in the North (see figure 1).

There have been more COVID-19 lockdown protests in Europe and America than there have been in the South. There were anti COVID-19 regulation protests in the United States, United Kingdom and across Europe. Anti-lockdown

![Anti Lockdown Protest in Queens Park, Toronto, Canada](https://en.wikipedia.org/wiki/Protests_against_responses_to_the_COVID-19_pandemic)
protests erupted across many European countries, including Austria, Belgium, Czech Republic, Denmark, Georgia, Germany, Hungary, Ireland, the Netherlands, Spain and the United Kingdom (Haddad, 2021). There were reported cases of police officers being attacked by protesters in London and protesters (mostly young people) bearing arms in the United States.

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<td>Policing Covid in Wales: ‘Coughed at and spat on’.</td>
<td>In the process of carrying out policing duties, some Welsh officers were deliberately coughed on and spat at.</td>
<td>Herd (2020)</td>
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<td>Japan’s anti-virus pleas falls on deaf ears as scores venture out</td>
<td>Despite the quasi-state of emergency over the virus by the Japanese government in some prefectures, airport and bus terminals were still busy with travellers seemingly ignoring the government’s request and questioning the need for authorities to ask people to refrain from travelling across prefec-tural borders.</td>
<td>Japan Times (2021)</td>
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<td>Caucus dissent over Covid-19 OK, breaking health rules means expulsion: Alberta premier</td>
<td>Alberta Premier Jason drew a line in the sand for 18 of his backbenchers who are openly criticising public-health restrictions meant to face down Covid-19. He warned united Conservative legislature members that flouting the rules means disciplinary action that includes getting kicked out of caucus.</td>
<td>CTV News (2021)</td>
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*Source: Compiled by Authors*
These protests had boomerang effects and spread to other neighbouring countries. In addition to the need to protect human rights, other key drivers of the protests across the North include the economic crises that came with the lockdowns, larger-scale mass misinformation and rise of conspiracy theories that the disease is a hoax and a deliberate creation by government(s) to take away citizens’ freedoms.

While it could be argued that protests and resistance across the North is an indication of citizens’ rights to peaceful protests aimed at influencing government policies, such resistance seriously hampered the control of the disease. The spike of COVID-19 cases in Europe and America has been linked to non-compliance with physical distancing, masking, and lockdown. The United States and United Kingdom, for example, have witnessed the consequences of undermining the severity of the disease in terms of the number of cases and mortalities from the virus. The more people ignored the protocols, the higher the spikes in confirmed cases and deaths. This is where the contradiction lies in the way human rights are expressed. Article 29 of UDHR stipulates the following:

(a) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(b) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(c) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

It is noteworthy that the discounting of the importance of COVID-19 regulations is not only in the North. There are pockets of anti-regulation attitudes in the South, for instance human rights groups have challenged lockdown measures in courts of law in Kenya and Malawi. Relatedly, anti-lockdown protests were recorded in South Africa, Rwanda and Zimbabwe, while there was massive looting of COVID-19 palliatives across Nigeria during the famous #EndSARS protest in 2020. The spate, magnitude and intensity of the resistance in the South is disproportionately smaller when compared to the North. This, we argue, is as a result of the repressive state apparatus predominantly used by governments especially in Africa to compel compliance and neutralise any form of resistance. This approach, more often than not, results in human rights violations. Based on the foregoing, it thus becomes imperative to reconcile and integrate rights with duty in times of national emergencies such as the COVID-19 pandemic.
Democratisation: Bridging the Gap Between Citizen Duty and Human Rights in Emergency Context

In this section we theorise why the sharp contrast existed in the response between the North and South to COVID-19 control measures. We demonstrate why the South resorted to state repression in enforcing COVID-19 guidelines and the North on the other hand is perplexed with citizen duty of normative compliance or duty to protect human rights. In bridging this gap, our argument is centred on the democratisation thesis. By this, we imply that the regime type in a country determines the mode of compliance (repressive or normative) to COVID-19 restrictions and by extension human rights outcomes in a country. Democracy as a system of government is loosely defined as a people-centred government, instituted by the people and for the people. In democracies, the people elect their representatives in government and the government draws its legitimacy from the people. Citizen participation, respect for individual rights and freedoms are fundamental elements of democracy. The nexus between democracy and human rights has been long established as both concepts are mutually reinforcing and interdependent. This relationship is expressed in the fact that while democratic principle is part of human rights, the foundation for democracy is human rights. Hence, democracy according to Kirchschlaeger (2014) is an institutional expression of the respect of the individual’s autonomy, giving an individual the possibility to participate in the opinion-building and decision-making process.

Evidence suggests that the level of democratisation in a country determines the level of human rights protection or abuse that may be found in such a country. Assessing the impacts of the COVID-19 pandemic on human rights across the globe, the Economist Intelligence Unit in its Democracy Index Report 2020 titled “In Sickness and In Health?” ranked countries according to their democracy ratings. Utilising a combination of five democratic indices including electoral process and pluralism, functioning of government, political participation, political culture and civil liberties, countries were ranked into four regime types. The types of regimes according to the ranking include full democracies (with an index of 8.0–10.0), flawed democracies (6.0–8.0), hybrid regimes (4.0–6.0), and authoritarian regimes (0–4.0).

The Economist Intelligence Unit (2021) based its global ranking of countries on their regime types – full democracies, flawed democracies, hybrid regimes and authoritarian regimes. In their ranking, countries from the North especially Europe and America scored highest as full democracies, while those from the South especially Sub-Saharan Africa, Middle East and North Africa are largely dominated by authoritarian regimes.
According to the report, the average global score in the 2020 Democracy Index fell from 5.44 in 2019 to 5.37 which is unarguably the worst global score since 2006 when the index was introduced. The report attributed this twist in trend to government-imposed restrictions on individual freedoms and civil liberties across the world as a result of the COVID-19 pandemic.

Drawing from the foregoing, it is deducible that the regime type in a country determines the nature of implementation of COVID-19 regulations and citizens’ response. The South from our analysis disproportionately experienced state repression and human rights abuses and this may be due to it being predominantly characterised by either flawed or authoritarian regimes. On the flipside, human rights abuse and state repression are minimal in the North where most countries operate full democracies. Conversely, the resistance to COVID-19 restrictions and protests were rife in the North owing to the percolation and entrenchment of democracy and human rights in those societies.

Within the same geographical zone, some countries fared better than others in terms of respect for human rights during the lockdowns and this evidently is a function of the differential performance in their democratic governance. For instance, Western European countries which are largely classified as full democracies reported minimal abuse when compared with Eastern European countries with mostly hybrid and autocratic regimes. Similarly, in Sub-Saharan Africa, Nigeria, classified as a hybrid regime, performed worse than South Africa in democratic principles and protecting human rights during the lockdowns. For instance, the enforcement of COVID-19 regulations in Nigeria was marred by inequality and discrimination where corrupt politicians flouted COVID-19 protocols without repercussions while untold pain was meted out to private citizens. There were cases of State Governors making interstate trips purely for political reasons. In some instances, they convened political campaigns with thousands of people in attendance without any iota of physical distancing or wearing of masks. These are clear violations of the protocols set for containing the virus, yet no punitive sanction was applied. It is clear that the COVID-19 containment measures reechoed George Orwell’s (1945) famous quote “all animals are equal, but some are more equal than others.” However, in South Africa, a top government official, Stella Ndabeni-Abrahams who served as the Minister of Communications and Digital Technologies was on April 8, 2020 placed on a special leave for two months without pay, and fined R1000 for flouting lockdown regulations (Cilliers, 2020; Dordely, 2020). Elsewhere in the United Kingdom, the Prime Minister, Boris Johnson was publicly chastised by the British parliament and the British people who requested for his resignation for attending a party at Downing Street on May 20, 2020 in violation
of lockdown rules (Boucher, 2022). This therefore suggests that in countries where democracy is entrenched, citizens hold their leaders accountable and the rule of law is supreme, unlike in less democratic countries where state repression and human rights abuse are commonplace.

Drawing from the foregoing analysis, citizens’ demand for the protection of individual human rights within a democratic context especially in the North led to the gradual easing of lockdowns and travel restrictions starting from April 2020. Through resistance and protests, citizens have demonstrated their powers to influence policies of government(s) and ensure their voices are heard and rights respected. Today, lockdowns are being eased and travel bans lifted across several countries of the world while the global economy gradually recovers from the COVID-19 shock.

8 Conclusion

The COVID-19 pandemic has altered our lives in no small ways. Mortalities, social and economic disruptions etc. have trailed the emergence of this deadly virus and its variants. In times of emergency such as this, government is required to step up to mitigate the situation. There are however certain conditions that need to be met if such intervention will be well received by the people, and if the intervention will achieve the intended purpose. In the same vein, fighting COVID-19 requires behavioural and attitudinal change in form of citizen duty. These dilemmas could be resolved with increasing democratisation of the process, and allowing citizens to be part of the mitigation strategies and their implementation.

9 Recommendations

1. The starting point is to correct the human rights violations committed by security forces. There should be a commitment on the part of governments to seek redress for the victims of inhumane treatment suffered in the hands of law enforcement officers who exceeded limits of the law while enforcing COVID-19 regulations. There is need for reconciliation.
2. Rights and duties need to be blended. This should be about practicable solutions that guarantee human rights and ensure that people comply with lawfully issued instructions. This can be achieved through the following:
(a) Government needs to transcend the usual crisis-based approach to disaster. There should be scenario planning with respect to emergency. COVID-19 outbreak revealed the weaknesses in global health systems and lack of preparedness for disaster.

(b) There should be an increasing democratisation process and citizen participation in disaster legislation and management. The pandemic has shown the absence of legislative framework to deal with disaster emergencies. The participatory process in legislating disaster will generate inputs from relevant sections of the society. Because of the perceived hegemony of the ruling class, legislation on disaster and disaster response should not be left in the hands of parliaments. Public hearings must be conducted and inputs of cross sections of the society must be sought. Lack of legislation on disaster management led to many of the violations during the lockdowns. Lack of normative compliance, absence of clarity in terms of rule of engagement by the citizenry and law enforcement officers created chaos.

3. Conscious and responsible leadership is needed during national emergency such as occasioned by COVID-19. Emergency times require strong and serious leadership to steer the wheel of the society in the right direction and engender cooperation of members of the society.

References


