

## CEES HAMELINK WONDERS WHETHER THE FAR-REACHING MEASURES AGAINST THE CORONA PANDEMIC ARE WELL FOUNDED

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by [CEES HAMELINK](#)

In times of crisis, fundamental human rights are often the first victims. With current restrictive measures taken by governments and violations of prohibited activities that are punished with stiff fines, the question is how these relate to the government's duty to guarantee human rights. For example, the rights guaranteed in international treaties, such as the right to freedom of movement, the right to peaceful assembly, the right to education for all or the right to participate in cultural life.

All these rights can be restricted by governments, but the escape clauses always point out that the restriction of fundamental rights is subject to the rules of the game. The public must be informed with sound arguments about derogations from human rights protection, and measures must be subject to regular review by courts of law.

It seems to me that this means that the government must demonstrate, on the basis of sound scientific data, that the spread of the virus poses a threat to the entire population and that the measures are not a threat to the organised life of the community. However, this scientific evidence does not currently exist. Science has not answered the questions about the emergence, spread and effective control of the virus. This also applies to questions about the economic, social, cultural and psychological consequences of the pandemic.

### **Careful containment of human rights**

At a time of fundamental uncertainty when science cannot offer certainty either, we as citizens must be very vigilant and insist that our human rights are only curtailed with the utmost care, with good information, with a sound independent scientific review of the sources used by government and the media, and for the shortest possible time.

The Dutch Prime Minister's suggestion that we just have to get used to the "new normal" is not very helpful in this regard. On the contrary, we must constantly understand that this is abnormal in the sense of deviating from the agreed norms of human dignity. As soon as a society does not handle restrictions of fundamental rights with sufficient care, it takes a slippery slope. This is precisely what must be avoided now, because we still have great challenges ahead of us. Such as the tracking application advocated in many countries by government officials while critical scientists urge critical examination of the usefulness and necessity of this corona application.

## Right to safety

Not only is the software a threat to privacy, but other fundamental rights are equally under pressure. A tracking application also affects freedom of association, the right to security, human dignity and health. It is also worth mentioning - and this is almost always missing from the debate- that software must be installed on devices such as smart phones and tablets. Devices that, because of their exponential growth, are increasingly contributing to global warming. It is quite possible that the global ecological footprint of these devices will approach the total contribution of the transport sector in the coming years. The growth of mobile communications is also leading to the expansion of energy-intensive data centres.

There is also the plan by Bill Gates and his team to make it mandatory for everyone to have a vaccination passport. It does not take much imagination to think about the restrictive effects on human rights this may have.

The time has come - after the initial shock - for our societies to engage in a deep dialogue on whether insufficiently substantiated restrictions on fundamental rights are not a greater threat to a humane society than a virus that outsmarts science and politics.

*Cees J. Hamelink, studied moral philosophy and psychology of religion and is emeritus professor of global communication at the University of Amsterdam. He continues to teach as Athena professor of public health and human rights at the Vrije Universiteit, Amsterdam. In July 2020, his 19th monograph "Communication and Peace" will be published by Palgrave MacMillan. Professor Hamelink is also a jazz musician. Among his albums are "September" and "Sharing Shearing".*

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