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Update

*April 2020***COVID-19 PANDEMIC***Special edition*

PRESIDENT'S MESSAGE



Dear colleagues,

I hope this finds you and your families safe and well. My thoughts and sympathies are with any one of our members directly affected by the COVID-19 pandemic, and those who find that they are facing a period of uncertainty as a result of the evolving situation. **READ MORE**

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HUMAN RIGHTS MEMBER CONTRIBUTIONS - APRIL 2020



Coronavirus and 'lockdown' in the UK

The UK has been in 'lockdown' since 24 March 2020. 'Social distancing' is introduced through temporary secondary legislation initially in place on 10 February, and government guidance. Compulsory screening, assessment and isolation of potentially infectious people is also provided for in temporary primary legislation. [READ MORE](#)

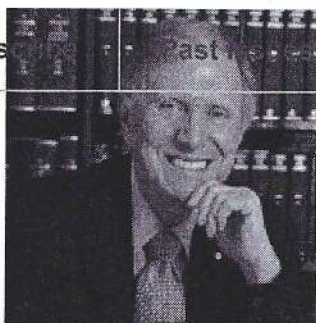


Will Justice be the First Casualty of the Post-Coronavirus Pandemic?

A recent article from the Independent quoted a poll that only nine percent of Britons want to return to life as normal after the end of the lockdown triggered by coronavirus pandemic. An overwhelming majority wanted to see personal and social changes at the end of the lockdown. [READ MORE](#)

Comments from the Hon Michael Kirby AC CMG on the case of Ong Ming Johnson v Attorney-General and other matters [2020]

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The decision of Ong Ming Johnson v Attorney-General and other matters [2020] SGHC 63 (OMJ v Attorney-General) was handed down on 30 March 2020 by a single judge of the High Court of Singapore. [READ MORE](#)

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Human Rights Issues in 2020

Military service: On June 28, 2018, the Constitutional Court of Korea ruled (6:3) that the provisions of the Military Service Act, which did not provide an alternative service system for conscientious objectors, are unconstitutional (tentative application until December 31, 2019, the due date for the amendment of the Act). [READ MORE](#)



The COVID Doctrine of Human Rights

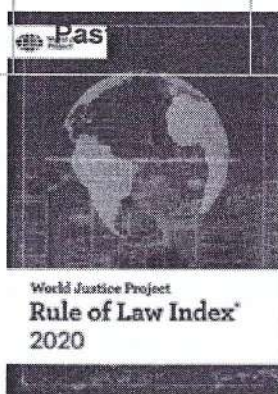
The wrath, rage and fury of Covid-19 wantonly nudges mankind, nations, systems, economies, and co-existence to an unprecedented level, and fashion behaviour and conduct, even desecrating the dignity and human rights – hence the title. [READ MORE](#)

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LAWASIA STATEMENT OF CONCERN ON EMERGENCY MEASURES ADOPTED DURING COVID-19



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World Justice Project Rule of Law index 2020

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More countries declined than improved in overall rule of law performance for a third year in a row, continuing a negative slide toward weakening and stagnating rule of law around the world. [Learn more](#)

HUMAN RIGHTS LAW: WHAT'S NEW

COVID-19 TOP STORIES

Extreme lockdown policing around the world

Teargas, beating and bleach, are just some of the extreme Covid-19 lockdown measures enforced around the world. UN Human Rights experts have urged countries to ensure that their response to the pandemic is proportionate, necessary and non-discriminatory. [READ MORE](#)

Courts under Covid

Courts around the world have been forced shut or are operating through alternative electronic means under lockdowns operating for Covid-19. Experts have raised many concerns, such as lack of public and press access in electronic trials, compromising open justice. [READ MORE](#)

India's coronavirus relief plan excludes millions

India's relief package promises free food for roughly 800 million. Activists have shared concerns that many will be left out and the lockdown will push most states into poverty and hunger. [READ MORE](#)

Cambodia is using coronavirus as an excuse for human rights abuse

Cambodia is not the only country to declare a state of emergency in response to the COVID-19 pandemic, but the legislation passed last week by Hun Sen's government. [READ MORE](#)

South Korea's Experiment in Pandemic Surveillance

South Korea is a testing ground for how to balance robust surveillance in the name of public health with individual privacy rights. [READ MORE](#)

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Statement of Concern – COVID-19: Human rights, disability and ethical decision-making

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Big Data Could Undermine the Covid-19 Response - [READ MORE](#)

Covid-19 Meets Privacy: A Case Study for Accountability

In the pressing global fight against Covid-19, technological and AI solutions, involving massive tracking and data analytics, have brought into sharp focus public concern over our fundamental right to privacy. [READ MORE](#)

Protecting Digital Research Even More Crucial During Covid-19

Government, Company Restrictions Imperil Open Access to Human Rights Information. [READ MORE](#)

We're watching you: COVID-19 surveillance raises privacy fears

Gov't-mandated apps are bringing the fight against COVID-19 onto personal devices, prompting concerns about privacy. [READ MORE](#)

COVID-19: A Human Rights Checklist

Human Rights Watch has developed a 40-question checklist to assist governments in developing effective rights-respecting responses to the COVID-19 pandemic. [READ MORE](#)

Policy Responses to COVID-19

The International Monetary Fund has set up a policy tracker summarising the key economic responses governments are taking to limit the human and economic impact of the COVID-19 pandemic. [READ MORE](#)

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Singapore retains gay sex ban

A high court in Singapore dismissed a plea to overturn the law that continues to criminalize gay sex in the country. The judgement noted that the law 'reflects public sentiments and beliefs.' [READ MORE](#)

Indonesia's 'Religious Harmony' bill raises concerns

Thousands of houses of worship have been closed in Indonesia under a 2006 regulation. A case has been filed in the Supreme Court by 15 Indonesians challenging the constitutionality of the law alleging that it violates the constitutional guarantee to equality and religious freedom. [READ MORE](#)

Colorado abolishes death penalty

Death penalty will soon be struck off in Colorado. The Governor signed the legislation, making Colorado the 22nd state in the country abolishing the punishment. [READ MORE](#)

Jailed Kashmiri leader being denied fair trial

A pro-independence leader in Kashmir, Yasin Malik, has been imprisoned in New Delhi following a series of charges. Malik's family and rights activists fear he is being denied a fair trial. [READ MORE](#)

Persecution of critics continues under Aung San Suu Kyi

Persecution of critics continues under the Aung San Suu Kyi regime in Myanmar for the last four years. Those arrested and prosecuted include students, poets, and journalists. [READ MORE](#)

Compulsory skirts and high heels scrapped by Japan Airlines

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In a big win for the #KuToo movement Japan Airlines has scrapped the rule that made skirts and high heels compulsory. The company is the first major employer in the country to make the big move. [READ MORE](#)

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HUMAN RIGHTS UPDATE



April 2020



MEMBER CONTRIBUTION

Coronavirus and 'lockdown' in the UK

The UK has been in 'lockdown' since 24 March 2020. 'Social distancing' is introduced through temporary secondary legislation initially in place on 10 February, and government guidance. Compulsory screening, assessment and isolation of potentially infectious people is also provided for in temporary primary legislation. Both sets of legislation are set to expire automatically by a 'sunset clause', and with a maximum life of six months and two and a half years with the power to de-activate it sooner, respectively.

As in other jurisdictions 'lockdown' has involved the closure of businesses, shops, restaurants and cinemas. The restrictions and guidance are aimed at preventing people from leaving home without 'reasonable excuse', or gathering in public.

It is indisputable that these provisions represent an unprecedented onslaught on our personal freedom, justified through the lens of the global pandemic and "necessary and proportionate" measures to contain the spread of COVID-19. Judgment and common sense have never been needed more. Problems have emerged mostly in implementation rather than constitutionality.

The police are given extensive powers of enforcement. They have been criticised for their over-zealous approach, such as, using drones to locate and prevent people walking in isolated areas of the wilderness. They were found to have used the wrong law in the first prosecution under the screening provisions of the *Coronavirus Act 2020*. A woman at a railway station refused to speak to officers to prove her identity, or explain her reasons for travelling on public transport. She was convicted and fined £660 by a Magistrates Court, but her conviction was later quashed. A reporter from a national newspaper (with legal help) identified that the new law had been misapplied because it must be based on reasonable grounds to suspect that a person may be or is

infected by coronavirus, not simply 'loitering' in a public place without explanation.

In the social care sector, implementation through blanket rules preventing contact between vulnerable, cared-for people with family and loved ones has been criticised by the court. Social distancing rules are difficult to enforce in care homes without often significantly restricting movement or effectively detaining people. The UK government has issued guidance on the implementation of the temporary suspension of duties in social care, and, amongst others, in relation to the care of vulnerable people lacking mental capacity and those with learning disability and autism.

In enacting temporary legislation, the UK government has not suspended operation of the European Convention on Human Rights, and in Parliament it emphasised that 'every exercise of power by a public authority under this [Act] is already required to be compliant with the Human Rights Act.' Nevertheless, the lawfulness and use of these draconian powers must be scrutinised through access to the courts, and by the media. As the examples above show, the UK courts maintain limited activity through remote means of telephone and video hearings, though this remains problematic.

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HUMAN RIGHTS UPDATE



April 2020



MEMBER CONTRIBUTION

Will Justice be the First Casualty of the Post- Coronavirus Pandemic?

Sulema Jahangir

A recent article from *The Independent* quoted a poll that only nine percent of Britons want to return to life as normal after the end of the lockdown triggered by coronavirus pandemic. An overwhelming majority wanted to see personal and social changes at the end of the lockdown. However, whether this will translate into a change in government policy is as yet unknown. What is ironic is that a Conservative government traditionally affiliated with budget cuts and austerity is now in charge of laying out one of the most dramatic bailouts in recent history. Whether access to justice will become one of the first casualties when setting budget priorities in the wake of one of the severest recessions, remains to be seen.

In 2013, the *Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)*, an Act of Parliament of the United Kingdom, was introduced to cut down legal aid, with the aim to save £350 million from the civil and criminal legal aid budget. A number of areas of law were removed from the scope of legal aid, including most private family, employment, welfare benefits, housing, debt, clinical negligence and non-asylum immigration law matters. The financial means test for areas of law that remained in scope of legal aid were also altered, making less people eligible for legal aid. Alongside this, the hourly rate for legal aid was decreased and remains frozen until today, despite the rising cost of living. Resultantly, many law firms closed their legal aid practises, impacting the quality and accessibility of legal representation available to those most in need.

One of the justifications provided by the government was that LASPO will discourage unnecessary litigation and encourage people to mediate, especially in private family cases, such as divorce and child contact. However, since the introduction of LASPO, the number of

private family law proceedings in the family courts has not fallen significantly - between 2012-13 and 2016-17, the number of cases of this type fell by 2 per cent overall. In fact, courts and tribunals have been deluged by litigants without legal representation taking up precious judicial time. In 2016-17, 64 per cent of parties in private family law cases (both applicants and respondents) were unrepresented, compared with 42 per cent in 2012-13. This has added to the strain in the court system as well as impacted the quality of justice. It takes much longer for judges to deal with litigants in person, increasing the cost to the court system, as well as making specialist judges less available to deal with complex cases. For example, it is now far more likely to find Circuit Judges in the High Court dealing with complex international child abduction family cases while a few years ago these would mostly be dealt with by full high court judges who had the specialist knowledge and skill in this area of law.

Another justification provided by the Government was that legal aid would remain available to those who need it most. It remained available for family law cases where there is evidence of domestic violence, including child abuse. Yet the evidence requirements to prove domestic violence remain prohibitive. It is no secret that domestic violence is rarely reported and thus difficult to evidence. From January 2018, women's aid organizations campaigned against the most restrictive tightening of the rules, which was a time limit of two years within which an incident of domestic violence should have been reported. This meant that someone who had been raped by their partner two and half years ago could not access legal representation when the former partner applies for child contact. A judicial review was brought by Rights of Women, and the requirements were relaxed by removing the time limit and allowing new categories of evidence. Yet the rules still remain restrictive and a whole category of vulnerable and abused people remain without legal representation.

LASPO attracted widespread criticism for severely impacting access to justice especially for the most marginalised and vulnerable people in society. The Law Society of England and Wales stated that LASPO restricted access to justice, placed a burden on the justice system, and resulted in knock-on costs elsewhere in the public sector. Amnesty International concluded that LASPO in effect formed a two-tier legal system - those who could afford justice and those who could not. Even for those eligible for legal aid, the fact that many quality law firms could no longer afford to offer services on legal aid rates meant that those often with the most complex issues (lack of housing, child abuse, domestic abuse and other violence) struggled to find suitable representation. Resultantly, in September 2018 in their report, "The

impact of LASPO on routes to justice”, the Equality and Human Rights Commission found that “the present study raise concerns that LASPO has had the effect of preventing *necessary* litigation, rather than only discouraging *unnecessary* litigation, across all three areas of law.”

Various studies and reports have shown, with evidence, that restricting access to justice is a false economy as it has knock-on effects on other public sector services. Cutting legal help which is legal advice at an early stage is one of the least cost-effective cuts. As the English saying goes, an ounce of prevention is better than a pound of cure. For example, breakdown of the family could lead to homelessness, more pressure on children services, delinquency and health-related issues. Citizens Advice research has found that for every £1 spent on employment advice, the state saves £7.13; for every £1 of legal aid expenditure on housing advice, the state saves £2.34; for every £1 of legal aid expenditure on debt advice, the state saves £2.98; and for every £1 of legal aid expenditure on advice relating to social welfare entitlements, the state saves £8.80. Many benefits related to well-being are unquantifiable. In September 2019, the World Bank produced a report on the cost benefit analysis of legal aid. This study surveyed around 53 cost and benefit studies that sought to evaluate the economic impact of past or future interventions in legal aid and related services around the world. The report concluded that overwhelmingly, the benefits of legal aid outweigh the costs: for the individual involved, the community, the justice sector, as well as the economy and society.

In the aftermath of the banking crisis of 2008 and ensuing recession, it is regrettable that access to justice was the first to be sacrificed on the pretext of austerity. The fact that economic and social inequality also increased during the same time causes more concern. The Guardian reported that the British economy has become more polarised as the number of middle-income households went down by 27% between 1980 to 2010. The government’s own equality impact statement accepts that legal aid cuts have a disproportionate impact upon women, ethnic minorities and people with disabilities. In the wake of a new, potentially more severe recession, whether further cuts will be made to legal aid.

The fact that many hearings are now being heard remotely through telephone and video links also causes some alarm lest it become a hangover from an exceptional time on the pretext of cost-cutting. While some routine directions may only be marginally jeopardised through a remote hearing, it is at the very least counter-intuitive for a lawyer to examine or cross-examine witnesses over a video link or even to make final submissions. It not only takes away the right of a fair

trial or due process for litigants but also takes us away from the courtroom where justice is not only done but should be seen to be done.

In a speech in 2011, former Supreme Court Justice, Lady Hale, emphasized the importance of legal aid as one of the cornerstones of the English democracy from the inception of the welfare state. After all, what is the point of having rights where these cannot be enforced? As Lady Hale points out, to guarantee a system of law and remedies for all remains the responsibility of the state. She quotes EJ J Cohn who wrote in 1943:

'Legal aid is a service which the modern state owes to its citizens as a matter of principle. . . . Just as the modern State tries to protect the poorer classes against the common dangers of life, such as unemployment, disease, old age, social oppression, etc, so it should protect them when legal difficulties arise. Indeed, the case for such protection is stronger than the case for any other form of protection. The State is not responsible for the outbreak of epidemics, for old age or economic crises. But the State is responsible for the law.'

It is to be hoped that the already diminished legal aid budget will not be further reduced, as one lesson that the pandemic has raised is the importance of a welfare state of which the health system is a part along with the justice system. Another lesson is that rash cuts to important state services, be it the health or the law, will further polarise society and will eventually bite back not socially, but also economically.

Sulema Jahangir is a dual qualified solicitor of the Senior Courts of England and Wales and an Advocate of the High Courts in Pakistan. Ms Jahangir undertakes all aspects of domestic and international family law including child abduction, child custody and the financial consequences of divorce and separation. She also acts for the victims of forced marriages, abandoned spouses and honour-based violence. Ms Jahangir has acted in several reported cases in superior courts in both England and Pakistan.

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HUMAN RIGHTS UPDATE



April 2020



MEMBER CONTRIBUTION

Comments from the Hon Michael Kirby AC CMG on the case of *Ong Ming Johnson v Attorney-General and other matters* [2020]

The decision of *Ong Ming Johnson v Attorney-General and other matters* [2020] SGHC 63 (*OMJ v Attorney-General*) was handed down on 30 March 2020 by a single judge of the High Court of Singapore. The decision considered both the meaning and constitutional validity of the provisions of section 377A of the *Singapore Penal Code*. That provision creates an offence, punishable by two years' imprisonment, for any acts (regardless of whether they are consensual or in private) of "gross indecency" between males. Section 377A stems directly from the colonial-era provision of section 377 of the *Indian Penal Code*. The application of section 377 of India's *Penal Code* to adult consensual participants acting in private was recently held to be invalid under the Indian Constitution (See: *Johar v Union of India* [2020] 1 LRC 1).

The three applicants in the case of *OMJ v Attorney-General* had argued, among other things, that section 377A of the *Singapore Penal Code* violates Articles 9 (right to life and personal liberty), 12 (equal protection before the law) and 14 (right to freedom of speech and expression) of Singapore's Constitution.

In his decision, Justice See Kee Oon rejected the arguments of the three applicants, upholding the constitutional validity of the provision. Judge See:

- rejected the argument that section 377A is in contravention of Article 12 of Singapore's Constitution as the provision "was not under- or over-inclusive",
- rejected the argument that the provision violates Article 14 as the right to freedom of expression "must be understood to relate to the right to freedom of speech, encompassing matters of verbal communication of an idea, opinion or belief",

- noted there is “no comprehensive scientific consensus as to whether a person’s sexual orientation is immutable” and that the court is “not the appropriate forum to seek resolution of a scientific issue that remains controversial”, and
- further noted that “[n]on-enforcement of s 377A in respect of consensual male homosexual activity in private does not render it redundant” and that “legislation remains important in reflecting public sentiment and beliefs”.

In comments to LAWASIA, former Australian High Court Judge and LAWASIA member, the Hon Michael Kirby AC CMG, stated that “The decision of the judge of the High Court of Singapore, upholding a wide interpretation of the meaning of section 377A of the *Singapore Penal Code* and rejecting the arguments for constitutional invalidity, is profoundly disappointing. At a time when the world is grappling with a fearful pandemic caused by the COVID 19 virus, the failure of the court to act boldly is distressing. Indeed shocking. How can it be that such a modern, tech-savvy, well-informed society tolerates this antique, prejudiced and unjust relic of colonial rule? It is self-evident that individuals should not be criminalised, and shamed into silence about permanent features of their nature. The law is there for everyone, not just for some in the majority heterosexual community who cannot bear to face the reality of science and diversity on the grounds of sexual orientation and gender identity”.

Mr Kirby called on the people of Singapore to no longer tolerate the existence of such a provision.

“All around the world, countries in recent times have got rid of similar provisions, either through legislative or judicial process. Most recently, courts in India, Botswana and Belize have done so by wise and enlightened decisions.

“My own country, Australia, had laws dating back to the same colonial era, that discriminated against and criminalised people of Chinese ethnicity just for being Asian. Given the long history of criminal laws in several Commonwealth countries that discriminated severely against, and criminalised, people of the Chinese race, it is surprising and disappointing that such laws should be upheld today as compatible with the constitutional obligation designed to ensure equality of treatment of all citizens in the nation concerned.”

Mr Kirby considered it the responsibility of societies to get rid of such outdated legal provisions, stating that “it is no excuse that they are rarely enforced. As the Supreme Court of India pointed out, in answer to that argument, the fact that the law makes a person a criminal

reinforces prejudice and shames many people into silence, fear and depression". Mr Kirby expressed the hope the decision would be reversed by appeal or overdue legislative change.

Mr Kirby is himself openly homosexual. However, he says this is irrelevant and believes that he would hold the same views if he were not: "*The Universal Declaration of Human Rights* begins in art 1 with the assertion that "All people are born free and equal in dignity and rights". "All people" includes all racial minorities. But it also includes all LGBT people. Lawyers in particular, should be in the vanguard of insisting on an end to such unjust and unscientific prejudice in the law."

It is understood that all three applicants will be appealing the decision in the Court of Appeal.

The Hon Michael Kirby AC CMG is an international jurist, educator and former judge. During his expansive legal career, Mr Kirby has served as deputy president of the Australian Conciliation and Arbitration Commission, chairman of the Australian Law Reform Commission, judge of the Federal Court of Australia and notably, justice of the High Court of Australia (1996-2009).

Mr Kirby has been internationally recognised for his valuable contributions to the protection of human rights and is the recipient of various prestigious awards and accolades, including the Australian Human Rights Medal and the inaugural Australian Privacy Medal. Mr Kirby was named Laurette of the UNESCO Prize for Human Rights Education (1998) and was a co-winner of the Gruber Justice Prize (2010).

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HUMAN RIGHTS UPDATE



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MEMBER CONTRIBUTION

Human Rights Issues in 2020

Military service

On June 28, 2018, the Constitutional Court of Korea ruled (6:3) that the provisions of the Military Service Act, which did not provide an alternative service system for conscientious objectors, are unconstitutional (tentative application until December 31, 2019, the due date for the amendment of the Act). Since the commencement of conscription in 1951, conscientious objectors have been subjected to a multitude of drawbacks such as imprisonment and social stigmatization. There is now a way to eliminate human rights violations of this kind. The Supreme Court of Korea rendered an *en banc* decision on November 1, 2018 (9:4), stating that the refusal to serve in the military based on one's conscience as a valid reason to reject conscription. On December 31, 2019, the President announced special amnesty for 1,879 persons who were imprisoned for conscientious objections and then released. The National Assembly of the Republic of Korea legislated the Act on the Transfer and Service in Alternative Roles, etc. on the same day. Henceforth, conscientious objectors are examined by the Alternative Service Review Committee under the Military Manpower Administration with respect to whether their objections are indeed sincere. They will subsequently stay in training camps at correctional facilities such as prisons, and engage in alternative services for thirty-six months. There have been, however, criticisms in regards to the fact that the location of alternative services is limited to prisons, and the service term (thirty-six months) is twice as much as the regular military service (eighteen months); it has been said that such designations are punitive and do not conform to international human rights standards.

Abortion

On April 11, 2019, the Constitutional Court found the provisions of the Korean Criminal Act on abortions performed with women's consent or by medical professionals without said consent to be constitutional (7:2 decision; tentative application until December 31, 2020, the due date

for the amendment of the Act). Since abortion was outlawed in 1953, abortions within a certain period of pregnancy will be legalized for the first time in sixty-seven years. The illegalization of abortion categorically and uniformly prohibited all manners of abortion during the entire pregnancy period, excluding the exceptions set forth in the Mother and Child Health Act, and penalized the act pursuant to the Korean Criminal Act thereby excessively restricting a pregnant woman's right to make her own decision. Thus far, pregnant women had no choice but to undergo dangerous illegal procedures and were unable to hold medical professionals accountable even if there were negative post-operation repercussions; women's right to good health and life were seriously threatened. The Constitutional Court has ruled that the State may separately provide the means and extent of life preservation for abortions performed before or around Week 22 of pregnancy, where the fetus can independently survive outside the womb (the "decision period"), and acknowledged a pregnant woman's pro-choice right within a certain time period. This decision will serve as an opportunity to expand and supplement the healthcare system for safe abortions, and to raise and secure the degree of women's rights such as those regarding reproduction, health, and life.

Protections for those with mental health issues

A series of grave criminal offences were committed in 2019 by those who suffer from mental health issues: the Late Prof. Se-Won Lim Incident wherein a doctor was murdered by a patient during treatment, the Internet-Café Employee Murder, and the Jinju-Apartment Arson and Murder. These incidents have recently called attention to the measures needed to protect individuals with mental health issues, including in relation to their human rights. Some argue that those suffering from mental health issues must be isolated from society, or the leniency afforded by the courts to those who suffer from mental health issues should not be applicable. Others maintain that they should not be subjected to punishment, but rather, provided with medical treatment. Traditionally, there have been objections against the forced hospitalization of mental health patients, as well as human rights violations committed in hospitals and facilities during prolonged hospitalization. Nevertheless, the system has changed to adopt the perspective of therapeutic justice; it assists mental health patients in terms of avoiding repeat crimes and acclimating them to society via medical treatment and recovery. A wide array of remedies, such as treatment and custody, treatment orders, and probation, are being implemented. Meanwhile, it was found that many mental health patients were not diagnosed or treated for their illnesses prior to committing crimes. Healthcare policies for the early detection of mental health issues and the continuation of medical treatment can

prevent the crimes caused by those suffering from mental health illnesses, and they can be effective for treating those who have already committed crimes and for preventing repeat offences, necessitating the development of a policy in this space.

Mr. Chan Hee LEE
President
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HUMAN RIGHTS UPDATE



April 2020



MEMBER CONTRIBUTION

THE COVID DOCTRINE OF HUMAN RIGHTS

The wrath, rage and fury of Covid-19 wantonly nudges mankind, nations, systems, economies, and co-existence to an unprecedented level. It fashions behaviour and conduct, even desecrating dignity and human rights - hence the title.

In Malaysia, for lack of facilities, detainees and prisoners were kept in cramped lock ups and prisons in contempt of social distancing despite the Movement Control Order. Those taken to court for mention or to proffer a charge had to be cuffed and chained together as usual, cramped in lorries, and then at court cramped together in the dock. For want of face masks, some had to do with rubbish bags to cover their noses and mouths. Most concerning, there is no proper testing at any stage, save for negligible and inconclusive temperature checks!

The right to life overrides everything. But the triple jeopardy of no effective testing, no effective distancing, and the full-frontal exposure to what Covid-19 may bring upon these human beings who have the right to live, is not just hitting below the belt, but disgracefully throwing them to fire, without legal sentencing.

In other respects, compliance is the name of the game for citizenry under these unusual Covid times. We must be prepared to defer or lose some of our human rights like the right to exercise in public parks, the right to associate freely in public, the right to work or run businesses, the right to dine where we want to, and the right to mingle or swim in a crowded beach, pool, or sea. Insistence of one's rights under the Covid-19 sky, may harm not just us but others, including our loved ones. May the poem of one learned English Judge keep us wise:

This is the story of Jonathan Gray,
Who always insists on his right of way;
One day rightly he was on his way,

But alas, he's dead anyway!

Yours Covidly,

Murad Ali bin Abdullah
Member, LAWASIA Human Rights Committee
Chair, LAWASIA Real Estate & Transactions Law Committee
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