

Are we equal in the eyes of disease?

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If you were walking down the street and were arrested just because a cop didn't like the colour of your shirt, how would you feel? How about when you were released from prison you changed your shirt to a different colour, and then were arrested by another cop that didn't like the colour of your new shirt? It would feel unfair and unjust, right? Apply the shirt colour to race, gender, sexual orientation, wealth or status, and this essentially is what the rule of law tries to avoid. It's a complex topic and attempting to describe it is much like trying to explain how a complex math formula works. Someone can understand it, but not know how to put it into words. However, on the most basic terms, the purpose of the rule of law is to treat everyone equally in the eyes of law. Therefore, if a police officer robbed a bank, they would still be taken to court for their crimes, just like the baker that robbed a bank just a week before, and the two would not be treated differently, despite their different professions and wealth.

So during a pandemic, how can the rule of law change and be affected? Some people may argue that because anybody can get a disease (currently being Covid19), everyone is considered equal. That may not be entirely true though. Poor or homeless people may find it more difficult to stay healthy and clean. Prisoners aren't treated to certain luxuries or even necessities to prevent illness, including being in a crowded building and lack of resources. We also must look at the court system and how this may be affected. Due to limited amounts of people allowed in a building, as well as the general high risk of catching Covid19 when around people, certain court cases will be prioritized over others. When we look at these possibilities and real occurrences, especially during our current pandemic, we can begin to ask, are we actually equal in the eyes of disease?

Even if disease may not go after specific people based on race or identity, it still can hit certain "unfairly" treated people the hardest. People with lower income often live in neighborhoods that are highly dense, making it more difficult to socially distance, as well as being exposed to more people generally. These people are also less likely to have access to clean water, soap, healthy food, and anything else necessary to keep their immune systems up to prevent themselves from getting the disease. In First Nations reserves,

which are government founded, there is an ongoing water crisis where there is limited access to clean water. In an article posted by Human Rights Watch, Marcos Orellana explains just how difficult it is to get clean water and wrote, "As of December 31 (2018), there were six "boil-water advisories" and three "do not consume advisories" affecting eight First Nations Indigenous communities in British Columbia." This "water crisis" still continues to this day and is increasing the chances of First Nations people on reserves to get severe cases of Covid19, with 186 confirmed cases.

Needing to go outside and work can also increase the chances of people not social distancing, and if they are caught, their lack of money can make it difficult for these people to pay the fees, as well as increasing their struggle to get their basic needs met.

We can see that crowded areas and low quality resources all increase someone's chances of getting Covid19, so what about a building honing all of these things? We see a real life example of this when there was an outbreak in a prison in BC. Mission Institution has recently recovered from the largest prison outbreak during the pandemic, with 106 cases in a 289 populated building, but how exactly did it start so quickly? Just like nursing homes, prison guards travel from prison to prison, meaning if a guard caught Covid19 and did not know, they could easily spread it.

However, also just like nursing homes, prisoners are in the unfortunate position of being more exposed to disease in the first place. The food is lower quality, access to cleaning supplies is difficult, and most importantly, it is a communal building. Prisoners share cells, showers, and the cafeteria, so social distancing is practically impossible. Covid19 has allowed some cleaning processes to be put into place and staff must wear masks, but the prisoners themselves, for the most part, are left to their own devices. Jeff Wilkins, president of UCCO-SACC-CSN, expressed his disappointment in preparation, as well as action when the outbreak started. "There should have been planning done to have areas of the institution that were readily available to quarantine a significant number of inmates away from another...If there was any failure it was certainly that correctional officers were not included in the planning process early before any onset of

the virus," Wilkins told CTV News. When discussing the prison conditions, Doctor Henry said, "It's a very difficult environment to effectively isolate people who are ill from others." Even more, Wilkins has gone on to say that "There's infected people in every single living unit...It's gotten to the point where we're not even being told who has the virus and who doesn't." This lack of care and attention to the prisoners has not only exposed other prisoners to the disease, but also the staff. This shows that, in a way, prisoners are not equal and not protected by the rule of law when it comes to a pandemic.

However, unlike Mission Institution, no amount of planning could have prepared the court system for what to do with their hearings during this pandemic. With old and new cases coming in, crimes must be put to court, but not all of them can go through. Therefore, some cases either need to be put off until the pandemic is over, or others are even dismissed entirely. This puts people in a difficult position where they must choose what cases are worth being put into court. Will a white person's robbery be more important than a minority being robbed? Is a rape case less important than aggravated assault? Is one murder more important than another? Though all are extreme and unlikely hypotheticals, we can see this difficult decision already happening in the BC courts. Only the most urgent cases are being heard, but what defines "most urgent?" Micah Villarroel, who had gotten into a severe car crash four years ago, was waiting for a court hearing on April 20th for an injury lawsuit against Insurance Corporation BC. "The waiting for this trial date was already so long...I can't imagine how much more horrible and long it'll be once this whole pandemic resolves," she said. Villarroel is not the only one. Everyone has a reason for their court hearing, but with such a backlog, it is getting more and more difficult to go to court. It is a hard ethical and moral decision to decide who should be heard right now and who should not. A decision no one wants to make, but unfortunately must be made.

Though disease itself doesn't have eyes or thoughts to decide who should get ill, the society we have created has allowed it to hit certain people more than others, making it more difficult for the rule of law to

be enforced. Should poor and homeless people get more benefits? Should prisoners get better treatment? How should we approach court hearings? These are all questions we must begin to ask during our pandemic. But what happens afterwards? The pandemic has brought new ideas to the floor and ways we can change, even after everything is over. Poor people may be given benefits, or the quality of First Nations reserves may increase. Prisons should begin to prepare for something similar if it happens again, as well as, like the First Nations reserves, paying more attention to the quality and service provided to the people. The court hearings are already in the works of being faster and more efficient. "If we do this right, if we make these reforms now and with urgency, we can emerge from the COVID-19 pandemic with a more just British Columbia society," John Rice, president of trial lawyers associations said in a CBC interview. Attorney General David Eby continues this sentiment by saying, "This is an historic opportunity to make our justice system fairer, faster and cheaper and also more accessible." Even if this pandemic has pressed and bent the rule of law, it is possible that after the state of emergency is over, we may begin to see change and strengthen the rule of law.

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