

## *Editorial*



# COVID-19 and the Social Responses thereto: Penal and Criminological Lessons, Human Rights and Rule of Law Implications

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## 1 Corona and Mort Subite

In late winter and early spring, the new coronavirus called SARS-CoV-2, which causes COVID-19 infection, has made and kept headlines across the world. Some called it the first virus superstar. An excitement akin to that experienced when watching a horror movie – a mixture of primal fear and impression that it is not real, just a film, playing somewhere else (in China) – turned with incredible speed, in a matter of days in fact, into a real shock, fear and disorientation, when first the number of infected and then the number of deaths started to exponentially grow in Italy, right on our doorstep (in the case of Slovenia, quite literally).

What was particularly interesting from the outset was not so much its environmental and health aspects. We have had worse, experts kept reminding us in order to calm the population who started hoarding toilet paper, masks and hand sanitisers. Most of the people mocked these individuals and a number of funny memes on the topic of the new coronavirus ensued. One of them was a photo of a product promotion seen in one of the Delhaize supermarkets (Belgian supermarket chain), advertising beer, specifically Corona beer and the Belgian fruit-flavoured beer Mort Subite, by placing a sign before the

beer bottles that read 'Take two Coronas, get one Mort Subite for free'.<sup>1</sup> Before the situation got serious in Europe, it was rather the depth with which this micro-organism captured imagination and widespread panic across the world that was remarkable. We have seen this before only in big blockbuster Hollywood films, such as *Contagion*, and now it threatened to come not to cinemas but to homes near you. Humour was a first response, a coping mechanism to deal with the situation-related anxieties, a way to normalise what was happening and lift spirits; however, it significantly subsided when infections started to rise exponentially and fatalities increased.

In the time of writing this editorial (late March to early May), it is not yet clear how this, now pandemic will play out (although by the time this issue is published more clarity is expected). After Italy, Spain has become a new hotspot, air travel has been suspended, most schools closed, universities turned to remote, virtual teaching, many (later most) borders closed and whole cities have been quarantined, self-isolation and social distancing being taken up mostly everywhere in Europe. The UK and to some extent the Netherlands and Sweden started off differently, believing that 'herd immunity' or 'group immunisation', respectively, is a better strategy. However, with infections and deaths steeply rising, the UK and the Netherlands pivoted about a week or so later and joined the rest of the EU, while Sweden remained an exception by not having imposed the full lockdown, despite (in late April) having 10 times more COVID-19 related deaths than its Nordic neighbours,<sup>2</sup> but relying on its responsible citizenry instead. Early May is seeing some restrictions being lifted (many other shops, apart from groceries, and bars are being opened, some schools are being opened or may be opened in a couple of weeks – all still mandated to observe the 1.5m distance, people are allowed to travel outside of their municipality, if really necessary), although with reticence, as a second wave of infections is expected. It is therefore unclear what the situation will be at the time this journal issue is published – we shall most likely have to learn to live with the infection until the vaccine is available. What is evident, however, is that COVID-19 and the social responses thereto have made a profound impact on the social psyche, increased awareness of public health and environmental harms as well as revealed a certain dark side of European

1 Although most Facebook users found this hilarious, as 'mort subite' means quick death (it was, after all, still very early days of COVID-19 outbreak in Belgium), and as Belgian humour at its best, some felt it was inappropriate and Delhaize promptly followed up with removing this action, disassociating itself from this shop's own initiative and issuing an apology.

2 K. McLaughlin, 'Sweden has nearly 10 times the number of COVID-19-related deaths than its Nordic neighbors. Here's where it went wrong', *Business Insider* (20 April 2020). Available at: <https://www.businessinsider.com/how-sweden-and-norway-handled-coronavirus-differently-2020-4>.

liberal democracies early on. Later, when no European country was left untouched by it, concerns moved to economic impact, as people lost their jobs or had to close their businesses due to imposed prohibitions and limitations. Mid-April, the International Monetary Fund has announced that this so-called Great Lockdown represents 'the worst recession since the Great Depression, and far worse than the Global Financial Crisis', having projected the global growth in 2020 to fall to -3 percent, a downgrade of 6.3 percentage points from January 2020.<sup>3</sup> Moreover, despite the virus itself not discriminating between the rich and the poor, it has indirectly, through the measures taken against it, hit the economically precarious and vulnerable the most and exacerbated inequalities – internally and globally.<sup>4</sup>

In just a couple of weeks, we thus went from joking about a solitary guy who was hoarding toilet paper to sewing our own masks, declaring a pandemic and exceptional, even emergency circumstances in which some political parties started using war rhetoric and increasing repressive powers (of police and army) as well as reducing democratic oversight over the government, e.g. not allowing members of the press to be present at official press releases (and ask possibly unpleasant questions) under the guise of social distancing. According to the NGO Freedom House's latest 'Nations in Transit' report, some countries, e.g. Hungary, even lost their status of 'democracy' due to the measures taken.<sup>5</sup> There are many humbling lessons to be learnt from the social response to this virus, lessons that criminal law and criminological field can put into perspective, and it is a few of those lessons that will be addressed in this editorial.

3 G. Gopinath, 'The Great Lockdown: worst economic downturn since the Great Depression', IMF blog (14 April 2020). Available at: <https://blogs.imf.org/2020/04/14/the-great-lockdown-worst-economic-downturn-since-the-great-depression/>.

4 Frontline workers, providing basic services through often low-paid jobs, are the ones who cannot stay at home during lockdowns but have to go to work regardless – which has impact on their health, as they continue to be more exposed to the risk of infection as well as, for example, childcare (since children had to stay home and be schooled at home). Home schooling and online classes have themselves shed light on the existing disparities, which 'the new normal' of education intensified: those from better-off families are at an advantage, having their own personal computer and fast Internet, thereby being able to follow online classes much more easily. Furthermore, the Coronavirus research of the University of Oxford stressed its 'grave concern' about the potential health impact of the pandemic in low-income countries (e.g. countries in Africa), whose health care systems are already struggling and who are already faced with a scarcity of skilled health workers (available at: <https://www.research.ox.ac.uk/Article/2020-04-07-the-economic-impact-of-covid-19>).

5 Hungary has been now deemed a 'hybrid regime', its adoption of an emergency law that allows the government to rule by decree indefinitely exposing its undemocratic character. See Freedom House, *Nations in Transit 2020: Dropping the Democratic Façade* (2020). Available at: [https://freedomhouse.org/sites/default/files/2020-04/05062020\\_FH\\_NIT2020\\_vfinal.pdf](https://freedomhouse.org/sites/default/files/2020-04/05062020_FH_NIT2020_vfinal.pdf).

## 2 Environment, Health and Globalisation: The Criminological ‘Social Harm Perspective’

Despite the on-going visible green movement, spearheaded by the Swedish teenager Greta Thunberg, which has brought the issue of environmental harm and climate change to the forefront of European affairs and gave an electoral boost to many green parties across Europe, it was the new coronavirus that really brought things home for many people. It increased awareness of public health and environmental issues practically overnight, as its imminently harmful, potentially deadly consequences made things personal. The fact that the virus is invisible adds the uncertainty element and increases psychological distress, which led some to panic and, for example, stock up on essential foods, medicine and toilet paper, buy and wear protective masks and self-isolate even prior to state-imposed measures requiring those. It is almost ironic to think that what Green parties, Climate change movements and protests could not do, a little microscopic virus has done in a couple of weeks, even days. It has, for example, almost halted all air travel (and significantly reduced other forms of travel) and reduced consumption.

The new virus outbreak has also highlighted the need for a coordinated response and the importance of public health as a collective value. Firstly, the virus has shown that it cares little about any national or political decisions. Countries can exit the EU, but a virus does not stop at the border; it needs no documents. Secondly, the virus has shed light on the cracks in the individualist, neo-liberal orientation of Western democracies, which place disproportionate focus on the individual (as opposed to public) health and the individual's responsibility for his or her health through insurance schemes and so forth. In times like the ones we are experiencing now, it does not make much of a difference whether one is fully medically insured or not – only if a whole social body, nation, citizenry, Continent, world is ‘safe’, is one truly ‘safe’.

In this light, COVID-19 disease also made us reconsider wider ‘social harms’ (harms that go beyond pure criminal harms)<sup>6</sup> and global public health standards, e.g. those relating to (eating) wild animals, as the origin of SARS-CoV-2 has been linked to those and wet markets which sell them. Bats have first been

6 In the criminological field, it was in particular the ‘social harms perspective’ (or zemiology) that highlighted the blind spots of the mainstream conception of harm, linked purely to criminal law, and pointed out many other social harms that would merit societal condemnation, including those related to the environment and health. See e.g. P. Hillyard, C. Pantazis, S. Tombs and D. Gordon, eds., *Beyond Criminology: Taking Harm Seriously* (London, Pluto Press, 2004).

considered as ‘culprits’ for this virus, since they have been recognised as important reservoir hosts of CoVs for some time;<sup>7</sup> however, in February 2020, a virus even closer to SARS-CoV-2 (with 99% of genomic concordance reported) had been discovered in pangolin, making them a more likely reservoir.<sup>8</sup>

Some therefore suggested that in order to prevent future outbreaks, the sale of exotic animals should be prohibited. China has indeed followed this path, issuing a decree prohibiting hunting, exchanging and transporting terrestrial wildlife for alimentation purposes, in order to strengthen the fight against the SARS-CoV-2.<sup>9</sup> However, as criminological insights show – corroborated also by experience from post-SARS prohibitive measures – this may not be ‘the’ solution. After the SARS outbreak, which was caused by similar circumstances (animal-to-human transmission), the sale of wild animals was criminalised. However, the prohibitions just pushed the market with exotic animals underground. People continued to buy wild animals on the black market and the virus continued to spread.<sup>10</sup> Similar was observed in 2013, when following the outbreak of H7N9 influenza, local Chinese authorities have been closing live bird markets as a measure to control the epidemic. Different local authorities implemented closures at different times, and the transportation of poultry from infected areas, where prices of live chicken dropped, to places with no human infection ensued. The closure of live bird markets in early waves of H7N9 influenza has thus resulted in expansion of H7N9 infection in uninfected areas.<sup>11</sup>

In criminology, the term ‘crime displacement’ denotes the relocation of crime (or criminals) as a result of some community or state, e.g. police, action. Perpetrators look, for example, for different places, times, targets or ways of committing the prohibited act – away from those that are successfully

7 F. Yi, Z. Kai, S. Zheng-Li and Z. Peng, ‘Bat Coronaviruses in China’, *n(3) Viruses* (2019); doi: 10.3390/v11030210.

8 A. Hassanin, ‘Coronavirus origins: genome analysis suggests two viruses may have combined’, *World Economic Forum* (20 March 2020). Available at: <https://www.weforum.org/agenda/2020/03/coronavirus-origins-genome-analysis-covid19-data-science-bats-pangolins/>. Even later genomic comparisons, however, suggested that the SARS-Cov-2 virus is the result of a recombination between two different viruses, one close to RaTG13 (isolated from bat R. affinis) and the other resembling the pangolin virus. *Ibid.* Weeks later, a number of conspiracy theories appeared as well.

9 T. Boisson, ‘La Chine interdit désormais la vente et la consommation d’animaux sauvages’, *Trustmyscience.com/chine-interdit-vente-animaux-sauvages* (10 March 2020).

10 David Heymann (London School of Hygiene and Tropical Medicine), in Boisson (*op. cit. supra*).

11 Y. Li, Y. Wang, C. Shen, J. Huang, J. Kang, B. Huang, F. Guo and J. Edwards, ‘Closure of live bird markets leads to the spread of H7N9 influenza in China’, *13(12) PLoS ONE* (2018). At: <https://doi.org/10.1371/journal.pone.0208884>.

patrolled or monitored. In the above-mentioned Chinese case, the spatial displacement rather than a significant reduction of prohibited conduct clearly took place. Although it is unlikely for the displacement to be 100 per cent,<sup>12</sup> which suggests such prohibitions may have some effect, that are not the be-all-and-end-all solutions to solely rely on.

### 3 Self-disciplining and Surveillance: New Technologies, Abuse of Exceptional Circumstances and Limitation of Rights

The 'deeper penetration of social control into the social body'<sup>13</sup> has been revealed in the COVID-19's version of the all-seeing Panopticon (Bentham, Foucault), partly through the use of technologies, such as drones and monitoring apps, and partly by fellow humans, willingly self-engaged in checking and scrutinising others' behaviour. The omnipresent invisible virus suffices for us to self-discipline and discipline others by shaming them. Punitive disciplining is dispersed throughout the society, and deeply internalised, it would seem, as particularly uncovered in these times. Not only did healthy people start self-isolating even weeks before this was considered necessary, the normalisation of the dispersed disciplinary complex<sup>14</sup> became evident through instances of shaming of all those who seemed to 'enjoy' the current state, i.e. not visibly suffer in enclosures like the rest of us. Even though the former did not violate any rules (e.g. it was permissible to go for a walk or jog, ride a bicycle or rollerblade, as long as one did it alone (or within permitted numbers) and respected the physical distance), other law-abiding, well-behaved and righteous citizens took it upon themselves to show their moral indignation by honking, taking pictures of the 'maladjusted' if not 'criminal' individuals and posting them on Facebook with shaming commentaries.

In addition to bringing out many positive things, such as solidarity with the front-line workers, the old and the poor as well as creativity and self-reflection,

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- 12 Although this is theoretically possible, as well as displacement being greater than 100%. The latter would be the case 'where crime prevention in the target area results in an increase in crime in a nearby area greater than the reduction of crime in the target area'. J. Eck, 'The threat of crime displacement', 6(3) *Problem Solving Quarterly: A Police Executive Research Forum Publication- Reporting on Innovative Approaches to Policing* (1993), at p. 1.
- 13 S. Cohen, 'The Punitive City: Notes on the dispersal of social control', 3(4) *Contemporary Crises* (1979) 339–363, at p. 356.
- 14 M. Foucault, *Discipline and Punish: The Birth of the Prison* (London: Allen Lane, 1977); B. Hudson, 'Punishment and control', in M. Maguire, R. Morgan and R. Reiner, eds., *The Oxford Handbook of Criminology* (Oxford: Oxford University Press, 2002).

the COVID-19 society has also revealed itself as being less tolerant towards diversity and more prone to seeing the world through dichotomies normal – abnormal, us – them, good citizen – irrational outsider. The calls for severe punishment of those who violate the ever-changing rules and measures may, in part, reveal one's real punitive nature, which might have remained hidden or controlled in 'normal times' in fear of social disapprobation.<sup>15</sup> However, they may have also been brought about by extraordinary circumstances in which one is more afraid for one's life, safety, health and livelihood (or economic consequences during and post COVID-19) than social standing and has to deal with many frustrations related to the above basic needs in addition to the restrictions on movement and uncertainty about the future. The aggressions displayed may thus be caused by frustration, the existence of which 'always leads to some form of aggression'.<sup>16</sup>

Human propensity to put 'safety first', even at the expense of liberties, makes for a fertile ground for state repressive responses in times of crisis. Fearful people tend to condone it all. Fear, a primary emotion, tends to block rational thinking. It sends a signal of alarm to the brain and nerve system, which interfere with decision-making of the frontal lobe, thus enhancing the tendency to act in as unreasonable and irrational manner. This should therefore make us extra careful in times where negatively-valenced emotions run high and we are worried about our health and safety more than usual. Authoritarianism prospers in such a setting and states of emergency can easily be abused to further despotic goals.

The sentiment that the crisis should not be used as an excuse for state overreach was echoed by the former European Council president, Donald Tusk, responding to the Hungarian president Orbán's move to rule by decree (for an indefinite period of time) after declaring the state of emergency in his country, warning that '[t]he state of emergency, or the state of danger, must serve the governments in their fight against the virus, and not strengthen their power over the citizens. [...] Making use of the pandemic to build a permanent state

15 In times like these, such an individual's 'rule-breaking' (in the sense of deviance from liberal expectations of tolerance and broad-mindedness in a pluralist society) does not incur a negative social reaction. The 'labelling theory' explains that deviance results from interactional labelling processes. When the latter are suspended, e.g. owing to bigger pre-occupation linked to public health, the conduct is not labelled as 'deviant', and hence not deviant. For a classical work on labelling theory, see H. S. Becker, *Outsiders: Studies in the Sociology of Deviance* (London: MacMillan, 1963).

16 J. Dollard, L. W. Doob, N. E. Miller, O. H. Mowrer and R. R. Sears, *Frustration and Aggression* (New Haven, Conn.: Yale University Press, 1939), at p. 1.

of emergency is politically dangerous, and morally unacceptable.<sup>17</sup> Amidst several existing rule of law concerns with regards to the Hungarian government and its actions,<sup>18</sup> such a move was widely seen as a further step in the authoritarian direction.

Further concerns were quickly raised regarding data protection. New technology was speedily embraced in the fight against the virus. In Belgium, for example, drones are being used in parks to warn or remind citizens of the new measures, to discipline and alert others. In Slovenia, the new, centre-right government (formed mid-March, at the beginning of the COVID-19 onset in Slovenia) proposed, among other things, to monitor citizens through their mobile devices, i.e. give police powers to track phones, use facial composites and to enter a person's dwelling (without a court order).<sup>19</sup> Although the mentioned measures in the proposal were not successful in passing through the Parliament and raised significant concerns from the Data Protection Authority and the Ombudsman, the general public or the ordinary citizen seemed much less worried about this – particularly in comparison with concerns and anger, expressed on social media, at the government measures prohibiting movement outside one's municipality. While it is worrying to observe that in times of crisis fundamental rights and personal data protection take a back seat to more mundane everyday considerations, this demonstrates how easy it is for the government to acquire, assume or manufacture public 'consent' in order to

17 Cited in M. De la Baume and L. Bayer, 'Tusk warns of state power grabs after Orbán move', *Politico* (1 April 2020). Available at: <https://www.politico.eu/article/donald-tusk-to-epps-viktor-orban-supporters-re-consider-expelling-his-fidesz-party/>. See also D. Tusk (video): <https://www.youtube.com/watch?v=63DoeK7UB7U&feature=youtu.be>.

18 For example, the far-reaching justice reforms, which were adopted in Hungary in 2011 presented a threat to structural judicial independence. In the absence of appropriate legal safeguards and limitations, the legislative amendments granted broad discretion to the newly created position of a President of the National Judicial Office, a non-judicial authority, to designate a court in a given case and regarding the possibility to transfer judges without their consent. These reforms were flagged as negatively affecting the effective application of EU law in Hungary and the fundamental right of access to an independent tribunal, guaranteed by Article 47 of the Charter of Fundamental Rights of the EU. Infringement cases were subsequently launched against Hungary (two in 2012). See e.g. N. Peršak and J. Štrus, 'Legitimacy and trust-related issues of judiciary: new challenges for Europe', in N. Peršak, ed., *Legitimacy and Trust in Criminal Law, Policy and Justice* (Farnham: Ashgate, 2014) at pp. 100–101. Further five infringement proceedings followed, as well as triggering of Art. 7(1) TEU procedure on 12 September 2018 by the European Parliament.

19 Art. 103, para. 1 and 104 of the proposed Act Determining the Intervention Measures to Contain the COVID-19 Epidemic and Mitigate Its Consequences for Citizens and the Economy (also dubbed the 'Corona Megalaw'). Available at: <https://imss.dz-rs.si>.



justify more repression and curtailment of liberties, or to achieve ‘control by consent’.

Furthermore, when crisis is coupled with resource shortage, the vulnerable groups of people might find their rights additionally curtailed and being discriminated against. In the USA, many states and hospitals have been developing plans for how to ration care if the number of critically ill coronavirus patients exceeds capacity. The mechanical ventilators, needed by patients with severe respiratory distress from coronavirus, are likely to be in short supply. People with ‘severe or profound mental retardation’ and those with ‘moderate to severe dementia’ should, according to Alabama’s plan, ‘be considered “unlikely candidates for ventilator support” during a period of rationing. Washington’s guidance recommends that triage teams consider transferring hospital patients with “loss of reserves in energy, physical ability, cognition and general health” to outpatient or palliative care.’<sup>20</sup>

#### 4 Crime, Hate and Scapegoating

The social responses to the new Coronavirus have also revealed a certain dark side of European democracies. The virus has shown how little it takes to become intolerant, suspicious and xenophobic. When SARS-CoV-19 reached Europe, not only the Chinese residents, citizens and tourists but Asians in general have become the target of hate speech and violence. In the UK, Anti-Asian hate crimes have been reported to have increased by 21% during coronavirus crisis.<sup>21</sup> When the virus gained its foothold in Europe but not yet in the USA, it was Europe or people flying in from Europe (excluding UK) that were seen by the US President as germs or virus-carriers, and so the presidency decided to close borders to them.<sup>22</sup> The virus itself did not of course make people racist and xenophobic; it just brought it out and inflamed it more. The scapegoating, prejudices and the war-and-crisis narratives bring about increased

20 S. Fink, ‘U. S. Civil Rights Office rejects rationing medical care based on disability, age’, *The New York Times* (28 Mar 2020). Available at: [https://www.nytimes.com/2020/03/28/us/coronavirus-disabilities-rationing-ventilators-triage.html?fbclid=IwAR1VbHakSKLIMzGrIzYKzY\\_tLurbo1q9GZfXRBEskUnJHRVUtPsaGJlLqU](https://www.nytimes.com/2020/03/28/us/coronavirus-disabilities-rationing-ventilators-triage.html?fbclid=IwAR1VbHakSKLIMzGrIzYKzY_tLurbo1q9GZfXRBEskUnJHRVUtPsaGJlLqU).

21 J. Grierson, ‘Anti-Asian hate crimes up 21% in UK during coronavirus crisis’, *The Guardian* (13 May 2020). Available at: <https://www.theguardian.com/world/2020/may/13/anti-asian-hate-crimes-up-21-in-uk-during-coronavirus-crisis>.

22 L. McGann, ‘Trump’s coronavirus speech was laced with xenophobia’, *Vox* (11 March 2020). Available at: <https://www.vox.com/2020/3/11/21175987/trump-travel-ban-europe-coronavirus-speech>.

securitisation and 'othering' of those falling outside the mainstream. Seeing others as posing a danger, however, has an impact on their (un)equal access to certain rights and protection.<sup>23</sup>

The new coronavirus, and measures taken in its aftermath, also affected crime. While certain countries reported a significant crime drop in late March,<sup>24</sup> domestic violence, on the other hand, increased. A situation where people have to self-isolate and stay home is exacerbating the existing domestic or inter-partner conflict situations. Domestic offenders have now more opportunity to torment their victims as well as being possibly in an aggravated bad mood, owing to existential uncertainty and insecurities related, caused or reinforced by COVID-19, societal responses thereto and its predicted socio-economic aftermath. In China, the number of domestic crime incidents reported to the police increased threefold compared to the February last year.<sup>25</sup> According to Wan Fei, the founder of an anti-domestic violence non-profit organisation, '90% of the causes of violence are related to the COVID-19 epidemic'.<sup>26</sup> The increase of domestic violence following lockdown has also been reported in Brazil, Germany, Cyprus, Italy and UK.<sup>27</sup> The European Commissioner for Equality, Helena Dalli, has recently confirmed that violence

23 However, they may not need to present any danger, but rather *be endangered* by the majority, to be regulated against. As an example, take the elderly and the retired. One of the measures of the Slovenian governmental decree is was to limit certain grocery shopping hours (specifically from 8 to 10 am and the last hour of the shop) to the vulnerable groups, during which no others could shop for groceries. This made perfect sense as others are more dangerous to these groups in view of their heightened vulnerability. However, the same act also decreed that pensioners may *only* shop within those hours, thereby paternalistically prohibiting them to shop during most of the day. The retired and elderly have thus quickly progressed from the status of the victim to the perpetrator, whom we have to control, manage and punish if disobeying the rules. It is often under the rhetoric of protection that ageism flourishes the most.

24 Belgium, for example, has initially recorded a 30% drop in crime in general. L. Bové, 'Criminaliteit zakt met 30 procent onder coronamaatregelen', *De Tijd* (24 March 2020). Available at: <https://www.tijd.be/dossiers/coronavirus/criminaliteit-zakt-met-30-procent-onder-coronamaatregelen/10216257.html>.

25 W. Zhang, 'Domestic violence cases surge during COVID-19 epidemic', *Sixth Tone* (2 March 2020). Available at: <https://www.sixthtone.com/news/1005253/domestic-violence-cases-surge-during-covid-19-epidemic>.

26 In Zhang, *op. cit. supra*.

27 E. Graham-Harrison, A. Giuffrida, H. Smith and L. Ford, 'Lockdowns around the world bring rise in domestic violence', *The Guardian* (28 March 2020), available at: <https://www.theguardian.com/society/2020/mar/28/lockdowns-world-rise-domestic-violence>; N. Parveen and J. Grierson, 'Warning over rise in UK domestic abuse cases linked to coronavirus', *The Guardian* (26 March 2020), at: <https://www.theguardian.com/society/2020/mar/26/warning-over-rise-in-uk-domestic-abuse-cases-linked-to-coronavirus>.

against women and children, particularly domestic violence, has increased since the outbreak of the coronavirus: 'In France, there has been a rise of 30 per cent in reports of domestic violence since the lockdown on March 17. In Cyprus, calls to a similar hotline rose by 30 per cent in the week following March 9, when the country identified its first confirmed case of coronavirus. While in Belgium, the calls to the helpline have risen by 70 per cent since the start of the lockdown.'<sup>28</sup> No COVID-19-inflicted country is, however, likely to be spared. Nor are all the numbers reported the actual numbers of cases, since domestic violence as a type of 'private harm' notoriously suffers from low reporting rates.<sup>29</sup>

While we are trying to wrap our heads around the situation and finding ways to cope with the new way of working and being, contemplating what our lives will look like after 'the end' of the implemented measures or when a vaccine is found, many of us discover our hidden potentials as well as less appealing sides. Many cope by humour and solidarity actions or pick up new hobbies (even if the sewing means only sewing yourself a protective mask), some families bond over singing about their situation, others sing or play instruments on their balconies or social media. The cleaner air (be it over China or in Brussels) and waters (e.g. in Venice canals) as well as the return of some animals to places otherwise populated by humans, should also make us think. COVID-19 brings with it a lesson in humility for homo sapiens, who has been destroying the Earth for centuries. It also, however, sheds light on some societal ills and harms we inflict upon ourselves – human to human, and reminds us how precious yet fragile our civilisational achievements, including human rights and the rule of law, are when put to test by situations in which our more basic human needs, such as health, are jeopardised. Although the situation is unprecedented, lessons from studies of societal responses to crime and disorder can be helpful in guiding us in how (not) to respond in this situation. Despite the bombardment with fake news, conspiracy theories, clickbait pseudoscience and general 'infodemic'<sup>30</sup> (WHO), it is to be hoped that science and expertise shall prevail and

28 H. Dalli, 'A disproportionate risk for women', *Times of Malta* (23 April 2020). Available at: <https://timesofmalta.com/articles/view/a-disproportionate-risk-for-women-helena-dalli.787043>.

29 F. Heidensohn, 'Gender and crime', in M. Maguire, R. Morgan and R. Reiner, eds., *The Oxford Handbook of Criminology* (Oxford: Oxford University Press, 2002), at p. 499.

30 'The 2019-nCoV outbreak and response has been accompanied by a massive "infodemic" - an over-abundance of information - some accurate and some not - that makes it hard for people to find trustworthy sources and reliable guidance when they need it' World Health Organization (WHO), *Novel Coronavirus(2019-nCoV) Situation Report - 13* (2 Feb 2020). Available at: <https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200202-sitrep-13-ncov-v3.pdf>.

that we come out of this situation with dignity, with no backsliding on the rule of law and human rights protection, including equality and privacy. If not, we may find ourselves a bigger enemy than a microscopic, Earth-with-baobabs-resembling organism that is currently dictating our everyday lives.