



East Asian Disability Forum 2021

**Disability Discrimination and Medical Rationing:
An East Asian Exception?**

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1. Context

- **Disability-related rationing/triage protocols during the pandemic**
 - Do-not-resuscitate sent to persons with disabilities and older people
 - Triage protocols based on physical/mobility abilities
 - More extreme cases: ventilators carried by PwDs may be removed!
- **A moral obligation of speaking to medical ethics scholars as a disability rights researcher!**

2. Possible Defenses?

- **A technical one: they are guide not law!**
 - Partially true: no/rare legal case found
 - An example of social interaction: protest => social debate/criticism => policy change
- **A more fundamental one: hard decision in crisis to saving most/longest lives**
 - Do we have better alternatives?
 - **Random or Minimal triage?**

3. New development in law and ethics

- **Law: direct discrimination, indirect discrimination (survival rate/quality of life), reasonable accommodation, and state responsibility for PwDs under crisis and emergencies**
 - The only parameter of choice, therefore, is the correct application of triage, respecting every human life, based on the criteria of clinical appropriateness and proportionality of the treatments. Any other selection criteria, such as age, gender, social or ethnic affiliation, disability, is ethically unacceptable, as it would implement a ranking of lives only apparently more or less worthy of being lived, constituting an unacceptable violation of human rights. (UN Office of the High Commissioner for Human Rights 2020)
- **Ethics: disability as a real part of human diversity**

4. An East Asian Exception?

- No evidence case from news coverage suggesting it is a real threat in the region, or it is just a myth?
- In the Chinese context the needs of PwDs were largely neglected in government responses due to a variety of reasons
- But medical rationings on the basis of disability was not identified => not that 'modernised'?
- What about other jurisdictions? Cultural factors involved?

5. Barriers in making a closer examination

- **Lack of official statistics in China => PwDs' participation at all levels**
- **Compared to <https://www.covid-drm.org>**
 - Inadequate measures to protect persons with disabilities in institutions
 - Significant and fatal breakdown of community supports
 - Disproportionate impact on underrepresented groups of persons with disabilities
 - Denial of access to healthcare



6. Reference

- Chen, B., McNamara, D.M. Disability Discrimination, Medical Rationing and COVID-19. *Asian Bioethics Review* (2020). <https://doi.org/10.1007/s41649-020-00147-x>
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