



## Regional online round table

### “The impact of the COVID-19 pandemic on human rights and the rule of law”

28 April 2020

10.00 – 12.30 CET

#### Background

The Coronavirus disease (COVID-19) pandemic has created extraordinary challenges for the authorities of all Member States of the Council of Europe. They need to respond to this crisis effectively, whilst ensuring that the measures they take do not undermine the Europe’s founding values of human rights, democracy and the rule of law. Since its establishment, the Council of Europe has developed a large volume of standards in different areas of its operation that can be applied to large-scale crises like the current one. The European Court of Human Rights in its judgments set clear criteria to be met whenever limitations of rights provided by the European Convention on Human Rights are to be imposed. It is expected that all states act in compliance with the European Convention on Human Rights, and measures taken by Member States during the current crisis remain proportional to the threat posed by the spread of the virus and are limited in time.

The Secretary General issued a [toolkit](#) for governments across Europe on respecting human rights, democracy and the rule of law during the COVID-19 crisis. The Council of Europe, through its expertise and facilitation of exchange of good practices, continues to support Member States in addressing multiple issues arising from the need to tackle the spread of the virus.

The **objective** of the on-line round table is to provide a platform for a discussion among the stakeholders of the countries of the Western Balkans and Turkey on the challenges related to the COVID-19 pandemic, and to look at the issues from the human rights and the rule of law perspectives.

**Participants:** representatives of the Ministries of Justice, Government Agents before the European Court of Human Rights, Supreme Courts, Constitutional Courts, prosecutor general’s offices, Ombudspersons, as well representatives of the Council of Europe Secretariat and the Registry of the European Court of Human Rights.

**Countries:** Albania, Bosnia and Herzegovina, Montenegro, North Macedonia, Serbia and Turkey.

The working language of the round table will be **English**.

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## Programme

**Moderator: Mr Mikhail Lobov, Head of Human Rights Policy and Co-operation Department,  
Directorate General Human Rights and Rule of Law, Council of Europe**

10.00            **Opening**

**Mr Mikhail Lobov, Head of Human Rights Policy and Co-operation Department,  
Directorate General Human Rights and Rule of Law, Council of Europe**

10.05 – 10.20    **Measures related to health issues**

*Speaker – Dr Kresimir Kamber, lawyer, Research Division, Registry of the European  
Court of Human Rights*

Items to discuss:

- Positive obligations of the States: Articles 2, 3 and 8 of the ECHR in the light of access to medical services: ECtHR's case-law on emergency and disasters and medical services: good practices of national authorities.
- Family life: access to sick relatives; right to attend funerals.

10.20 – 10.35    Discussion

10.35 – 10.50    **Deprivation of liberty versus the restriction of movements**

*Speaker – Dr Elena Jovanovska-Brezoska, programme co-ordinator, South East  
Europe and Turkey Unit, Council of Europe*

Items to discuss:

- Confining citizens at home or other special centres/housing – impact at the rights guaranteed by the European Convention on Human Rights
- Lawfulness and Proportionality of measures
- Domestic approaches to confinement

10.50 – 11.05    Discussion

11.05 – 11.20    **Privacy, personal data, surveillance and geolocation tracking**

*Speaker – Dr Paul Harvey, former lawyer of the Registry of the European Court of  
Human Rights*

Items to discuss:



- What shall be considered in relation to sharing / transferring of medical data in the context of measures to contain the pandemic
- Using special apps in relation to the restriction linked to COVID-19 pandemic
- Personal and medical data disclosure / and transfer in relation to pandemic
- Surveillance and geolocation tracking due to confinement and restrictions of movement

11:20 – 11:35 Discussion

11:35 – 11:50 **The Council of Europe input to address human rights issues during the COVID-19 pandemic**

*Speaker – Ms Ana Vilfan-Vospernik, lawyer, Research Division. Registry of the European Court of Human Rights*

Items to discuss:

- ECtHR Superior Courts Network
- The possibility to use the ECtHR advisory opinion under Protocol 16 to the ECHR

11:50 – 12:20 Discussion

12.20 – 12.30 Closing remarks and feedback from participants

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