



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

**Opening of the judicial seminar
“Human rights protection in the time of the pandemic:
new challenges and new perspectives”**

Introductory speech by Robert Spano

24 June 2022

Presidents of Constitutional and Supreme Courts,
Distinguished speakers,
Colleagues,
Friends,

On behalf of all my fellow judges, may I welcome you to this seminar which marks the official, albeit postponed, opening of the judicial year. This is our 17th edition of the judicial seminar, which from the outset has aimed to maintain, strengthen and deepen our dialogue with you, national judges from your country's superior courts. It cannot be repeated too often that effective protection of human rights begins and often ends at the national level.

This year the topic which has been chosen for your discussions is the COVID-19 pandemic and in particular its impact on human rights' protection and on our work as judges. Unfortunately this is a subject which has not lost its relevance.

Nevertheless, I am happy to address you this afternoon without a mask and even happier to see so many of you here in person. The pandemic has taught us that while technology has many advantages, nothing can replace meetings in person.

Let me begin by warmly welcoming our guest speakers: Professor Yuval Shany, Lady Arden of Heswall and Professor Dr Katja Šugman Stubbs.

Of course, I would also like to express my thanks to this year's Judicial Organising Committee: Judge Armen Harutyunyan, Marko Bošnjak, María Elósegui, Ivana Jelić and Raffaele Sabato. Thanks are also due to Rachael Kondak, Tara Beattie, Valerie Schwartz and Tatiana Kirsanova.

My mandate as President of the Court began just a couple of months into the pandemic in May 2020. Responding to that pandemic was a major challenge for our Court, as well as for your courts.

The pandemic has put pressure on our member States to fulfil their positive obligations to protect life and health. Yet, as I have previously stated, there exists the risk of the pandemic being used as a pretext for abusing public power, imposing measures on the populace which, although intuitively persuasive in the face of an unprecedented threat to human life and well-being, is upon a closer look a manifestly disproportionate overreach which threatens the fundamentals of democratic life, societies governed by the rule of law and the protection of human rights. Balance is key.

We have a lot to learn from each other. This was one of the reasons why only a few months into the pandemic we organized an online seminar with our sister regional human rights courts: the African Court of Human and Peoples' Rights and the Inter-American Court of Human Rights to share experiences and perspectives.

Our own experience of adjudicating pandemic-related applications, as well as responding to interim measure requests, is set out in the very useful background document which accompanies today's discussions.

It shows the broad range of complaints we have received so far relating to curfew measures; vaccination passes; freedom of assembly and expression restrictions and financial damage to businesses. We can certainly expect more complaints to be lodged in the future, however, we have not received the tsunami of applications which we perhaps anticipated at the very beginning of the pandemic. There may be many reasons for this; some of which you will undoubtedly discuss today.

Like last year, I encourage you to actively take part in this afternoon's discussions. You are our partners in the Convention system; your views matter to us; we would like to hear from you.

Now let me give the floor to Judge Harutyunyan who will introduce the seminar on behalf of the Organising Committee.

I wish you all a productive and fruitful afternoon of discussions.