

Challenges to the protection of human rights in practice of ECtHR during the COVID-19 pandemic

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In 2020 the world faced an outstanding challenge in the form of an infamous disease COVID-19. This forced international courts to take certain measures including the establishment of periods during which no hearings were held at all[10]. Under these circumstances ECtHR met several obstacles including complexities with delivering the complaints to the Court, staff shortage caused by the lockdown, as well as increased number of violations of the article 5 of the ECHR because of the implementation of quarantine measures [2, 6, 9].

There were several actions taken by the Court to resolve arising difficulties. Among those were such debatable ones as

- 1) the extension of the six-month deadline for filing a complaint with the ECtHR, which has previously never been changed and led, as lawyers themselves state, to the collapse of the familiar world order [10] ;
- 2) limiting the representation of judges and court staff in the ECtHR building according to the criterion of their necessity;
- 3) introducing the voluntary nature of appearances and, therefore, ending up in prolongation of grievance procedure [9].

According to some publicists, the above mentioned actions have affected the delivery of justice in the long-term. Among those problems are imbalance in prioritizing cases and increased complexity in fulfilling the requirement of exhaustion of domestic remedies [1].

During the research process we have proven that the Court was not ready to handle the difficulties posed during the pandemic. Nonetheless, there are still few positive outcomes and implementations which may respectively lead to meaningful changes in the future. For instance, complainants and attorneys are exempted from visiting public places to collect documents and post offices to send complaints [10]. Thus, the rate at which the virus spreads is reduced and the application process is finally simplified.

References

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