

MILITATING IN FAVOR OF INTERNATIONAL HUMAN RIGHTS LAW (EVEN IN TIMES OF COVID-19 PANDEMIC)

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Abstract

Human rights have always been a concern for humanity. Delimitating the protection of human rights from other branches of law is necessary due to the similarity of the legal relations that are the object of certain different legal branches. Through the efforts supported globally by the means of the international jurisdictions, the global justice system can be more efficient.

Although questions are constantly being raised about the fragmentation of law which would threaten the complex legal system created by the subjects of international law, we consider, however, that, at the level of human rights, we are witnessing a process of convergence, characterized by coherence and unity.

The purpose of this study is to offer to the interested legal professionals and to the domestic authorities the information to adequately protect the right of each individual to respect for his or her rights under the international conventions.

The study also tackles certain aspects regarding the application of human rights during COVID-19 pandemic, without alleging to be an extensive analysis of the subject.

Keywords: COVID-19, human rights, international public law, individual, pandemic, protection, States.

1. Introductory Remarks

International human rights law represents a discipline that is studied in law schools in Romania since 1990. Because it presents an increased interest for the theoreticians and practitioners of law, numerous publications on the subject have appeared in the Romanian legal literature.

We underline that human rights have always been a concern for humanity, considering that, in their special capacity of human beings, they hold *certain* rights.

The most prolific period for the recognition and protection of human rights was the post-Second World War period when, among others, the United Nations General Assembly adopted the Universal Declaration of Human Rights (on 16 December 1948), and the Council of Europe signed the Convention for the Protection of Human Rights and Fundamental Freedoms¹ (on 4 November 1950).

Given the atrocities of the post-Second World War period, it was emphasized more and more that these rights were inherent to human nature. From a diachronic analysis of the legal systems across the world, it is obvious that human rights do not have an immutable content, evolving with the international relations and established values – not even the fundamental rights (*i.e.* human rights that are essential to the human beings - *e.g.*, the right to life, the right to liberty). Thus, these fundamental rights may evolve or differ from one historical stage to another or from one state to another.

Human rights have also evolved due to globalization, which has left its mark on them, both positively and negatively.

Having in view the current situation in the world, when our lives have been upset in the last year because of the COVID-19 crisis, we consider important to tackle the problem of human rights respect during this period.

2. Protection of Human Rights Across The Time And Across The World

Delimitating the protection of human rights from other branches of law is necessary due to the similarity of the legal relations that constitute the object of some different legal branches. This is important for the correct application of the law because of the juridical qualification of the legal relationship. We must keep in mind that, in order to properly juridically qualify, the specialized enforcement body will perform a number of preliminary operations (*i.e.* nomination of the legal norm, verification of its authenticity and its legal force, determination of the exact content of the legal norm²).

Detaching the international protection of human rights from the public international law branch is obvious (there is a relationship from individual to general between them), this new discipline being based on legal norms of public international law that define and protect fundamental human rights.

The principle of fundamental human rights is placed at the top of the pyramid of law principles. This is obvious even from the purposes of the United Nations mentioned in Article 1 of the UN Charter:

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¹ For an extensive analysis of this living instrument, please see Corneliu Birsan, *Conventia europeana a drepturilor omului. Comentariu pe articole*, second edition, C.H. Beck Publishing House, Bucharest, 2010.

² Please see Nicolae Popa coordinator, Elena Anghel, Cornelia Beatrice Gabriela Ene-Dinu, Laura-Cristiana Spataru-Negura, *Teoria generala a dreptului. Caiet de seminar*, 3rd edition, revised and enlarged, C.H. Beck Publishing House, Bucharest, 2017, pp. 194-195.

“The purposes of the United Nations are:

(...) 3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in **promoting and encouraging respect for human rights and for fundamental freedoms for all** [emphasis added], without any distinction as to race, sex, language, or religion”³.

At the regional level, in the European Union⁴, in Article 6 para. (3) of the Treaty on European Union, it is specified the fact that:

“**Fundamental rights** [emphasis added], as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union’s law”⁵.

Therefore, all human beings, regardless of race, sex, nationality, and social position, must enjoy the respect for their rights. This statement is obvious from the nature of the legal norms of *jus cogens* that characterize the field of human rights and which determine their application everywhere and all of them, from which no derogations are allowed.

Please note that one obstacle to the universality of human rights is the specificity of each people to have its own language, its own traditions, and values, therefore the cultural diversity. Another obstacle could be the different economic and historical developments of each people. Because of these obstacles, the slogan of the European Union is so well expressed - *Unity in Diversity*, which recognizes the diversity of the European identity.

One of the basic rules of human rights is their interdependence. Even if there are several categories of human rights, they can no longer be seen singularly, independently some of others.

Given the obvious importance of respecting human rights, beyond national borders, states must cooperate at the international level. One of the most obvious forms of cooperation in this regard is the cooperation of states to repress the most serious international crimes (*e.g.*, crimes against peace, war crimes) - cooperation that also led to the creation of some special criminal jurisdictions (*e.g.*, International Criminal Tribunal for the Former Yugoslavia, International Criminal Court). From this perspective, it is important to emphasize that due to the common interest of the community to protect fundamental human rights at the national level, the matter of human

rights is no longer the reserved domain of competence of the states, but subject to international cooperation.

Having in mind all the information mentioned above, it is obvious that the main source of international protection of human rights is represented by the international treaties. Besides the international treaties (*i.e.* conventions binding on the contracting states), there are also declarations or resolutions, which have political and possibly moral value. Some documents, although they are not international conventions, have acquired a binding legal value over time (*e.g.*, the Universal Declaration of Human Rights).

The subjects of legal relations are, on the one hand, people as beneficiaries of the fundamental rights enshrined in the international instruments, and, on the other hand, the states represented by its institutions that must comply with the fundamental human rights.

The evolution of human rights has been a huge step for the international community entailing an important violation of the state’s sovereignty, which in the past had the right to life and death over its people.

Although the states are sovereign and independent, the flagrant violation of human rights could and should attract the international responsibility of the states, according to the international instruments they have executed. The international community is very concerned about promoting a firm attitude on the part of states regarding the respect for rights and fundamental freedoms of the people.

We strongly believe that there is an interdependent relationship between democracy and human rights because the will of the people matters in a democratic regime, while in a totalitarian system the recognition of human rights is only formal. The recognition of human rights entails the existence of a free state, democratic, subject to the principle of separation of powers, and at the same time to the principle of legality.

Please bear in mind that the European Court of Human Rights “has established in such a crystal-clear manner this link between democracy and human rights. That is why the Court remains particularly vigilant when the foundations of democracy are imperilled, including any attempt at undermining the independence of judges.”⁶

Thus, based on the international treaties that proclaim the protection of fundamental human rights, concluded by the states, the states must guarantee the protected rights for all individuals found under their

³ Please see the United Nations Charter, available at <https://www.un.org/en/sections/un-charter/chapter-i/index.html>.

⁴ For information on the specificities of the European Union, please see Augustin Fuerea, *Dreptul Uniunii Europene*, Universul Juridic Publishing House, Bucharest, 2016; Mihaela Augustina Dumitrascu, Roxana Mariana Popescu, *Dreptul Uniunii Europene, Sinteze si aplicatii*, second edition revised and enlarged, Universul Juridic Publishing House, Bucharest, 2015; Cornelia Beatrice Gabriela Ene-Dinu, *The Impact Of Preliminary Rulings Pronounced By The Court Of Justice Of The European Union On The Activity Of The Romanian Courts Of Law*, in the Proceedings of CKS eBook, 2017, Pro Universitaria Publishing House, Bucharest, 2017, p. 440 and following.

⁵ Please see the Treaty on European Union, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M%2FTXT>.

⁶ For further information please see the speech of the President of the European Court of Human Rights, Mr. Linos-Alexandre Sicilianos, on the occasion of the opening of the judicial year, 31 January 2020, p. 6, available at https://www.echr.coe.int/Documents/Speech_20200131_Sicilianos_JY_ENG.pdf.

jurisdiction, no matter they are their own citizens, foreign citizens, or stateless persons.

Regarding the international consecration and guarantee of the rights, we emphasize that the international human rights law requires a minimum standard of protection, from which, internally, states cannot derogate downwards, but only upwards, being able to ensure greater protection of human rights⁷.

This principle also supposes that states are entrusted with the protection of human rights, the domestic courts (together with the executive and with the legislative powers) being required to respect and guarantee individual human rights. If the state authorities fail to protect these rights, the international protection then intervenes (e.g., the European Court of Human Rights, the Inter-American Court of Human Rights).

Thus, the international structure intervenes only *in subsidiary*, after all domestic remedies have been exhausted.

Depending on the domestic law system of each state (monist or dualist), the norm of international law contained in a convention can or cannot be directly applicable in the internal legal order of a state. Thus, in a monist system, the legal norm of international law is not directly applicable, meanwhile in a dualistic system, it is directly applicable, creating directly rights and obligations for the benefit of individuals. However, in order for the legal rule to be applied directly in the internal order of a state, it must have a precise and complete content, without the need for creating documents in application.

The specificity of this international public branch is that, with the adoption of international conventions in this field, individuals have acquired the capacity to be holders of rights and obligations at the international level, being able to be a party to certain jurisdictional and non-jurisdictional proceedings to defend their own rights. Within these proceedings, individuals who consider that their own rights have been infringed, can bring a claim directly to the competent international bodies, if the admissibility criteria are met.

Thus, in the context of legal relations under international human rights law, we meet several subjects of law: states, individuals, and international government organizations. States can have both active and passive procedural capacity within specialized international jurisdictions, in relation to other states, in

connection with their citizens, being responsible internationally for their abuses.

Effective promotion and guarantee of human rights are achieved based on the intergovernmental cooperation carried out within international, regional, subregional, and national organizations, as well as with the help of different non-governmental organizations. The media also plays an important role.

Through the United Nations or through the regional mechanism for protection (e.g. European, Inter-American, African, Asian), human rights law becomes more effective each day, protecting the individuals that come under its protection.

After carrying out a comparative analysis of the regional protection mechanisms of human rights, we note that the European system of protection within the Council of Europe (i.e. the European Court of Human Rights⁸) is the most advanced mechanism in the world. This is also the reason why other regional systems have inspired from it. In addition, this view is supported by the European Union's concern for accession of the Union to the Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter "*the Convention*").

The efficiency of the European Court of Human Rights is due to its jurisdictional character, as opposed to other protection mechanisms within the United Nations which have a political character system based on state reports presented to committees. It is worth mentioning that the Convention's rights and freedoms have a *horizontal effect*, being directly binding on domestic public authorities⁹ and indirectly on private persons or entities. The contracting states have the obligation to protect the victims, otherwise their legal responsibility may be invoked¹⁰.

Through the efforts supported globally by the international jurisdictions, the global justice system can be even more efficient.

Although questions are constantly being raised about the fragmentation of law which would threaten the complex legal system created by the subjects of international law, we consider, however, that, at the level of human rights, we are witnessing a process of convergence, characterized by coherence and unity.

Today, the unprecedented proliferation of the international organizations and jurisdictions acting in the domain of human rights law, determines a trend of their hyperspecialization, which should not be seen as having a negative connotation, because it creates a

⁷ In this respect it is interesting to read the speech of the Chief Justice of Ireland, Mr. Justice Clarke: „(...) I know that the objective of the Convention and of this Court is not to harmonise human rights law in that strict sense but is to ensure that minimum standards for the protection of human rights across the states of the Council of Europe are maintained whilst respecting the plurality of national and international fundamental rights protections”, p. 2, available at https://www.echr.coe.int/Documents/Speech_20200131_Clarke_JY_ENG.pdf.

⁸ For general information on the European system of human rights protection instituted by the Council of Europe, please see Bogdan Aurescu, *Sistemul juridictiilor internationale*, second edition, C.H. Beck Publishing House, Bucharest, 2013, p. 211 and following, and Laura-Cristiana Spătaru-Negură, *Protecția internațională a drepturilor omului. Note de curs*, Hamangiu Publishing House, Bucharest, 2018, p. 81 and following.

⁹ For more details on public authorities, please see Elena Emilia Stefan, *Disputed matters on the concept of public authority*, in the Proceedings of CKS eBook, 2015, Pro Universitaria Publishing House, Bucharest, 2015, p. 535 and following.

¹⁰ For general information on the legal responsibility of states, please see Raluca Miga-Bestelie, *Drept internațional public*, 2nd volume, 3rd edition, C.H. Beck Publishing House, Bucharest, 2014, pp. 29-56.

culture of human rights ... and, implicitly, a *human rights education*, which is essential for every person.

3. Human Rights Protection During COVID-19 Pandemic

Nowadays, since we are facing new challenges brought by the COVID-19 pandemic, we are concerned about the impact of this coronavirus on human rights and the rule of law.

Invoking the preservation of life, the national authorities took exceptional measures such as nationwide lockdowns in order to slower the transmission of the COVID-19 among people. Some individuals may feel like these extensive lockdowns “*can inadvertently affect people’s livelihoods and security, their access to health care (not only for COVID-19), to food, water and sanitation, work, education – as well as to leisure*”¹¹.

In 2020, suddenly, people from all over the world, irrespective the continent they were or their status as citizen or migrant, children or adult, woman or man, young or old, poor or rich, healthy or sick, all were “trapped” in their houses, being powerless in face of the coronavirus. The states and the international organisations had an obligation to make sure that everyone is protected through the proportionate measures taken, by minimising the potential negative consequences.

We agree that three individual rights were, worldwide, the most exposed during this pandemic.

Firstly, *the right to life and the duty to protect life* were invoked by all states when dealing with the measures to be taken during the pandemic. The duty to protect life should be, for sure, the primary focus of all State officials.

Secondly, *the right to health and access to health care* represents a right inherent to the right of life. Each individual has the right to enjoy “*the highest attainable standard of health conducive to living a life in dignity*”¹². The medical system of many countries (e.g.

Belgium¹³, Brasil¹⁴, Germany¹⁵, Italy¹⁶, Japan¹⁷, Portugal¹⁸, Romania¹⁹, Spain²⁰, US²¹) has faced and is still facing a high risk of collapse both for coronavirus patients and patients without coronavirus. The huge caseloads, the increasing number of infections, the impossibility to free beds in due time in the intensive care units, the extreme pressure characterise each medical system nowadays. The hospitals are treating patients beyond their installed capacity, tragedies²² being able to happen each day everywhere.

Combating the pandemic through preventing the spread of the virus should be thought as a set of measures applicable to everyone, without any discrimination (because the virus does not discriminate!), being recommended to be taken in both public and private sector health care.

Thirdly, *the freedom of movement* has suffered many restrictions especially in case of lockdowns, in the name of controlling the spread of the virus. We agree that “[t]his measure is a practical and necessary method to stop virus transmission, prevent health-care services becoming overwhelmed, and thus save lives”²³. Considering that the freedom of movement is crucial in order to enjoy other individual rights (e.g. the right to health and access to healthcare).

We salute the concern of the responsible international leaders regarding the respect of human rights during this pandemic.

For example, the Secretary General of the Council of Europe²⁴, Mrs Marija Pejčinović Burić, has issued on 7 April 2020, a toolkit for the European governments on respecting human rights, democracy, and the rule of law, toolkit that has been sent to all 47 Council of Europe member states²⁵.

The restrictive measures adopted by the states worldwide must be in accordance with the provisions of the international treaties and conventions adopted by the respective states. For instance, for the contracting states to the Convention, the measures taken in response to COVID-19 pandemic should not violate the provisions of the Convention.

¹¹ United Nations, *COVID-19 and Human Rights. We Are All In This Together*, April 2020, p. 2, report available at https://www.un.org/victimsofterrorism/sites/www.un.org.victimsofterrorism/files/un_-_human_rights_and_covid_april_2020.pdf.

¹² *Idem*, p. 4.

¹³ Please see <https://www.dw.com/en/belgiums-covid-19-health-care-collapse-it-will-happen-in-10-days/a-55451750>.

¹⁴ Please see <https://www.bmj.com/content/372/bmj.n800>.

¹⁵ Please see <https://www.iamexpat.de/expat-info/german-expat-news/german-health-system-danger-collapse-april-rki-warns>.

¹⁶ Please see <https://www.dailymail.co.uk/news/article-8924687/Patients-treated-floor-Italys-healthcare-collapses.html>.

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¹⁸ Please see <https://www.reuters.com/article/us-health-coronavirus-portugal-idUSKBN29M0L3>.

¹⁹ Please see <https://transylvanianow.com/romanian-healthcare-system-on-the-verge-of-collapse-as-covid-19-cases-surge/>.

²⁰ Please see <https://www.euronews.com/2020/09/18/the-system-s-collapsed-doctors-alarm-over-covid-s-impact-on-healthcare-in-madrid>.

²¹ Please see <https://edition.cnn.com/2021/01/02/health/us-coronavirus-saturday/index.html>.

²² Please see the cases of Romania (<https://www.bbc.com/news/world-europe-54947530>), Turkey (<https://www.bbc.com/news/world-europe-55376008>), Ukraine (<https://www.independent.co.uk/news/world/europe/ukraine-oxygen-explosion-hospital-coronavirus-b1808525.html>), Russia (<https://www.republicworld.com/world-news/rest-of-the-world-news/russia-explosion-rocks-covid-19-hospital-in-chelyabinsk-two-patients-dead.html>).

²³ United Nations, *COVID-19 and Human Rights. We are all in this together*, April 2020, p. 4, report available at https://www.un.org/victimsofterrorism/sites/www.un.org.victimsofterrorism/files/un_-_human_rights_and_covid_april_2020.pdf.

²⁴ Regional organisation established in 1949 to rebuild peace in Europe after the Second World War.

²⁵ Please see the Information Document SG/Ing(2020)11, *Respecting Democracy, Rule of Law and Human Rights in the Framework of the COVID-19 Sanitary Crisis. A Toolkit for Member States*, issued by the Council of Europe, available at <https://rm.coe.int/sg-inf-2020-11-respecting-democracy-rule-of-law-and-human-rights-in-th/16809e1f40>.

Two types of justification for these measures under the Convention can be distinguished:

i. on the ground of the Convention provisions, based on the protection of health [*i.e.* Article 5 para. (1) letter e), Article 8 para. (2), Article 9 para. (2), Article 10 para. (2), Article 11 para. (2), Article 2 para. (3) of the Protocol no. 4 to the Convention];

ii. on the ground of Article 15 of the Convention (derogation in time of emergency) for measures of exceptional nature – this is an important feature foreseen in the Convention allowing the continued application of the Convention. We underline that certain Convention rights do not allow any derogation under Article 15 of the Convention²⁶. The severity of COVID-19 pandemic justified the restrictions imposed by the contracting states on public health grounds. It is important to underline that the formal adoption of the state of emergency or any other similar regime in the contracting state invoking Article 15 is not conditional upon. It is, however, necessary that the domestic law has a specific basis for the derogation “*in order to protect against arbitrariness and must be strictly necessary to fighting against the public emergency*”²⁷. Moreover, please have in mind that “[w]hile derogations have been accepted by the Court to justify some exceptions to the Convention standards, they can never justify any action that goes against the paramount Convention requirements of lawfulness and proportionality.”²⁸.

Please note that in the cases brought in front of the European Court of Human Rights, the judges will assess each derogation in part. In this respect states have a large margin of appreciation: “[i]t falls in the first place to each Contracting State, with its responsibility for ‘the life of [its] nation’, to determine whether that life is threatened by a ‘public emergency’ and, if so, how far it is necessary to go in attempting to overcome the emergency. By reason of their direct and continuous contact with the pressing needs of the moment, the national authorities are in principle in a better position than the international judge to decide both on the presence of such an emergency and on the nature and scope of derogations necessary to avert it. In this matter Article 15 § 1 (...) leaves those authorities a wide margin of appreciation.”²⁹.

Moreover, please also note that the United Nations High Commissioner for Human Rights analysed the impact of COVID-19 pandemic of the enjoyment of human rights around the world, including good practices and areas of concern³⁰.

Thus, despite the restrictions and challenges of the present unprecedented sanitary crisis, in 2020 and 2021, it seems that the international organizations (and the international jurisdictions) had been able to continue their activities with regards to the human rights respect.

4. Concluding Remarks

It is worth underlining that “human rights concern the universal identity of the human being and are underlying on the principle of equality of all human beings”³¹, therefore all individuals have the right to complain in front of competent international jurisdictions, if the domestic authorities³², natural or legal persons violate their individual rights under the Convention in certain conditions.

It is undisputed that human rights are constantly evolving, and that these rights can and will be respected only to the extent that they are well known by the individuals and by the authorities.

The evolutive interpretation of the international instruments should be the key for the evolution of human rights across the world. For instance, we bear in mind the words of the President of the European Court of Human Rights, Mr Linos-Alexandre Sicilianos, who, at the opening of the 2020 judicial year, emphasised that “[t]his interpretative methodology is clearly in line with the wishes of the founding fathers. They had a perception of human rights which was not static or frozen in time but dynamic and future-oriented. The generic terms used by the Convention, together with its indeterminate duration, suggest that the parties wished the text to be interpreted and applied in a manner that reflects contemporary developments. This viewpoint is backed up by the Preamble to the Convention, which refers to not only the “maintenance” but also the “further realisation of human rights and fundamental freedoms”, in other words their development. This

²⁶ *I.e.* Article 2 of the Convention – the right to life, except in the context of lawful acts during the war; Article 3 of the Convention – the prohibition of torture and inhuman or degrading treatment or punishment; Article 4 para. (1) of the Convention – the prohibition of slavery and servitude; Article 7 of the Convention – no punishment without law; Protocols nos. 6 and 13 – abolishment of death penalty; Article 4 of the Protocol no. 7 – the right not to be tried or punished twice.

²⁷ Please see the Information Document SG/Ing(2020)11, *Respecting Democracy, Rule of Law and Human Rights in the Framework of the COVID-19 Sanitary Crisis. A Toolkit for Member States*, p. 3, issued by the Council of Europe, available at <https://rm.coe.int/sg-inf-2020-11-respecting-democracy-rule-of-law-and-human-rights-in-th/16809e1f40>.

²⁸ *Ibidem*.

²⁹ European Court of Human Rights, *Ireland v. UK* Judgment, 18.01.1978, Series A, no. 25, para. 207.

³⁰ The report is available at <https://reliefweb.int/report/world/impact-coronavirus-disease-covid-19-pandemic-enjoyment-human-rights-around-world>.

³¹ Augustin Fuerea, *Introducere în problematica dreptului internațional al drepturilor omului – note de curs*, ERA Publishing House, Bucharest, 2000, p. 4.

³² Please note that the domestic authorities can breach individual rights through juridical acts, material and juridical facts, material and technical operations or political acts; please see, in this respect, Marta-Claudia Cliza, Constantin-Claudiu Ulariu, *Drept administrativ*, revised edition according to the amendments of the Administrative Code, Pro Universitaria Publishing House, Bucharest, 2020, p. 12, and Marta-Claudia Cliza, *Revocation of administrative act*, in the Proceedings of CKS eBook, 2012, Pro Universitaria Publishing House, Bucharest, 2012, p. 627.

evolutive interpretation method has allowed the text of the Convention to be adapted to “present-day conditions”, without any need for formal amendments to the treaty³³.

Over the time, a sustained concern of the international organizations can be seen to adopt common rules in all areas, especially in the field of human rights. The subjects of international law are in a permanent search for solutions.

We strongly believe that, as the promotion of human rights becomes more effective, a true human rights education will be created that will lead to fewer human rights violations.

I personally do not want human rights education to be just a slogan awaiting a universal definition, reason for why we encourage each lawmaker to consider that “the human being is the central area of interest”³⁴ for it.

The importance of knowing and promoting human rights is more than paramount in these times when speedy decisions taken by the national authorities could be interpreted as having adverse consequences. And human rights are essential in dealing with the pandemic response; they cannot be neglected. This is why “[w]hen we recover, we must be better than we were before”, especially that “the crisis has revealed weaknesses that human rights can help to fix”³⁵.

But did we learn our lessons during the COVID-19 pandemic? Are we capable of becoming better than we were before in respecting human rights? Did we adopt, within our available resources, the fiscal, financial and economic measures to mitigate the negative impact of COVID-19 on our population?

A call to action for human rights³⁶ is absolutely necessary especially in times of pandemic, because it has showed not only the “disparities between people’s enjoyment of their human rights”³⁷.

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³³ For further information please see the speech of the President of the European Court of Human Rights, Mr. Linos-Alexandre Sicilianos, on the occasion of the opening of the judicial year, 31 January 2020, p. 5, available at https://www.echr.coe.int/Documents/Speech_20200131_Sicilianos_JY_ENG.pdf.

³⁴ Elena Anghel, *The notions of “given” and “constructed” in the field of the law*, in the Proceedings of CKS eBook, 2016, Pro Universitaria Publishing House, Bucharest, 2016, p. 341.

³⁵ United Nations, *COVID-19 and Human Rights. We are all in this together*, April 2020, report available at https://www.un.org/victimsofterrorism/sites/www.un.org.victimsofterrorism/files/un_-_human_rights_and_covid_april_2020.pdf.

³⁶ Please see Antonio Guterres, *The Highest Aspiration. A Call to Action for Human Rights*, available at https://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/The_Highest_Aspiration_A_Call_To_Action_For_Human_Right_English.pdf.

³⁷ Impact of the coronavirus disease (COVID-19) pandemic on the enjoyment of human rights around the world, including good practices and areas of concern - Report of the United Nations High Commissioner for Human Rights, available at <https://reliefweb.int/report/world/impact-coronavirus-disease-covid-19-pandemic-enjoyment-human-rights-around-world>.

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