



## CALL FOR PROPOSALS

International symposium – 6<sup>th</sup> & 7<sup>th</sup> September 2021 - Brussels

*Human Rights in Pandemic Times*

*Political Exceptionalism, Social Vulnerability & Restricted Freedoms*

Comparative and interdisciplinary analyses

Submission deadline: 15<sup>th</sup> December 2020

E-mail: [camille.lanssens@ulb.be](mailto:camille.lanssens@ulb.be)

### OUTLINE

On 1 December 2019, the first official case of COVID-19 was reported in Wuhan, China. Since then, this infectious disease has been described as a global pandemic by the WHO and has challenged governments, parliaments, judges and, of course, people on every continent. Faced with this serious and imminent threat to the right to life and health of individuals, States have adopted a series of exceptional measures, especially in times of peace, to stem the spread of the virus. Most of these measures have had a significant impact on the effectiveness and enjoyment of most human rights, whether civil or political, economic, social or cultural, of more than half of the world population. After several months of lockdown and astonishment, democracies still seem knocked out and our rights & freedoms still in danger. Irrespective of any medical response and its effectiveness in the short or long term, the social, economic, political and of course legal consequences of the crisis we are going through will be felt in the long term. As such, the way in which public authorities are dealing with them, sometimes in a concerted manner, more often than not in a dispersed order, constitutes an unprecedented laboratory for testing new questions and hypotheses about the legal regimes protecting our human rights and their ability to respond to a situation that is unprecedented in contemporary history.

With a view to drawing initial lessons from this health crisis, already retrospective but also heralding new regulations on rights and freedoms, several professors from the Center for Public law of the Université Libre de Bruxelles (CDP/ULB), the Interdisciplinary Research Center for Constitutional and Administrative Law of the Université Saint-Louis - Bruxelles (CIRC/USL), the Centre for Research on the State and the Constitution of the Université catholique de Louvain (CRECO/UCLouvain), the Research Centre in Information, Law and Society of the Université de Namur, the Law Faculties of the Université de Liège and the Université de Luxembourg are organising a conference, open to all human science disciplines and aiming, on the one hand, to draw up an initial comparative assessment of the impact of the health crisis on human rights, and, on the other hand, to map out a way out of the crisis, at best, and at worst its normalisation, in a fragile democratic context.





## PRACTICAL INFORMATION:

- Proposals (max. 500 words) should be sent in English or French by December 15, 2020 to the following e-mail address: [camille.lanssens@ulb.be](mailto:camille.lanssens@ulb.be). Please include your name, institutional affiliation and a brief CV.
- Applicants will be informed of the acceptance or rejection of their proposal by February 1<sup>st</sup> 2021.
- The symposium will take place in a hybrid form in Brussels, with online webcasting and the possibility of participation by videoconference. The proposal must indicate a preference for an on-site or videoconference presentation. A collective publication subject to a double-blind peer-review will follow the symposium (spring 2022).

## SCIENTIFIC COMMITTEE:

**Presidency:** Rusen Ergec (Univ. Luxembourg) / **Coordination:** Camille Lanssens (ULB)

**Members:** Frédéric Bouhon (ULiège) / Anne-Emmanuelle Bourgaux (UMons) / Elise Degrave (CRIDS/UNamur) / Jörg Gerkrath (Univ. Luxembourg) / Julien Pieret (CDP/ULB) / Céline Romainville (CRECO/UCLouvain) / Sébastien Van Drooghenbroeck (CIRC/USL)

## THEMATIC PANELS:

The Symposium will be organised in five panels. Proposals must fall within one of these themes. They may discuss a national case study or more theoretical and conceptual research.

**#1. Setting up and deploying a regime of exception: special powers, state of emergency and democratic control.** Faced with the urgent need to adopt a range of health measures, all States have not taken the same path when it comes to defining the legal framework. Where several states have opted for a "derogation" from International Human Rights Law (art. 15 ECHR), others have relied on the resources of the ordinary law for limiting fundamental rights. In all States, questions have arisen on the issue of democracy, the link between democracy and expert voice, the effectiveness of parliamentary and jurisdictional control over a strengthened executive power. How did national governments justify their choice? What kinds of exceptional powers may have been conferred on them? What was the legal framework and how were health control measures implemented in practice? What are the consequences of these exceptional regimes for the respect of political rights and, more generally, the democratic rule of law? These will be among the questions dealt with during this panel devoted to the trials suffered by the (supra)constitutional order and the robustness of the guarantees it provides in exceptional situations.

**#2. Justice 2.0 in times of lockdown: Fundamental principles and procedural safeguards under strain.** Rapidly confronted with the difficulty of enforcing containment or other health measures, States have, on this point as well, made use of various strategies: adoption of new criminal offences or investment of pre-existing criminal rules, administrative proceedings or expeditious trials... This arsenal can be questioned, moreover, as regards respect for the fundamental principles applicable to criminal charges and, more generally, judicial guarantees. Moreover, this new workflow has had to be managed in some cases by a judicial system whose day-to-day operations have been greatly disrupted by a pandemic crisis, which is already undermining respect for procedural rules as such. More generally, during this period, certain technical measures (remote appearance, digitalisation of procedural documents, limitation of oral and public hearings, etc.) which already raise questions about compliance with the principles of a fair trial have been tried and tested, or even further developed. The repression of the violation of health measures and the correlative transformations of the justice system will be at the heart of this second panel.



### **#3. Pandemic and occupational vulnerability: what can economic, social or cultural rights do?**

The lockdown has been dramatic for a whole range of people whose rights and freedoms are already, under normal circumstances, too largely ineffective. These include illegal residents, homeless people, people in prison and also women who are victims of domestic or sexual violence. What may have been or still is the impact of this crisis on so-called second generation rights? Have States adopted specific measures to provide exceptional assistance to vulnerable people? How have their rights, particularly economic and social rights, been implemented during the lockdown? The management of the pandemic has also placed health care workers in conditions that clearly undermine their right to health (if not to life). More generally, specific issues relating to the rights of workers exposed to exceptional risk emerged in the early stages of post-lockdown. How have States organized the maintenance and/or return to work and what rules to protect workers have been activated or invented in recent months?

### **#4. The effectiveness of the right to protection of personal data in the fight against the pandemic.**

Throughout containment, new communication technologies have taken a decisive place in our daily lives. Above all, applications for identifying and tracing the population were quickly designed and deployed throughout the countries to fight the spread of the virus. Detecting, isolating and monitoring individuals, these biopolitical devices are becoming more sophisticated every day and their use seems to last so long that they seem to set the rhythm of daily life (compulsory health tests in certain workplaces, surveillance of quarantines, restrictions on movement and border controls, etc.). The issue of the massive scale of personal data breaches, including some of the most sensitive ones, raises acute questions today, testing the soundness of international or national rules that have sometimes only just entered into force (e.g. RGPD) and the effectiveness of the public or private bodies in charge of their implementation. In a perhaps even more dizzying way, this situation forces us to revisit certain classic questions in the theory and practice of human rights, such as the effectiveness of their horizontal applicability or the conditions for consenting to waiving them.

### **#5. Civil society and the pandemic: mobilization in times of lockdown.**

How can human rights be defended in times of lockdown? How to fight when the right to assemble and the freedom to demonstrate are suppressed? How can we reinvent activism, especially under certain regimes that have used this new crisis to further restrict freedom of expression, especially online, or even to bring political opposition or more radical factions of civil society under control? Throughout the last few months, most of the claimed democracies have also encountered major demonstrations that have cruelly highlighted harmful biases presiding over their repression. What social movements have emerged from this crisis and what kind of struggles have they been able to wage in relation to the impact the crisis has had on human rights? When social movements were able, on the streets, online or in court, to challenge the respect of democratic guidelines in exceptional situations, to fight for the benefit of vulnerable people or to demand the right to move, to demonstrate but also the right not to wear a mask, a large number of experienced or novice activists have called upon the human rights register to support their mobilization. This panel will thus focus on the lessons that can be drawn from this pandemic in the cross study of social movements and human rights, their strategy and their effectiveness.