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European Human Rights Protection in a Time of Crisis? The COVID-19 Pandemic as Challenge and Opportunity

The COVID-19 pandemic poses significant challenges to the European system of human rights protection. Extensive interferences with fundamental rights and freedoms became necessary as public health measures. At the same time, the pandemic is also a chance to consider the key parameters which European human rights provide to deal with the health crisis. These human rights-based parameters help to limit, assess and justify state action. In particular, the further development of the European Court of Human Rights' (ECtHR) „reasonable courts doctrine“ seems promising as it provides guidance to national courts. More generally, the relevance of human rights, as evidenced in the context of the pandemic, could contribute in a productive way to the development of a human rights culture at the national level. Against this background, the COVID-19 pandemic may also contribute to a renewed relevance of human rights and weaken backlash tendencies towards the ECtHR.