



**SIGMA**

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## **Public Administration: Responding to the COVID-19 Pandemic**

***Mapping the EU member states' public administration responses to the COVID-19 pandemic  
(for EU Enlargement and Neighbourhood countries)***

### **PART 3 Accountability**

**1-7 April 2020**

*This informal mapping exercise was prepared by internal and external SIGMA experts, following a discussion with the European Commission, using publicly available information and some informal insights (collected between 1 and 7 April 2020). It provides a summary of how EU member states and selected OECD countries have managed the COVID-19 crisis initial stage with regard to the functioning of the government and the public administration. The mapping has been compiled as a source of information and inspiration for decision-making and decision implementation by policymakers in EU Enlargement and Neighbourhood countries.*

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**How did you keep the national parliament operational? Any simplification of parliamentary procedures?**

**AUSTRIA**

*Parliament is fully functional, with sessions continuing to take place; however the physical arrangement in the session hall uses the visitor's gallery to ensure 1+ metre physical distance between people.*

*With regards to simplification, accelerated procedure is used in line with the constitution ("Initiativanträge" by min 3 MPs) and so far accepted by a unanimous vote.*

**BELGIUM**

*On 27 March, the law empowering the King to take measures to combat the spread of COVID-19 (special powers) was adopted. Through this enabling law, Parliament authorises the King to act without going through the conventional legislative procedure in order to respond to the emergency related to the exceptional circumstances of the coronavirus. Overall, the scope of these special powers will be limited to urgent provisions in matters of public health, public order, social provisions, and in the protection of the economy and citizens. (see above)*

*The federal Parliament is fully operational, as are the regional Parliaments. Plenary meetings are being held with a limited number of MEP's (chairpersons of the different political parties) to comply with the 'social distancing' regulations. Because of the approval by Parliament of the Government to rule by power of Decree for a limited period, the procedures in Parliament have been substantially impacted.*

*In order to limit the spread of the coronavirus, the Chamber (the House of Representatives) has adopted the following measures:*

- The Chamber continues its activities. Only essential meetings will take place.*
- Chamber buildings are closed outside of meetings. This means that neither Members of Parliament, their political assistants, House staff, nor anyone outside the Chamber can access them.*
- Chamber staff work from home and respect containment measures.*
- During committee meetings or plenary sessions, only persons essential to the progress of the work will be authorised to enter the buildings and halls. A safety distance of 1.50m must be respected at all times.*
- During public meetings, the press is only admitted to the press stands. Interviews by video-conference should be preferred.*
- The Chamber guarantees the publicity of its work via streaming: <http://www.lachambre.be/kvvcr/media5/index.html?language=fr&sid=55U0497>*
- No visitors are allowed in the gallery and the guided tours are suspended for an indeterminate period. All events are cancelled.*

*([https://www.lachambre.be/kvvcr/pdf\\_sections/news/0000011208/mesures\\_de\\_prevention\\_covid\\_19\\_20200324.pdf](https://www.lachambre.be/kvvcr/pdf_sections/news/0000011208/mesures_de_prevention_covid_19_20200324.pdf))*

*The Senate:*

*The scheduled meetings of the Senate Committees and the plenary sessions have been cancelled. The Senate Office may nevertheless decide to organise new meetings. This decision will be made on a case-by-case basis. All visits, conferences and events have been postponed until further notice.*

**CROATIA**

*The national parliament (Hrvatski sabor) is in operation and sessions are being held as planned.*

*There are however some modifications agreed on the session of the Presidency of the Parliament (the president and vice presidents who represent governing and opposition parties) with regard to the plenary sessions - each day a maximum of 30 MPs may be present (2 from each parliamentary club), and they have to respect the social distancing measures; the time for speech is limited and after each speaker cleaning is performed:*

*The committee sessions are mainly being held online (video-conferencing, WhatsApp, e-mail).*

*The Committee for Elections, Appointments and Administrative Matters which decides on the status matters of the MP has suspended its rules on the absence of MPs (before the change, absence had led to the proportional cuts in salary for those MPs that have not been present in the sessions) so that all absences are considered as excused.*

*The parliamentary service employees are considered civil servants, so the Government Decision on the work in civil service is expected to apply accordingly.*

*In addition to the pandemic measures and due to the earthquake damage to the parliament building, as of 24 March 2020 sessions have been moved to separate buildings (the building of the State Inspectorate and the Westin hotel for voting).*

## **CZECH REPUBLIC**

*The declaration of the state of emergency was approved by the Parliament. It will review the renewal of the declaration on April 12. In the meantime, it does not sit. Apparently, the Government tabled a motion to transfer some powers from the legislature to the executive on a more permanent basis but this proposal was withdrawn after a public outcry.*

*At the same time, the Government has requested that regional assemblies continue to work using virtual meetings and other methods.*

## **DENMARK**

*All political parties have been asked by the Speaker of the Parliament to review their legislative agenda and cut down on new legislative initiatives. No quotas have been issued but all parties are expected to contribute. Parliamentary committees have for the first time taken up remote sessions/videoconferencing on important issues.*

## **ESTONIA**

*The Parliament (Riigikogu) will convene only to discuss time critical questions until 1 May 2020 (which is the current duration of the emergency situation).*

*For the committee meetings, if possible, distant work can be done. During physical committee meetings, the invited guests should be involved through video conferences. The MPs will not undertake business travels, except with the decision by Board of the Riigikogu (Speaker and Vice-Speakers).*

*The Board of the Riigikogu with representatives of fractions convenes regularly to react operatively to the emergency situation.*

## **FINLAND**

*National parliament remains operational remotely and on essential issues on site. Many of the parliamentary committee meetings are held virtually. However, members of the parliament are not able to vote electronically. The Government is looking for possibilities to give members of the parliament the right to vote remotely.*

## **FRANCE**

*The Parliament has modified its operating procedures. Most meetings are held by video-conference, for example, that of the group presidents. The Parliament examined the amending finance bill, as well as the emergency measures bill. The rules of debate have been adjusted. Voting on these texts was carried out by delegation and only one deputy or senator received delegation from all the members of their group of deputies or senators to vote. The operations of the institution have been restricted. Only two activities continue: the vote on emergency measures issued by the executive, as well as the control exercised by Parliament. This corresponds above all to "current issues in government".<sup>1</sup>*

## **GERMANY**

*The two federal houses of Parliament and the states' parliaments continue to be operational, sittings continue to mainly function with physical presence, while social distancing rules are maintained by using the full plenary venues, including visitor places, during the sessions. In some of the states (e.g. Baden Wuerttemberg) the parliamentary committees have turned to video-conference sessions.*

*A package of six laws, the "Corona package" was adopted in what is called an "urgent legislative procedure" on the federal level. It included also two health policy related laws.*

*To illustrate the process : on Monday, 23 March, Federal Minister of Health, Jens Spahn, presented two bills to support healthcare and nursing in dealing with the corona epidemic and to improve the Federal Government's responsiveness to epidemics. On the same day, the Federal Cabinet passed the so-called COVID-19 Hospital Relief Act and the "Act to Protect the Population in an Epidemic Situation of National Importance". The Bundestag's Health Committee dealt with the two bills on Tuesday, and the Bundestag passed them in one go on Wednesday. The federal states had no objection and allowed both laws to be passed in the Federal Council - including the civil protection law, which requires approval because it interferes massively with country competencies. The package was announced in the Federal Law Gazette on 27 March 2020 and largely came into force one day later.*

### **Legal basis for urgent procedures:**

*The Basic Law does not provide for a special urgent procedure to accelerate the legislative process. Options for accelerating the legislative process can be found above all in the rules of procedure of the German Bundestag. According to Section 80 (2) GO-BT, it is not necessary to transfer the bill to a committee. This requires an application from a parliamentary group or from five out of a hundred of the members of the German Bundestag and a resolution with a two-thirds majority of the members present. If such a decision is taken, the second consultation is immediately initiated. If no changes are made in this, the third consultation can be held and the final vote using the procedural steps outlined above. With these possibilities under the rules of procedure, it is possible to carry out all three consultations including the final vote in one day.*

*According to Article 77, Paragraph 1, Sentence 2 of the Basic Law, the passed law must be forwarded to the Federal Council by the President of the Bundestag immediately. It is conceivable that the latter will deal with the same or the next day and take a corresponding decision. Following the decision of the Federal Council pursuant to Article 82 GG, after countersignature of the Federal Chancellor and the other members of the Federal Government involved, the copy needs signing by the Federal President and promulgation in the Federal Law Gazette.*

*For the "Corona package", this process took four days and was in line with constitutional and legal requirements.*

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<sup>1</sup> <https://www.la-croix.com/France/Politique/Coronavirus-etre-parlementaire-temps-crise-sanitaire-2020-03-19-1201084907>

## **HUNGARY**

*The Hungarian National Assembly (the Parliament) is functioning under normal procedures. No adjustments have been made in its functioning, including procedures or sitting of committees. The only significant change is that parliamentary sessions are not open for the general public to be present in the building and the Law XII of 2020 (adopted on 30/3/2020) on the containment of Corona virus granting extraordinary powers to the Government during the national emergency situation.*

*The Law XII of 2020 (adopted on 30 March 2020) granted to the Government extraordinary powers to cope with the crisis. The Government may, in order to guarantee that life, health, person, property and rights of the citizens are protected, and to guarantee the stability of the national economy, by means of a decree, suspend the application of certain laws, derogate from the provisions of laws and take other extraordinary measures.*

*The law vested extraordinary powers to the Government and at the same time established limits thereof:*

- any special government decree can only be adopted during the state of danger [Section 2 par (1) and Section 3 par (1)]*
- the new Act does not limit the power of the Parliament,*
- the Law gives to the Parliament the power to terminate the extraordinary authorisation at any time during the state of danger [Section 3 par (2)].*
- there are no restrictions on the Parliament's activities, as it exercises its oversight functions and is not in recess (there are draft bills tabled, and there is the normal way of sitting in the forthcoming period).*
- measures introduced by decrees have to be necessary and proportionate in the context of the COVID-19 pandemic to protect citizens' lives, health, security and economic stability [Section 2 par (2)]. Upon the decisions of the Parliament, the measures will cease to be in force when the state of danger ends [Section 8.*
- the Government should inform the Parliament regularly about the use of the special powers. If that is not possible, the information is to be given to the Speaker and to the leaders of the political fractions.*
- the law requires the Constitutional Court to remain operational and permits to make decision through electronic channels and deviation from the normal rules of procedure therefore the Constitutional Court reactions can be expected in case of the law violations.*
- the Parliament may, following the Act, withdraw the authorisation to the Government any time before the end of the period of state of danger.*

*The Government already adopted several decrees within last days, as for example: Decree on free parking within the entire country. This was otherwise the competence of the municipalities.*

*Another example is a new economic recovery plan announced and published in the 6 April 2020 evening's Official Journal. Also, amending the 2020 annual budget of the country in relation to COVID-19 will be/is done by Government Decree.*

## **IRELAND**

*The bi-cameral parliament is sitting on a limited basis. The election on 8 February resulted in a hung Parliament and so the previous Government continues in office. On 19 March, the Dáil (lower House) met under social distancing measures to pass emergency legislation, Health (Preservation and Protection and other Emergency Measures in the Public Interest) Bill 2020. By agreement, the sitting was limited to 48 of the 158 Members of Parliament. The legislation passed all stages, and, following requests by opposition MPs, included a provision for a sunset review in November. On 20 March, the Seanad (Upper House) – also sitting in reduced numbers – passed the legislation after a three-hour debate and the President wrote the legislation into law later that day, giving the state the power to detain people, restrict travel and keep people in their homes in order to restrict the pandemic.*

## **ITALY**

*Since the emergency started, the Senate and the Chamber of Deputies have never stopped working. On the contrary, they have been very active and have adopted several measures in response to the COVID-19 emergency.<sup>2</sup> They have adjusted their working procedures based on the advice of the Government to minimise risks of contamination. Parliamentary committees carry out video-conference hearings and preparatory discussions. Online voting is not allowed in the current parliamentary procedures. Sessions continue to be organised in the Parliament buildings. Precautions for social distancing that have been introduced are:*

- access is granted to representatives of parliamentary groups, in proportion to their parliamentary right.*
- visits to Parliament were reduced and measures are introduced to check visitors (including journalists)*
- limiting the number visitors to Members of the Parliament.<sup>3</sup>*

*The parliamentary debate can be viewed on the Chamber's satellite channel and web-TV and all documents are available on the website of the Parliament.*

## **LATVIA**

*The Parliament convenes for extraordinary meetings (taking certain precautionary measures such as avoiding the plenary hall and maintaining a two metre distance between the MP's) to approve the Government's decisions taken in response to the COVID-19 crisis and adopt amendments to the laws to tackle the emergency. Currently the Parliament is working on an IT system that would allow to effectively hold remote sessions.*

## **LITHUANIA**

*There has not been any simplification of the parliamentary procedures. For urgent presentation and adoption of the laws the Parliament was using urgent procedure, which allows presentation and adoption of a draft law within a day. On 31 March, the Parliament voted for legislative amendments to the Statute of the Parliament to hold remote Parliamentary plenary sittings. The legislative changes have not been passed. Currently, only meetings of the Parliament Board, committees and commissions can be organised remotely.*

*The emergency measures are regulated by the Human Infectious Disease Prevention and Control Act (Draft No. XIIIIP-4678 ) adopted by the Seimas (the Parliament). The Government may impose the following measures in the territory of Lithuania or several municipalities during quarantine of dangerous and particularly dangerous communicable diseases, related to the restriction of free movement of persons: to restrict or temporarily prohibit organisations and public places; to restrict or temporarily prohibit residents' travel and movement of vehicles in the territory of Lithuania, entry into and departure from the territory of Lithuania; to apply temporary resettlement (evacuation) of the population from the quarantine area, except when the quarantine is declared in the whole territory of Lithuania.*

*However, the Seimas is currently considering, as a matter of extreme urgency, the amendments to the Civil Protection Act (Draft No. XIIIIP-4661 ), which propose to clarify the provisions governing emergency management to ensure effective and expeditious management of emergencies. These provisions would give the Government much wider mandate for dealing with the crisis. It is proposed that the Government Emergency Commission be empowered to take a decision temporarily restricting the freedom of movement of persons, the freedom to conduct an economic activity, the provision of public and administrative services, and property and housing rights. Some of the political parties have raised concerns about these measures and suggest that they are not proportionate.*

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<sup>2</sup> [http://www.parlamento.it/leg/ldl\\_new/v3/sldlelencodlconvers.htm](http://www.parlamento.it/leg/ldl_new/v3/sldlelencodlconvers.htm)

<sup>3</sup> <http://www.senato.it/4522?comunicato=127401>

## **NETHERLANDS**

*On 23 March, the Government announced a series of social distancing measures including the prohibition of all meetings with certain exceptions. The exceptions included legally required meetings (with a maximum of 100 persons), such as meetings of the city council as well as the States General. Since the Parliament is a vital and legally obliged gathering, it is allowed to convene, as with other strictly necessary meetings, up to 100 people although the Parliament has 150 members. More details at <https://www.rijksoverheid.nl/actueel/nieuws/2020/03/24/aanvullende-maatregelen-23-maart>*

## **POLAND**

*The internal rules of the Parliament were modified on 26 March 2020 and new provisions were added, making the organisation of parliamentary sessions possible with the use of electronic communication tools (enabling communication at distance). The new provisions enabled such organisation of Parliament's sessions during the martial state, emergency state, natural disaster state or the state of epidemic.*

## **PORTUGAL**

*The Parliament is operational. Some meetings of parliamentary commissions are held online. MPs are allowed to send a written vote if they are not able to participate in a plenary session by justified reason.*

## **ROMANIA**

*The Parliament is operational. All activities - in the Parliamentary commissions, plenary meetings, including voting - are performed online.*

## **SLOVAK REPUBLIC**

*The Parliament is not sitting due to both the state of emergency and the recent election.*

## **SLOVENIA**

*The national Parliament (National Assembly) is operational. Members meet in extraordinary sessions only (as opposed to regular sessions, which are held regularly every month except in July and August). There is agreement of parliamentary parties to devote their work to measures to limit the spread of the virus and mitigate negative impact on citizens and economy. Protective measures have been introduced in the Parliament (social distancing, masks, disinfection).*

*No formal simplifications of parliamentary procedures have been introduced. There is a general tendency (a convention, but not an obligation) in the Parliament to shorten the discussions and focus on essential questions to accelerate adoption of urgent legislation.*

*The Constitution and Rules of Procedures of the National Assembly contain several provisions that allow for accelerating procedures:*

- *Exclusion of the right to request a referendum (Article 90 of the Constitution),*
- *In urgent cases, deadlines for submissions established by the Rules of Procedure of the National Assembly do not apply and the law can be discussed and approved in one reading only (as opposed to two or three readings in regular procedures).*

*The State Council, which is the upper house of the Parliament in an asymmetrical, bicameral system, has established a practice (not mandatory by any rule) of giving up the right to consider putting a veto on the laws introducing urgent matters, which shortens the procedure of promulgation of the law by the President of the Republic by eight days.*



*The President of the Republic signs the laws immediately after enactment and the Official Gazette publishes them immediately after.*

*On 7 April 2020, the Committee for the Rules of Procedure approved, with 2/3 majority, amendments to the Rules of Procedure allowing remote sessions of the National Assembly (using a secure ICT system). Remote sessions include both discussing and voting remotely. Remote sessions shall be possible only in exceptional circumstances, when physical presence of MPs would constitute a danger for their safety or health, and only upon decision of leaders of fractions which together represent at least 2/3 of all MPs. The amendment is to be enacted in a plenary session on 8 April.*

## **SPAIN**

*The Parliament is operational; most Members of Parliament use electronic voting, regulated in 2012 for situations including maternity, paternity or serious illness. Most regional parliaments and some local councils are also holding online sessions. Parliament sessions remain public through broadcasting.*

*The Government is authorised to issue additional decrees to modify or increase the state of alarm decree, being obliged to inform the Parliament.*

*The decrees-law (decrees adopted by the Government but having the force of a law) need to be ratified by the Parliament.*

## **SWEDEN**

*Yes, the parliament (riksdag) normally has 351 members. The political parties have agreed to limit the numbers to 55 in voting sessions. The parties have got their proportional share of the 55 when voting. The Constitution Committee has postponed its review of the Government.*

## **THE UNITED KINGDOM**

*Based on the Government's advice, Parliament started the Easter vacation a few days earlier than planned (on 26 March 2020, after adopting the Coronavirus Act 2020). However, the work of MPs, committees and parliament administration continued during the break. At the same time, working arrangements are being changed on the advice of the Government to minimise the risk of transmission. Parliament has adopted special rules to allow remote working so that Government work can be scrutinised by select committees during the crisis times (Source: [Letter from the Speaker of the House of Commons](#)).*

*Parliament's first ever remote oral evidence session of one of the Committees was held on 26 March (Source: UK parliament). Parliament's digital services is currently working hard to expand the IT platform to allow more remote work using technology.*

## **KOREA**

*In the wake of the COVID-19 outbreak, the National Assembly held a series of extraordinary sessions in order to prepare its legislative business before a recess planned in advance of new legislative elections set for April 15. While some commentators questioned the prudence of going ahead with the elections, the Government decided to keep to the schedule, with voting stations equipped to minimise personal contact and voters encouraged to vote in advance. Special arrangements will also be made to people to vote from hospital or from quarantine.*

*The Parliament has set up a special Committee on the coronavirus to help expedite new legislation and regulations over the period up to the election. This Committee has been working in close co-operation with the executive in order to speed the adoption of new measures, without giving up legislative oversight. In addition, the Assembly's Budget Committee has been working to review the Government's supplementary budget in order to have the budget passed before the elections.*

*In late February, after a virus outbreak among Parliamentary staff, the Parliament building was evacuated and had to be disinfected before it could be used again by Assembly staff and committees.*

## **How about the Ombudsman (e.g. overseeing the situation in prisons)**

### **AUSTRIA**

*Due to the current situation around the coronavirus and to avoid the risk of infection, the consultation days of the Ombudsperson are suspended in the coming weeks - probably until mid-April. The Ombudsmen ask for understanding that no personal talks are currently possible. Complaints from citizens continue to be received by phone, e-mail and post, as well as via the electronic complaint form on the website. There may be delays in processing complaints.*

*The Ombudsman initiated an accompanying test immediately after the first measures to prevent the spread of the coronavirus in Austrian prisons. Due to its constitutional mandate to preventively protect the protection of human rights in all places from restrictions on freedom, the Ombudsman is encouraged to do so.*

*The conclusion is that the restrictions for prisoners are massive. However, as the international comparison shows, they are still considered proportionate. Additionally, the protection of prison staff is particularly important to the Ombudsman. It must be ensured that their security is also protected in this confined space. There are currently no complaints in the Ombudsman's Office, which the Ombudsman sees as reflecting a broad understanding, among the entire population, of the necessary restrictions.*

*In prisons, delayed detainment is partly used to reduce inmate population.*

*Apart from this an enormous number of questions from citizens has been received by the Ombudsman editorial office: on the subject of the labour market, short-time work, new regulations, restrictions on fundamental rights, compensation and much more.*

### **BELGIUM**

*The (service of the) federal ombudsman is still operational and can be contacted online/ by telephone. On their websites, the various services provide information on how best to contact them and provide answers to frequently asked questions about their jurisdiction. Due to some of the COVID-19 measures such as temporary unemployment, closure of businesses, deferral of taxes, closure of the asylum seekers' registration centre, the federal public services currently have to process an enormous amount of questions and files. As a result, waiting times can increase. Due to the exceptional circumstances, they first deal with the most urgent questions. This may include users need to wait a little longer for an answer. The Ombudsman is calling for understanding of the situation and the raising of "reasonable" complaints via the first line complaints channels of the public service providers. As usual, if no solution or an insufficient one is provided in this manner, users can address the service of the Ombudsman.*

### **CROATIA**

*The Ombudsperson issued recommendations regarding the prevention of the pandemic in prisons and among homeless persons. She has also raised the issue of the negative economic effects of the pandemic measures for certain groups of citizens.*

*The Ombudsperson has been involved in the public debates on different issues, such as the proposals for suspension on privacy protection in relation to mobile phone tracking, or discrimination against people who do not wear masks or have become ill from the COVID-19.*

*The Office of Ombudsperson is considered to be a state body whose employees are civil servants, so it is expected that the rules of organising work in the state administration bodies are applied accordingly. Thus, the Ombudsperson organised the work by applying the rules as to level of urgency, as well as rotations of the employees. However, the Office was severely damaged in the earthquake so all employees are currently teleworking from home (e-mails, phone).*

*The three special ombudspersons have also reacted to the situation.*

*The Ombudsperson for Children warned about the online learning and the negative effects it can have on children if the online learning is not adapted to the new circumstances (the warning resulted in the Ministry of Education guidelines on e-learning and testing); It also issued a warning on the effects of a pandemic on children with special needs.*

*The Ombudsperson for the Persons with Disabilities issued a dozen of warnings to protect rights and interests of several vulnerable groups (people in nursing homes, people with hearing or visual disabilities, children with disabilities, people with disabilities living alone, etc.).*

*The Ombudsperson for Gender Equality warned about the possible effects of the pandemic measures on the increase of domestic violence cases and especially the need to protect women and children.*

## **CZECH REPUBLIC**

*The Public Defender of Rights has been providing updates for the public on the crisis through press releases on its website. The Ombudsman has addressed issues concerning children and young people and offered them and their parents particular support during the crisis.*

## **DENMARK**

*The Danish Ombudsman has received 70 complaints from prisoners or their relatives because visitation rights have been cancelled. The response issued has been that the Ombudsperson Institution cannot respond to a complaint directly and that complaints instead should be sent to the prison authority. The ombudsperson only has the mandate to deal with cases that have passed first instance and, if applicable, appeal procedures.*

## **ESTONIA**

*The Institution of the Chancellor of Justice (including roles of Ombudsman) continues working, but does not accept physical visits of people. In order to address the Chancellor of Justice, an application can be sent through the website, by post, by telephone or by email.*

## **FINLAND**

*Only changes are made to the customer service by the Office of the Parliamentary Ombudsman as customer service is restricted for the foreseeable future. In addition, personal advisory services will no longer be available. The Office will continue to provide service by telephone as normal.*

*There is no information about overseeing the situation in prisons.*

## **FRANCE**

*Despite the difficulties created by the COVID-19 epidemic, the Defender of Rights continues to fulfil his mission. Central services and the regional network continue to receive and process complaints they receive by post, e-mail and telephone. As a precaution, delegates will no longer maintain weekly consultations until further notice.<sup>4</sup>*

## **GERMANY**

*Public sector ombudsmen in Germany exist in only four of the sixteen Laender. There is a “Committee on Petitions” at the federal level as part of the Bundestag, as well as Committees on Petitions in each of the sixteen regions in the parliaments.<sup>5</sup>*

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<sup>4</sup> <https://www.defenseurdesdroits.fr/actualites/2020/03/covid-19-face-aux-risques-de-contamination-le-defenseur-des-droits-demande-la>

<sup>5</sup> <https://www.ombudsman.europa.eu/en/european-network-of-ombudsmen/members/all-members>

*In Baden Wuerttemberg, for example, the Ombudsman's Office, like many other government agencies, is currently receiving more and more enquiries about the coronavirus crisis. In many cases, enquiries are about financial aid for companies and the self-employed. They also concern the measures against the spread of the corona virus, such as the distance orders and assembly prohibitions.*<sup>6</sup>

*Ombudsman offices continue working but online.*

## **HUNGARY**

*The Ombudsman personally (and his office) is operational, with no official limitation of exercising its duties. On its website, the Ombudsman indicates that personal appointments with clients and claimants is suspended as of 12 March, but the office can be accessed by telephone or via the internet.*

*A joint communication by the Ombudsmen (<https://www.ajbh.hu/en/web/ajbh-en/-/communication-from-the-commissioner-for-fundamental-rights-of-hungary-and-his-deputies?inheritRedirect=true&redirect=%2Fen%2Fweb%2Fajbh-en%2F>) stress the need to give special attention to the most vulnerable groups during the COVID-19 situation and that the office of the Ombudsman continues to closely follow the situation with a special attention to the most vulnerable groups. The statement lists some especially vulnerable groups, but does not include prisons.*

*The Ombudsman is active and communicates intensively during the pandemic (e.g. issued its position regarding taking photos in hospitals, which some hospital directors and the responsible Ministry wanted to limit; see: [https://index.hu/kultur/media/2020/03/26/tasz\\_koronavirus\\_sajto\\_fotozas\\_korhaz/](https://index.hu/kultur/media/2020/03/26/tasz_koronavirus_sajto_fotozas_korhaz/))*

## **IRELAND**

*On its website, the Ombudsman states “the office is closed to all personal callers. Please correspond with us by e-mail or online if possible. This will help us to maximise our staff resources, following current guidance on limiting the spread of coronavirus. Due to the current public health emergency it is unavoidable and understandable that it is causing considerable disruption to the delivery of public services, as well to the work of our own Office. With this in mind, we would ask for your patience and cooperation and in particular:*

- a) *Please think about whether you really need to make complaints about healthcare and social support services, both of which are under huge strain at the moment.*

*In terms of the work of the Office of the Ombudsman, our staff will continue to work during this time. However, we rely on interaction with the service providers to carry out our work, and there will be significant delays in getting responses from service providers, particularly those in healthcare. Additionally, some of our own staff will be redeployed to vital front line services. We apologise for the delays which will result”.*

## **ITALY**

*Since 1997, the Ombudsman service (in Italian: difensore civico) has been established at the regional and municipal level. The web-site of the Ombudsman for the Region of Lombardia, one of the worst affected regions of Italy,<sup>7</sup> states that “In light of recent developments of the flu syndrome in our Region and to reduce any risks of public health, the information point of the Office for the Regional Ombudsman, the Ombudsman for Children and Adolescents and the Ombudsman for the protection of crime victims, will be temporarily closed to the public, as per the Regional Council Presidency Resolution no. 54 of 24 February 2020.”<sup>8</sup> A recorded announcement on the telephone switchboard, specifying telephone numbers is active*

<sup>6</sup> <https://www.buergerbeauftragte-bw.de/>

<sup>7</sup> [http://www.difensoreregionale.lombardia.it/news\\_ita/avviso-agli-utenti-chiusura-sportello-ricevimento-pubblico/](http://www.difensoreregionale.lombardia.it/news_ita/avviso-agli-utenti-chiusura-sportello-ricevimento-pubblico/)

<sup>8</sup> [http://www.difensoreregionale.lombardia.it/news\\_ita/avviso-agli-utenti-chiusura-sportello-ricevimento-pubblico/](http://www.difensoreregionale.lombardia.it/news_ita/avviso-agli-utenti-chiusura-sportello-ricevimento-pubblico/)

from Monday to Thursday (09.00 to 12.30), and provides e-mail addresses to contact outside the scheduled times.

Other regions where the ombudsman office is established are adopting similar measures (but having an Ombudsman in each region is not mandatory).

## **LATVIA**

The Ombudsman's Office is operational, however, it has suspended receiving its clients in person. The work is ensured through phone and other ICT solutions. The Ombudsman is actively posting its position and recommendations related to the Government's response to the COVID-19 crisis (including on the limitation of a person's rights) on its website [www.tiesibsargs.lv](http://www.tiesibsargs.lv) (available in Latvian).

## **LITHUANIA**

The Lithuanian NHRI (Seimas Ombudsmen's Office) has issued a statement on human rights in the context of COVID-19. It recognises the efforts of the state executive to protect public health and human lives, but at the same time it recalls that human rights are of the highest value and that their protection must remain a state priority, even in an emergency.

The Department of Prisons under the Ministry of Justice has established Emergency Operations Centre which regularly collects information provided by the institutions on preventive measures and the situation regarding COVID-19, analyses potential threats, draft legislation and co-ordinates the responses. The routine of the inmates has been changed and a number of restrictions have been introduced (e.g. forbidding of visits, mass gatherings, including for training purposes, etc.).

## **NETHERLANDS**

There is no information on the Ombudsman website regarding teleworking or person to person arrangements during the COVID-19 crisis. However, a visit to the institution's website (<https://www.nationaleombudsman.nl/nieuws>) shows that work is continuing and there are multiple ways of making contact electronically with the office. It seems that it is operating within the principle that if digital information or procedures are available than these services will be digitally provided only.

There is no information about monitoring prisons. However, the following information is taken from <https://www.rijksoverheid.nl/onderwerpen/coronavirus-covid-19/nieuws/2020/04/01/dji-verlengt-corona-maatregelen-t-m-28-april>

"Following the measures announced by the Cabinet on [31 March], the Judicial Institutions Service (DJI) extends the measures previously taken in prisons, forensic care and juvenile correctional institutions until 28 April. This includes suspending visits and leave in the prison sector and forensic care, and reducing the number of transport movements to courts. In addition, the policy regarding visits to juvenile correctional institutions will be tightened to prevent the spread of the Corona virus. This means that young people may no longer receive visitors as of 1 April."

## **POLAND**

No special or exceptional rules concerning Ombudsman have been adopted.

## **PORTUGAL**

The Ombudsperson (Provedoria de Justiça) is functioning, only by online channels. According to Law 44/86 on the regime of state of siege and emergency, the Attorney General and the Ombudsman are in a situation of "permanent session", to protect the full exercise of their powers to defend democratic legality and citizens' rights.

## **ROMANIA**

*The Ombudsman institution is operational and actively following the Government's actions related to the COVID crisis as well as other issues not directly related to the crisis.*

*Almost the entire Ombudsman's staff are working from home during this period, although a permanence is ensured both at the headquarters and at the territorial offices. On the website, there is an announcement mentioning that people are kindly requested to send their complaints exclusively by e-mail, by fax or by post.*

## **SLOVAK REPUBLIC**

*The Slovak NHRI (Slovak National Center for Human Rights) has posted an update about the state of emergency measures in the country, stressing that fundamental rights and freedoms must be guaranteed for all people, without exception. In its message, the NHRI outlines how the measures taken must respect the principle of equal treatment in areas such as employment, social security, health care, the provision of goods and services and education.*

## **SLOVENIA**

*On 26 March, the Ombudsman institution published information on the changed modus operandi on its website. Until otherwise decided, the Ombudsman institution will perform its function without physical contacts. All communication from citizens to the Ombudsman can be carried out only via telephone or electronic mail. Although there is no explicit indication, we assume that the Ombudsman institution does not perform physical oversight in prisons and similar.*

## **SPAIN**

*The national and regional ombudspersons are operational and actively following the Governments' actions relating to the COVID crisis (for instance about situation in prisons or about confinement and autistic children).*

## **SWEDEN**

*Sweden has a strong ombudsman system in place but no special information on changing practice during this period.*

## **THE UNITED KINGDOM**

*There are many Ombudsman offices and schemes in the UK, who deal with complaints from ordinary citizens and consumers about most public bodies and some services in the private sector. [Ombudsmen Association](#) advises that all Ombudsmen are working from home and continue providing normal service as much as possible under the current circumstances. Some ombudsmen cover the private sector - they handle financial and consumer complaints. Others cover the public sector - they mainly look into complaints about a Government department, local council or organisation – and include the [Parliamentary and Health Service Ombudsman](#), the [Local Government and Social Care Ombudsman](#), the [Housing Ombudsman](#) and the [Prisons and Probation Ombudsman](#).*

*All of them have changed their ways of working and service delivery to respond to the current situation. For example:*

*All offices of the **Parliamentary and Health Service Ombudsman** are closed, and staff work remotely; postal service of any legal documents is not accepted; only e-mails. There are also changes to the service delivery. New health complaints are not being accepted for investigation and the existing ones, which involve contact with the health service, are not being processed. The Ombudsman still carries on investigations involving Government departments but continues to monitor the situation. (Source: [Parliamentary and](#)*

[Heath Service Ombudsman - Coronavirus update](#)). The **Local Government and Social Care Ombudsman** suspended all casework activity that demands information from, or action by, local authorities and care providers. (Source: [Local Government and Social Care Ombudsman - Coronavirus update](#) ). The **Prisons and Probation Ombudsman** ceased all visits to prisons. As a result, its investigation of fatal incidents are affected – the Ombudsman continues to be informed of all deaths and will open new investigations as normal, but it is likely that timetables will be extended, or cases suspended until the Ombudsman is able to gather information and investigate safely. (Source: [Prisons and Probation Ombudsman - PPO COVID-19 – March 26 Update](#) )

## **KOREA**

No information



## **Does administrative justice work? Have deadlines changed?**

### **AUSTRIA**

A three-month moratorium for deadlines is being put in place –at least until 30 April, so far.

Warranty deadlines are restarting as of 1 May.

### **BELGIUM**

The Council of the State is still operational and publishes advice. The judicial system continues to function and the Courts continue to sit with a reduced and limited frequency (only two days a week) handling urgent cases. Cases that can be postponed are rescheduled for a later date. Some courts also are testing online sessions with the public prosecutor's office, lawyers and plaintiffs in detention who cannot be physically transferred to the courthouse because of the COVID-19 measures. Because of the underdeveloped general digital status of the Judiciary, these experiments remain pilots and are not widespread.

Guidelines for the courts have been issued by the College de Cours et Tribunaux: <https://www.rechtbanken-tribunaux.be/sites/default/files/nieuwsartikels/commu-coronavirus-iv-dirco-fr-20200318.pdf>

The courts are expected to provide minimum service. This implies that court buildings should remain accessible. The following notice should be placed on each court's door: "Due to the containment measures decided by the Government, and taking place on 18 March at noon, you are allowed to enter this door only if you are summoned for a hearing, or to collect or file or your driver's license, or to file a criminal appeal or appeal. However, we remain accessible by e-mail and telephone (indicate the address and the telephone of each jurisdiction) for all other matters. Appeal motions and other procedural documents can be left in the mailbox and will be processed immediately, or exceptionally sent by e-mail, with, for paid procedural documents, proof of prepayment. "

Each corps chief will inform the bar and the bailiffs that any procedural document may be exceptionally sent by e-mail or e-deposit (unilateral requests, call request, quotes etc.). Paid deeds will only be received with proof of prior payment of rights.

Containment implies that

- People who are able to telework are authorised to do so. Most of them are clerks and magistrates as well as a few, rare, other staff members.
- However, it is essential that the chief clerks ensure the presence at the registry of several clerks to ensure signatures and the few hearings that have to be maintained.
- The corps chief will also ensure that one or more judges (depending on the size of the court) is on stand-by if necessary.
- On telework days, the clerks will provide assistance to judges, from a distance, in particular making sure to prepare, on time, the draft judgments drafted by the magistrates, in execution of the measure of recourse to the written procedure.

Staff members, who cannot work at home, are reminded that work remains authorised, provided that the premises guarantee everyone the minimum safety distance. When this distance cannot be guaranteed, staff members must remain confined to their homes, with the authorisation of the chief clerk. The Chief Clerk will therefore ensure a minimum service, in accordance with the principles recalled above and in light the possibility of exemption from service, by providing rotating staff presence and respecting, as far as possible, a fair balance. The objective is that the staff members have as little contact with each other as possible while ensuring continuity of strict minimum service.

Oaths are received in writing (Article 291 of the Judicial Code, applied by analogy to all swearing in).

## **CROATIA**

*The administrative justice (four first-instance administrative courts and one second-instance court) has reorganised its daily work in a way that the judges and administrative staff are teleworking from home, and they come to the court one day per week to perform the necessary tasks. The weekly schedule of the presence in the court takes into consideration the rules of public gatherings (2 metres social distance, a fewer number of people in the building at the same time etc.).*

*With regard to the deadlines, there has not been any formal decision (nor amendment of the law) on the prolongation or suspension or any other effect on deadlines, but there have been some suggestions towards the Ministry of Justice to prepare a law which would regulate the deadlines in administrative and court proceedings (the proposal has been put forward and the draft law prepared by the Croatian Bar Association). The President of the Supreme Court has requested the amendments of the Law on Courts to enable appropriate treatment of the deadlines, the use of technology and the e-sessions. Most of the deadlines in administrative dispute can be prolonged by the court (ex officio or on the proposal of the party).*

*With regard to the records flow and management, the courts enable, to the parties, the use of the e-file system for the file inspections and submission of documents, with fewer restrictions than usual regarding the e-signature. Also, the delivery of the final judgement may be performed by the e-file system upon the request of the party (art 50/2 of the Law on Administrative Disputes)*

## **CZECH REPUBLIC**

*All deadlines not related to the emergency measures are liable to be postponed, at the discretion of the public organisation concerned.*

## **DENMARK**

*Essential court services are functioning but courts are in emergency state (reduced capacity). Almost all court cases (criminal, civil, administrative) are suspended. Not yet known regarding deadlines (no communication from the courts yet on this).*

## **ESTONIA**

*Estonian courts continue to ensure the proper functioning of justice even in the emergency situation and this applies to all courts, including administrative courts.*

*The Council for the Administration of Courts (KHN) gave [recommendations](#) on how to organise the work of the courts during the rapid spread of the COVID-19 virus and the state of emergency declared in Estonia. Written procedures and the use of technical solutions are preferred.*

*Under the guidance of the KHN, courts, where possible, will handle cases in writing. If a hearing has already been determined, the court will contact the parties concerned and inform them of the further course of the proceedings. If possible, the hearing can be postponed and resumed after the end of the state of emergency. If the case cannot be adjourned, the court shall conduct the hearing or other procedural act by technical means of communication. If this is also not possible, the judge will decide whether to hold a hearing, depending on the circumstances of the particular case. Procedural acts involving direct physical contact are carried out only on the basis of a reasoned decision by the judge, in which case hearings are conducted in the largest possible courtroom with sufficient distance between people. After each hearing, the courtroom is thoroughly cleaned.*

*On the central website of the courts, there is information how to turn to court during the emergency situation – opening hours for accepting documents have been shortened and it is advised to use various electronic channels, making communication very simple. For example, an email is accepted.*

<https://www.kohus.ee/en/news/courts-make-greater-use-written-procedures-and-technical-solutions-during-state-emergency>

*The Prosecutor's office has stopped receiving citizens physically, but continues to accept applications by email and telephone.*

## **FINLAND**

*Administrative justice remains operational; however, deadlines may have been postponed due to the crisis.*

## **FRANCE**

*The Council of State has adjusted the execution of its two functions of Government counsel and administrative jurisdiction. The instruction sessions for the Government's advisory activity take place by video-conference. The adjudication sessions are postponed and the public reception services of the litigation section are suspended. The litigation section's business continuity plan is implemented in order to prioritise urgent cases. So much so that the Council of State continues to issue summary and substantive judgments when it cannot be postponed. The activity of administrative courts of appeal and administrative courts has also been adjusted.<sup>9</sup> Several measures have been implemented by the decrees of 25 March 2020 in order to adapt the applicable rules and the mode of operation of administrative courts. The decree modifies in particular the time limits for appeal and within which the judge must rule, and allows the latter to decide on the holding of a video-conference hearing and on the presence or not of the public at a summary hearing.*

## **GERMANY**

*From the website of the **Higher Administrative Court of North Rhine–Westphalia** (similar information can be found on websites of other administrative courts):<sup>10</sup>*

*The higher administrative court and the seven administrative courts in North Rhine-Westphalia restrict their operations for reasons of health protection for the time being. In order to reduce the risk of infection, the public judicial system will only be maintained in accordance with yesterday's decree by the North Rhine-Westphalian Ministry of Justice only to the extent that is absolutely necessary. The public traffic and access to the court buildings are reduced to what is absolutely necessary.*

*Until further notice, public court appointments will only be carried out if they are necessary and do not tolerate postponement. The judges decide whether this is the case by exercising judicial independence. Insofar as meetings take place exceptionally, the visit is permitted in view of the principle of publicity. Persons who have symptoms of corona disease, who have had contact with corona-infected persons within the last 14 days or who have been in a corona risk area within the last 14 days can be refused entry.*

*Applications and other concerns should be made in writing. In urgent cases, the legal applications remain open as far as possible after prior notification by telephone. "Despite the difficult circumstances, we are doing everything we can to continue to provide effective, timely legal protection," explains the President of the Higher Administrative Court, Dr. Ricarda Brandts. "The advance adoption of electronic court records makes it easier to work from home. In the case of urgent matters and for many appeals to the higher administrative court, procedural law provides for the written procedure anyway. There are also procedural options for main matters without having to make a hearing."*

*Slightly different information is published on the website of the **Federal Administrative Court**<sup>11</sup>:*

*The Federal Administrative Court will restrict its activities from 18 March 2020 to 19 April 2020, for reasons of health protection, after the coronavirus infection has been confirmed by several employees. No oral*

<sup>9</sup> <https://www.conseil-etat.fr/actualites/actualites/organisation-des-juridictions-administratives-pendant-le-confinement>

<sup>10</sup> <https://www.vg-duesseldorf.nrw.de/behoerde/presse/pressemitteilungen/2020/2013/index.php>

<sup>11</sup> <https://www.bverwg.de/pm/2020/16>

negotiations take place during this period, with the exception of matters that cannot be postponed. Appointments for the hearings already scheduled during this period have been cancelled. The office building is closed to the public. This emergency operation takes place to prevent the virus from spreading further. Regardless of this, applications, lawsuits and pleadings can be submitted in the usual way. Processing is ensured. The court's press office can only be reached by e-mail during the period mentioned. Delayed processing of press enquiries can be expected.

## **HUNGARY**

Though the judicial system is functioning normally, the Government issued a series of changes related to judicial administrative procedures (including appointment and other human resource-related tasks of judicial staff, civil code; administrative procedures; penal code) in its Government Decree 74/2020 (III.31.). See: <https://maqyarkozlony.hu/dokumentumok/a96e25d459b04cdd5d900c75fa4dbe0c1492f682/meqtekintes>

These adjustments allowing for simplification of certain procedural steps related to hearing; provision of documents in procedures; provision of information by the company registry only in electronic form; electronic sittings in civil code procedures, etc. Deadlines in administrative proceedings did not change, except if certain procedural steps are suspended, due to the pandemic situation emergency. This was also necessary, as there was a temporary judicial pause from 15 March to the date of this Decree (31 March). During this period, the courts were not functioning in terms of sittings and hearings in person. After this pause has been lifted along with the abovementioned Decree, the judicial system will be in functional mode, though with a strong limitation of in-person contacts.

Expiry of administrative decisions (including expiry of IDs, passports, but also administrative decisions in on-going proceedings, etc.) are extended 1 month after the declaration of the end of the emergency situation.

The National Office for the Judiciary issued instructions for holding hearings and sitting of courts by video-conferencing.

On the other hand, under its extraordinary powers, the Government initiated substantial re-organisation of the administrative judiciary system, eliminating the special administrative courts and allocating their functions under selected courts as first instance, while appointing the Curia as the second instance.

## **IRELAND**

The judicial system continues to function and the courts continue to sit while respecting social distancing to the best extent possible. Ireland does not have a Law on General Administrative Procedures but infringement of rights can be addressed through an application for a judicial review in the first instance. Although most non-criminal cases have been adjourned, urgent business including denial of rights are being considered and this includes judicial review applications. Legal cases must be held in person as justice must be done and seen to be done which means in public (in camera cases for family disputes are an exception). There are video links in limited cases relating to people on remand or children. Public offices in the courts are open by appointment only and for essential business only.

There are no changes regarding deadlines. In "normal" circumstances, statutes of limitations, which restrict the time within which legal proceedings may be brought, are automatically extended in the event of a period expiring on a day the court is closed. This will apply in the event of closure owing to COVID-19. There is active consideration ongoing as to how enforced self-isolation will affect deadlines being extended, but this has not been an issue so far.

## ITALY

The directive of the Ministry of Justice department on 4 March 2020<sup>12</sup> contains urgent measures to manage the emergency by adopting remote/flexible working methods. It authorises employees in central and territorial offices, to carry out their work remotely (smart working), and as such, reducing drastically the number of staff in the offices. It also provides examples of activities/tasks which can be accomplished remotely. Guidelines of the Ministry of Justice of 10 March 2020<sup>13</sup> provide new measures and guidance for carrying out the work activity for the staff of the Judicial Administration during the emergency. Urgent measures have been taken to suspend deadlines and postpone hearings in civil and criminal proceedings and administrative justice. In particular, the following<sup>14</sup>:

- postponement of hearings and suspension of civil and criminal proceedings;
- the application of amnesty for late submission through facilitated procedures;
- the application of some exceptions to the law, when participation in hearings is made possible by video-conference or remotely;

the need for inmates' meetings with relatives to be carried out, whenever possible, remotely, using equipment provided by the prison administration or by telephone, within the restrictions established by law.

## LATVIA

The courts, including administrative courts continue functioning. The Law on Functioning of Institutions during an Emergency in connection with COVID-19 foresees explicit regulations on how different aspects of the administrative justice should be carried out during the time of crisis.

## LITHUANIA

Following the quarantine enacted by the Government, a number of Administrative Courts ordered that judges cancel all court hearings scheduled during the quarantine period in cases heard in oral proceedings in which the participants in the proceedings do not agree to move to a written form of proceedings. It is recommended that court hearings be scheduled after the end of the quarantine regime. Court hearings in the written procedure will be organised in the usual way, avoiding, as far as possible, social contacts on the court premises, taking all precautionary measures to prevent the spread of the COVID-19 virus. Preparations are underway to enable remote work.

During the quarantine period, assistant judges and other staff have the opportunity to work remotely. During this period, access to court premises is completely restricted - only judges and court staff will have access to it if the need arises in the performance of their functions. All information is provided by telephone only and documents are accepted only by post or electronic means. All scheduled receptions with court leaders, as well as other internal and external court events, meetings, deliberations have been cancelled.

## NETHERLANDS

Administrative justice continues to function. It is clear, however, that in many non-urgent cases, the deadlines will have to be extended. The Judiciary is currently looking at the possibility of continuing non-urgent written procedures to the extent possible, despite the current COVID-19 crisis. Wherever possible, court hearings will be held using video conferencing or telephone. **Judgments and decisions** can still be issued, sent and implemented. Decisions are issued in writing as far as possible, or with a limited delegation of the parties involved. Decisions in cases that are of great public interest will be assessed as to whether

<sup>12</sup> [https://www.giustizia.it/giustizia/it/mg\\_1\\_8\\_1.page?facetNode\\_1=0\\_62&contentId=SDC251036&previousPage=mg\\_1\\_8](https://www.giustizia.it/giustizia/it/mg_1_8_1.page?facetNode_1=0_62&contentId=SDC251036&previousPage=mg_1_8)

<sup>13</sup> [https://www.giustizia.it/giustizia/it/mg\\_1\\_8\\_1.page?contentId=SDC252056](https://www.giustizia.it/giustizia/it/mg_1_8_1.page?contentId=SDC252056)

<sup>14</sup> <http://www.mef.gov.it/focus/Coronavirus-le-prime-misure-del-Governo-per-ridurre-limpatto-economico/>

live streaming is an option. . On 2 April, there was a media report (see <https://www.nrc.nl/nieuws/2020/04/01/coronablog-2-april-a3995657>) that judges had ruled in about 22,000 cases during the previous week, which is about 20% less than normal.

Following the emergency measures announced by the Dutch Government, the Judiciary closed the courts, tribunals and special colleges as of 17 March until at least 6 April, in order to prevent the spread of the coronavirus. This will be extended and the courts are already actively seeking to hold hearings beyond 6 April. As a result of the temporary closure of courts, all hearings are postponed, unless it concerns an 'urgent matter'. These are pending cases and new cases in which a court hearing cannot be postponed because it concerns the fundamental rights of suspects or those seeking judicial assistance. The Courts have classified various cases as urgent, including for **Administrative law**, all provisional procedures with an extreme urgency, as well as immigration detention cases. The court in question, however, will determine if the case is extremely urgent. Consequently, authorised representatives and lawyers will have to demonstrate why the hearing - and thus the decision - in a particular case cannot be postponed. (for details, see <https://www.twobirds.com/en/news/articles/2020/netherlands/covid-19-consequences-for-dispute-resolution-in-the-netherlands>).

## **POLAND**

During the state of epidemic, time periods applicable in judicial, administrative and other proceedings do not start to run or are suspended with the exception of time periods applied in the public procurement review procedures applied on the basis of the Public Procurement Law as well as administrative controls conducted by the Public Procurement Office. The deadlines in pre-judicial administrative proceedings are suspended.

Public hearings in all courts (both civil and administrative) are cancelled until the end of April and judges are dealing only with urgent cases, in particular requests for pre-trial detention that have to be considered within 24 hours.

The possibility of entrusting the performance of urgent tasks to another court has been introduced. The procedure for delegating judges to another court has been simplified. The acts of delegating a judge and designating another court will be carried out by judicial authorities in accordance with the principle of judicial independence and for a fixed period of time. This will enable the support of courts that work with an insufficient number of staff to deal with urgent cases, both their own and entrusted.

## **PORTUGAL**

The COVID-19-related legislation determined the suspension of procedural deadlines through the application of the judicial vacation system until the cessation of the exceptional situation. This scheme applies to the proceedings, acts and judicial processes running under the jurisdiction of the law courts and tribunals, administrative and taxation courts, Constitutional Court, Court of Auditors, arbitration courts, Public Prosecutor's Office, peace courts, and alternative dispute resolution entities and tax enforcement agencies. In addition, direct, indirect, regional and local administration services, and other administrative bodies, namely independent administrative entities, including the Bank of Portugal and the Securities Market Commission. Limitation and forfeiture periods for all types of proceedings shall also be suspended.

Deadlines are suspended, except in the following circumstances: (i) when it is technically feasible to carry out procedural acts and proceedings through suitable remote communication means such as teleconferencing or videoconferencing (ii) urgent acts and steps will only be held in person when fundamental rights are at stake, in particular those affecting minors at risk or to educational tutelary proceedings of an urgent nature, steps and trials of arrested defendants, in compliance with the recommendations from the health authorities and the guidelines of the competent higher councils.

*The Supreme Judicial Council of the Judiciary has enacted a number of exceptional management measures in relation to the courts, whereby only those procedural acts and steps where fundamental rights are at stake or which are intended to avoid irreparable damage should be carried out, without prejudice to the possibility of carrying out the other services under the responsibility of the Judicial Magistrates that can be remotely ensured.*

*Citizens whose rights, freedoms and guarantees have been violated as a result of the declaration of a State of Emergency or of any of the measures adopted during its enforcement period which prove to be unconstitutional or illegal, namely by illegal or unjustified deprivation of liberty, shall be entitled to the corresponding compensation. Legal references to rights, freedoms and guarantees shall apply to analogous rights and, in accordance with the principle of assimilation, to legal entities.*

## **ROMANIA**

*The Presidential Decree provided general measures in the field of justice, aimed at reducing the activity carried out by the judicial bodies, during the period of emergency.*

*During the state of emergency, trials continue only in cases of special emergency. In such cases, where possible, the courts take the necessary steps to conduct the hearing by video-conference and carry out communication of procedural documents by fax, mail or other means providing transmission of documents and confirmation of their receipt.*

*All civil trials are suspended during a state of emergency, without the need to perform any act of procedure for this purpose.*

*Foreclosure procedures shall continue only in cases where it is possible to comply with the special rules of health discipline established during the state of emergency.*

*The limitation periods and any other deadlines are suspended during the state of emergency.*

## **SLOVAK REPUBLIC**

*Deadlines have been extended but normal procedures are still in place.*

## **SLOVENIA**

*A special Law on temporary measures in judicial, administrative and public law matters for limiting the spread of COVID-19 was enacted and came into force on 29 March. Deadlines for both the courts and parties in administrative disputes (judicial review of administrative decisions) are frozen, except in urgent matters defined by the Law on Courts (administrative disputes are not considered urgent cases). The Administrative Court and the administrative division of the Supreme Court do not hold hearings and sessions. Judges telework and focus on deskwork related to open cases.*

*Appeals to administrative decisions can be submitted via regular mail or via the portal e-Justice. However, as indicated above, deadlines do not apply neither for the court nor for the parties.*

*Judges are teleworking and focus on deskwork related to open cases and to informal remote meetings.*

## **SPAIN**

*All deadlines related to court procedures are suspended during the state of alarm, with some exceptions to guarantee individual rights*

## **SWEDEN**

*The administrative court system is affected as well as all other public bodies. Fewer cases and hearings are taking place now.*

## **THE UNITED KINGDOM**

*The Government Coronavirus Action Plan envisages that the Ministry of Justice's HM Courts & Tribunal Service (HMCTS) will have well-established plans to deliver key services to protect the public and maintain confidence in the justice system. Additional powers were also provided by the Coronavirus Act. It has been recognised that it is impossible for HMCTS to maintain a full complement of courts open to the public at this time. In some courts, it is very difficult to organise matters to ensure that people can maintain social distancing. In these circumstances, HMCTS is making some changes to working procedures. The system is focusing on priority cases, changing working practices and introducing new procedures to minimise risks to the judiciary, staff and all those who use courts and tribunals. This includes consolidating the work of the courts in fewer buildings, introducing new security, cleaning and social distancing arrangements and new procedures for more use of telephone and video hearing.*

*HMCTS is publishing **daily operational summaries** explaining the new changes in procedures and places and also advising on the type of cases and court hearings to be heard during each specific date (Source: [Guidance coronavirus \(COVID-19\): courts and tribunals planning and preparation](#)).*

## **KOREA**

*Yes, deadlines are extended but all administrative procedures including administrative justice are continuing as normal.*



***Any public debates in respect of principles of good administration (legality, proportionality, predictability) of protective measures?***

**AUSTRIA**

*All measures are still screened by the legislative secretary of the chancellery.*

*Stakeholders are still consulted in process of legal drafting.*

*Public debates, however, are not initiated for "Intiativanträge".*

*A lot of public discussion is currently taking place in the media etc. regarding the potential risks for personal data protections related to mobile tracking systems.*

**BELGIUM**

*The proportionality of measures (closing of schools, restaurants, cafés, shops etc.) has been subject to debate in the wider public opinion. This was mostly the case at the start of the measures and the initial stages of the crisis. After this stage, measures have been largely accepted and the debate has lessened. The acceptance of the measures has been increased by the strong co-ordination and communication of the National Co-ordination Centre (see above). The evident and sound scientific advice and evidence-base contributes to the support of the measures. In addition, the strict monitoring of the police forces is widely accepted.*

*The installation of the "new" Government in mid-March, moving from a caretaker Government with limited powers (for over 250 days) towards a minority Government with extended powers to rule by the power of decree was commented to a limited extent.*

*More recently, debate about tech surveillance (use and development of apps) tracking/ managing the spread of the virus has begun, and the balance between health and privacy.*

**CROATIA**

*The public debate (by constitutional and administrative scholars, journalists, politicians, civil society organisations) evolves around the issue of the proclamation of the state of emergency which the Government has not declared yet but instead it governs with the help of the two key pieces of legislation – The Law on the Protection of the Citizens from Contagious Diseases and The Law on the Civil Protection System. The amendments of the later law installed the National Civil Protection Council chaired by the minister of interior and comprised of the representatives of ministries and main state institutions (Public Health Institute, Red Cross, etc.) as the key steering mechanism which issues the decisions on limitations and bans of civil gatherings, travel etc.*

*Under Article 17 Constitution, the state of emergency would require a parliamentary majority of 2/3 for any law amendments which would affect human rights, and it would give certain prerogatives to the President of the Republic. The debate was prompted by the Government's proposal to allow phone tracking to monitor the compliance with the measures of isolation and quarantine (not adopted yet).*

*The Ombudsman pleaded to respect human rights and avoid discrimination.*

**CZECH REPUBLIC**

*The public is sensitive to attempts to use emergency powers to extend the reach of the State, as was shown when the Minister of Defence presented a proposal to transfer powers from the legislature to the executive that went beyond the scope of the state of emergency.*

## **DENMARK**

*The Danish Institute for Human Rights and the Legal Policy Institute have been vocal in their criticism of some measures of the emergency law passed by all political parties to respond to the COVID-19 outbreak. They are monitoring the application of this emergency law and have reacted to for example, the temporary higher sanctions introduced and warned against possible violations of data protection rules.*

## **ESTONIA**

*No specific regulations have been adopted in this regard. There is only the obligation to carry on electronic consultation using a designated central website. Thus, a regular procedure continues.*

*Of course, if needed, the Government, Government Committee for Emergency Situation and any public institution can use various consultation means in order to make decisions in the emergency situation. In practice, a huge amount of phone consultations as well as video conferences are organised on a daily basis by authorities. But from a transparency and accountability point of view, it is hard to understand the content, scope and results of such consultations. Many of them are done informally by routine discussions (with social partners, hospitals, business community etc.).*

*Regarding the measures introduced for the emergency situation, quite intensive public discussion has taken place. Representatives of the Government have explained the measures thoroughly and media has discussed the proportionality of measures. The Ombudsman and Constitutional Court has also expressed their opinion during this discussion. Overall it seems that the general public has so far accepted the measures introduced. The Government's communication is visible and regular, it is evident that this communication is using very simple language (non-bureaucratic, short, clear) which aims to reach the population with different languages (Estonian, Russian, English).*

## **FINLAND**

*The Government's decision on isolating the Uusimaa-region around Helsinki has been criticised for violating freedom of movement.*

## **FRANCE**

*The measures taken by the Government have triggered public debates which encourage citizens to consider, reflect, criticise even during confinement.*

**Security measures that must not spill over: following terrorism acts which still persist, there was an extension of the state of emergency and the inclusion of some of its provisions in the regular laws. Pandemics can return so there is a worry about keeping these exceptional practices present in regular laws. For example: geo-tracking, and everything that allows surveillance.**

**The right of withdrawal, like any entitlement granted to civil servants, must be able to be articulated with the need for continuity of public service and preservation of public order. During a pandemic, personnel who are exposed to the risk of contamination of the virus due to the nature of their usual activity (health personnel; personnel responsible for collecting and treating waste, for example), cannot legitimately exercise their right to withdrawal, for the sole reason of exposure to the virus. In the current context, insofar as the employer has implemented the national provisions and recommendations (<https://www.gouvernement.fr/info-coronavirus>) aimed at protecting the health and ensuring the safety of its personnel, and has informed and prepared staff, the individual right of withdrawal cannot in principle be exercised.**

In addition, a **Parliamentary Fact-finding Mission** was created<sup>15</sup> in order to control the executive and to work on "the impact, management and consequences in all its dimensions of the coronavirus epidemic, on the control of the application of the state of health emergency, and on the formulation of the recommendations for after the crisis". After a first period dedicated to the monitoring on the spot dedicated to the executive, the fact-finding mission will have the powers of the Commission of Enquiry for a period of six months, once the state of health emergency has been lifted.

On 1 April, a hearing with the Prime Minister and then with the Minister of Solidarity and Health, was organised. Other hearings will follow, notably of key figures from the medical world, who may, if necessary, be heard behind closed doors. The work of the fact-finding mission takes place by video-conference.

## **GERMANY**

Many public debates are ongoing about the relationship between individual rights and the drastic measures of the Government. So far, the majority of political parties stand behind the measures taken by the Government.

However, there are also urgent applications open at the administrative courts claiming that the measures taken are illegal. For example, there is an urgent request at the high administrative court of Baden-Württemberg against the Corona decree of the State Government in which a Christian protestant plaintiff claims that the closure of churches violates his constitutional right of freedom of religion. A fitness studio fights against the measure requiring the closing of its activities with the argument that there is no legal basis for such a decision. While it is recognised that all government activities always need a legal basis, so far the political and legal estimation is that the measures are in line with the constitutional principle of proportionality.

However, there is recognition within political parties that the Corona crisis should not be used to undermine democracy and constitutional rights. The rule of law is discussed extensively when deciding about the measures. Every single measure that restrains individual rights needs to be justified, limited in time and reversible.

The German NHRI (German Institute for Human Rights) has issued a press release calling on the Federal and State Governments to align measures to combat the corona pandemic with human rights. It also calls on politicians to consider relevant information from civil society organisations and expresses an urgent need for action at the European level.

<https://www.institut-fuer-menschenrechte.de/publikationen/show/corona-krise-menschenrechte-muessen-das-politische-handeln-leiten/>.

## **HUNGARY**

The opposition and civil society have heavily criticized the authorisation of the Government and there is wide-ranging debate (both nationally and in the international scene) about the potential power grab of the Prime Minister with the new Law XII of 2020 (30/3/2020). See point 1 for details of the Law.

## **IRELAND**

The mechanisms for legal challenge to legislation perceived as unconstitutional or inappropriate remain very much in place. Any individual who feels that measures or legislation introduced contravenes their rights, may initiate a legal challenge. So far, any debate has focused on whether the measures go far enough when compared to our EU partners.

The Irish Police (An Garda) are currently using a mixture of persuasion and previously existing public order legislation to enforce social distancing. It is actually not entirely clear yet (emergency legislation) but it

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<sup>15</sup> <http://www.lcp.fr/actualites/coronavirus-la-mission-dinformation-entame-ses-travaux-mercredi-par-laudition-du-premier>

*seems that the new powers and regulations will not alter their authority or approach. They have no authority to issue fines but this may change.*

## **ITALY**

*There are some discussions in the media but most of the country and citizens agree urgent measures are needed and they are focused on getting results. Discussions may arise later.*

## **LATVIA**

*Debates are held almost on a daily basis on the decisions taken by the Government and the Parliament, mostly through TV channels (both public and private). Participants include representatives of the public institutions and different non-governmental organisations.*

## **LITHUANIA**

*Many public debates (media, political analysts, MPs, etc.) have been prevailing to deliberate the legality of some measures (e.g. enacting of the quarantine), the proportionality (e.g. mandatory 14 day quarantine of all arriving to Lithuania in the premises selected by the municipalities). Some municipalities decided to divert from some of the mandatory decisions of the Head of the Emergency Situations Operations Centre (e.g. Vilnius municipality decided to mandatorily quarantine all arriving to Lithuania, except families with children and pregnant women). Various professionals have been voicing the need for decentralisation of management of COVID-19 (e.g. allowing some municipalities to take their own decisions).*

## **NETHERLANDS**

*Yes, it is fair to say that the Government is trying to respect good principles and debate is not discouraged. However, it is sometimes difficult to be clear enough and, of course, measures may change within a period of only a few days, following new recommendations from medical science or RIVM. For instance, on 26 March, the Parliament criticised the PM and the Minister of Health for not always being very clear. As a result, it was decided that no more than two ministers would communicate to the press about the newly-taken measures.*

## **POLAND**

*There is huge hot public debate about the legal compliance of restrictive measures applied with the Constitution, since no state of natural disaster (as defined in the Constitution) was declared. Formal prerequisites for declaring a state of natural disaster (subtype of state of emergency) are met. However, the ruling majority decided not to adopt it, but to introduce a special regime (state of epidemic) that is not regulated in the Constitution. It provides for limitations of rights and freedom characteristic to the constitutional state of natural disaster.*

*State of natural disaster was not declared for two reasons:*

- *Political – it would require presidential election scheduled for 10 May to be postponed.*

*Financial – it would serve as a ground for state liability for damages caused by the natural disaster.*

## **PORTUGAL**

*No data available.*

## **ROMANIA**

*There are no specific public debates on this issue.*

*Some of the media is rather of the opinion that the protective measures are not sufficient.*

## **SLOVAK REPUBLIC**

*The new Prime Minister has floated the idea of a national 'blackout' – a strict lockdown to 'kill off' the virus -- and has proposed to organise a national referendum on the issue, despite the opposition of coalition partners.*

*In general, the fight against corruption is the subtext for most action by the new Government and in early pronouncements has stressed its integrity and values.*

## **SLOVENIA**

*Yes, there have been public debates, mainly on the following issues:*

- *Activation of an article of the Law on Slovenian Army envisaging the possibility of conferring police powers to the military. The proposal of the Government is to activate the army as reinforcement for protection of the state border, so that part of the police force could be moved to the interior of the country to control compliance with the measures concerning limitation of freedom of movement. The proposal did not obtain the needed two-thirds majority in the parliament.*
- *A proposal by the Government (in the said Law on urgent measures) to grant authority to the police for controlling the location of the telephone of a person in quarantine, with the prior consent of the person but without judicial order. The provision was removed from the draft.*

*Proportionality of limitations to free movement (movement of people is limited to territory of the municipality of residence, with exceptions related to work, health and purchasing products of necessity). However, according to an opinion poll published on 2 April, a vast majority of the population supports the measures and the approach the Government took to cope with the crisis and only 10% of the respondents consider them too strict.*

## **SPAIN**

*No public debate among mainstream parties, except the issue about centralisation (see Centre of Government, 2<sup>nd</sup> question)*

## **SWEDEN**

*Limited debate so far, a lot of unity on the measures decided by the Government and the authorities.*

## **THE UNITED KINGDOM**

*Public debate about whether the Government acts **in accordance with the law** focuses mainly around the use of emergency powers within existing legislation and whether there was a need to bring forward new legislation to deal with the COVID-19 crisis (the Coronavirus Act 2020). Media and think tanks seem to agree that the Government was right to bring forward new legislation because the existing one does not contain sufficient powers which are wide enough to make significant changes to the way that public bodies operate and public services are delivered as a result of the COVID-19 outbreak. Public debate about whether the Government acts **with regard to the rights of those concerned** focuses on the interference with individual liberty, how the lockdown is being policed, implications for the rights of people with disabilities and older people, the right to privacy and data protection and domestic violence and abuse.*

*(Source: For example: [Institute for Government - Emergency powers](#) ; [Guardian - Can people of colour trust the UK COVID-19 laws with the police's track record?](#) ; [Human Right Watch - UK: COVID-19 Law Puts Rights of People with Disabilities at Risk](#) ; [Human Right Watch - UK: Emergency Surveillance Law a Blow to Privacy](#)*

; [Information Commissioner's Office - Data protection and coronavirus information hub](#) ; [Amnesty International UK - UK: Government's Coronavirus Bill explained](#))

*In the early stages of the COVID-19 outbreak in the UK, the public debate was mainly around whether the Government was doing enough and in proportion to the crisis.. Most commentators expressed views that the Government's actions were not sufficient and not on time. There were also serious accusation about the initial strategy of "herd immunity". Now (in the later stage of the outbreak) it seems that the main issues are around whether criminal sanctions, for instance, for the failure to comply with self-confinement are **proportionate** and how the lockdown is being policed. Commentators stress that the exercise of powers to detain individuals on suspicion that they may be COVID-19 positive must be accompanied by sufficient safeguards in order to prevent abuse. There are also views that police are being too heavy-handed when enforcing the UK's COVID-19 lockdown. (Source: For example [BBC - Coronavirus: Some scientists say UK virus strategy is 'risking lives'](#) ; [Guardian - The UK's COVID-19 strategy dangerously leaves too many questions unanswered](#) ; [Express - 'Just after easy targets!' Police ARE being overzealous with coronavirus lockdown – POLL](#))*

*The Government has drastically changed its approach several times since the beginning of the COVID-19 outbreak in the UK (for example it abandoned the initial 'herd immunity' strategy and the strategy not to test widely) and received a lot of public criticism for that. Commentators expressed views that the change of strategy left far less time to plan the other steps known to be necessary; for example, the Government was slow to recognise that it was in a global race for medical equipment. (Source: For example [Financial Times – UK Government is finally coming to grips with coronavirus](#))*

## **KOREA**

*From the outset, the Government was concerned to avoid mistakes from the past, which were largely related to a perceived lack of transparency and insufficient communication regarding risks. As a result, the Government and agencies such as Disease Control were active in engaging with the public to explain preventive measures, notably the expanded access to medical data and GPS information.*