

Protection of human rights in states of emergency. Theory and practice of the Visegrad Group countries

The project is dedicated to the issue of human rights protection during a state of emergency, and its main purpose is to answer the question of how to effectively protect the rights of an individual during an emergency, while at the same time providing the executive with the discretion necessary to effectively overcome the threat. Until now, the problem of protecting an individual during a state of emergency has been considered only theoretically, because in practice, states of emergency have rarely occurred, and the restrictions introduced during the state of natural disaster were not excessive. Nowadays, however, this problem has gained in importance in the context of the global fight against the COVID-19 pandemic. States have not only started to restrict the fundamental rights and freedoms of individuals to an unprecedented extent, but some of these rights and freedoms have even begun to be suspended. The concentration of power in the hands of the government, whose actions cannot be effectively controlled by the parliament, has intensified. In some countries, there is a risk that the current situation may be exploited by the government to achieve current political aims. This is why it seems so important to introduce effective mechanisms for controlling the executive during emergencies.

The research conducted under the project will cover four Visegrad Group countries (Poland, the Czech Republic, Slovakia and Hungary), which have introduced very similar far-reaching restrictions on the fundamental rights and freedoms of individuals as part of the fight against COVID-19. Each of these countries decided to introduce some form of state of emergency, but the state of emergency introduced in Poland is not an emergency state in the sense of the Polish Constitution.

The project will reconstruct and compare models of states of emergency in all four Visegrad Group countries. The problem of human rights protection during emergencies will also be analysed. Restrictions on five fundamental rights and freedoms of the individual, namely freedom of movement, freedom of assembly, freedom of economic activity, the right to privacy and the right to education, will be reconstructed and compared in relation to COVID-19 in the analyzed countries. In addition, each of these restrictions will be assessed against constitutional and conventional standards. The result of the conducted research will be to construct a universal model of effective judicial protection of constitutional rights and freedoms of the individual in a state of emergency.

The project will be implemented by an international research team and in cooperation with three prominent universities from the Visegrad Group countries. The results of the project will be presented in the form of a monograph and at least five scientific papers.