

The COVID-19 pandemic has resulted in the restriction of many human rights and freedoms. The pandemic is transboundary in nature and affects all people worldwide without any exceptions. Some countries have introduced states of emergency on their territories in order to save public health and ensure safety. Most countries in the world have introduced previously unknown extraordinary restrictions and the so-called extraordinary precautionary measures. Modern technologies have been used on a previously unknown scale for business, distance learning, telemedicine and administration. All these new and hitherto unknown factual and legal instruments have obliterated the traditional model of human rights protection. The introduced restrictions have severely limited the possibility of using many personal freedoms to build the so-called surveillance society. All these inconveniences have been approved by societies who accept these extraordinary regulations as temporary solutions. Citizens hope that the previous state will be restored as soon as the pandemic is overcome. However, if the pandemic is completely defeated, the system of human rights protection and litigation will never be the same again. This is because the coronavirus has caused irreversible changes to the way societies function. Moreover, the pandemic has shown fundamental, insurmountable differences between different categories of human rights.

The aim of the present project is to define the permissible limitations of rights and freedoms of an individual, especially the threat posed by contemporary migration processes. The potential scope of risks is relatively widely defined by the international law, including an armed conflict or environmental catastrophe, followed by coups, riots and other internal disturbances, finishing with hybrid and mixed threats, such as revolutions or hybrid warfare. The state of an epidemic introduced in Poland in 2020 is this kind of situation. However, few legal systems have designed an efficient mechanism of enforcing human rights and freedoms during an epidemic. The pandemic forces states to act efficiently and quickly and to introduce new, unpopular legislative solutions. In a situation when security and the foundations of the state are threatened, the rights and freedoms of an individual are particularly exposed. Due to the fact that the extraordinary circumstances require extraordinary measures, it is not surprising that, during the emergency situations, activities of some uniformed services are intensified. Should an extreme situation arise, the state cannot guarantee that the human rights would be fully followed, in line with the international commitments. The above hypothesis will be verified in the context of the state of pandemic and the post-COVID era.

There is an urgent need to conduct a research within the field mentioned above. Should general safety be endangered, a need arises to save the most precious values - the most important personal rights and particularly valuable beliefs. Due to the fact that the situations described above are far from being normal, option of limiting the rights and freedoms shall also be treated as an extraordinary measure - ultima ratio. In a situation of general danger, there is a possibility of ignoring these commitments in order to protect the citizens, which is possible thanks to the so called derogation clauses and limitation clauses. A relatively new and, at the same time, controversial tool, which makes it possible to depart from the current model of the social contract, is the so-called extraordinary precautionary measures, by means of which the state may limit, in principle, all human rights and freedoms in order to protect public health. Analysis of precautionary measures applied by states and international organizations, such as lockdown, and comparing them with the mechanisms of human rights protection in force in the so-called normal time, will allow developing a model for resolving human rights conflicts in the post-COVID era. Next, the analysis will cover the individual rights, considering the criterion of their generation, meaning the: personal, political, economic, social cultural, collective rights, as well as the rights of solidarity.

The basic research is going to be realized within the project, within the scope of permissibility of the limitations of rights and freedoms in post-COVID-19 era. The fact whether the country should be allowed to limit the human and citizen rights and eligibility in any situation and at any time, or whether there is some zone which is free of the state interference, which cannot be breached by the state officers in any way, would be a subject of particular interest. The specific laws and freedoms that may be limited, and that are defined by the Convention and by the statutory law would become a subject of the substantial research.

For the purpose of the research, a new post-COVID-19 model of absolute rights is going to be built. Such rights shall be granted to every person, in order to maintain the basis for his/her existence. The problem of collision and conflict of the individual personal rights, both in vertical, as well as in horizontal dimension, is going to be presented. Also the temporal scope of limitations is going to be a subject of in-depth research. The state authorities have no right to expand, in the time dimension, the state in which the limited rights are present, beyond the legally adopted measures. Manner and mode of implementation of the potential limitations is yet another issue to be examined. This area includes the way in which the citizens are informed of these limitations. Additionally supervision of maintaining the rights that in no case may be limited is going to be discussed and examined. As a result of constructing the practical model which would be covering the scope above, it will be possible to calculate the proportionality of the adopted rights and freedoms limiting means in relation to the given threat, what is important in post-COVID-19 era.