

Image not found or type unknown



in the context of the state of emergency generated by the COVID-19 epidemic (24 march 2020). Article 15 of the European Convention of Human Rights (ECHR) provides for the possibility of the signatory states to derogate from the provisions guaranteeing the protection of

fundamental human rights to the extent strictly required by the public danger situation and only after the prior notification of the Secretary General of the Council of Europe.

On 17 March 2020, the Permanent Representation of Romania registered at the Secretariat General of the Council of Europe a note verbale whereby it announced that some of the emergency measures taken by Presidential Decree No.

195/2020 establishing the state of emergency involve derogations from the obligations undertaken under the ECHR.

Relevant highlights:

- What does **ECHR Article 15** provide?
- What are the **rights** in respect of which **no derogations or reservations** may be formulated?
- What are the **exceptional situations** in which derogations may be formulated?
- Under what

conditions can **derogatory measures** be taken?

- What are those **rights** **restricted** by the measures taken by the Romanian state?
- What **remedies** do the persons in respect to whom disproportionate or unjustified restrictive measures have been taken have at their disposal?

To read the entire legal insight, please download the .pdf attached ([and \[title="Stiri_Legislative_COVID_19_Activarea_derogarii_de_la_aplicarea_prevederilor_CEDO___Tuca_Zbarcea___"\]\(https://www.tuca.ro/web/pdf/ro/Stiri_Legislative_COVID_19_Activarea_derogarii_de_la_aplicarea_prevederilor_CEDO___Tuca_Zbarcea___</p></div><div data-bbox=\)](https://www.tuca.ro/web/pdf/en/Legal_Alert_COVID_19_Activating_the_derogation_from_the_application_o</p></div><div data-bbox=)