Law Librarians Combatting Infodemic During COVID-19

Asia, Europe, and Africa
Panelists

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COVID-19 in Asia
Mapping Asian Legal Responses to COVID-19

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ROADMAP

01: Legal Responses to COVID-19: Timeline
02: Legal Responses to COVID-19: Major Issues
03: Mapping Legal Response to COVID-19 Project
TIMELINE

**Asian Legal Response to COVID-19**

*Work in Progress*

- **2005**: India Disaster Management Act
- **2013**: China's Law on Prevention and Treatment of Infectious Disease
- **2012**: New Influenza Special Measures Act of Japan
- **2015**: Thailand Communicable Diseases Act
- **1987**: Constitution of South Korea, Article 76

**Key Events**

- **Nov. 2019**: China's first cluster of coronavirus cases identified
- **March 2020**: Bayanihan to Heal as One Act of Philippines
- **April 2020**: Indonesia enacted Corona Virus Disease Public Health 2019 (Covid-19) Act
- **Jan. 2020**: Thailand identified first case of coronavirus outside China
- **March 2020**: Singapore COVID-19 (Temporary Measure) Act of 2020
- **April 2020**: Prime Minister Shinzo Abe declared a state emergency in Japan
- **April 2020**: China's SCT issued a guidance on properly handling civil cases involving the novel coronavirus outbreak in accordance with the law
- **April 2020**: India issued the Epidemic Diseases (Amendment) Ordinance
MAJOR ISSUES: ASIAN LEGAL RESPONSES TO COVID-19

Legality

Technology and Privacy

Human Rights and Civil Justice
MAJOR ISSUES: ASIAN LEGAL RESPONSES TO COVID-19: Legality

○ Constitutional Basis
  ■ Explicit Power given under the Constitution
    ● Article 41 of Japanese Constitution
    ● Article 76 of South Korea Constitution
    ● Interpretation 690 of Taiwan Judicial Yuan Constitutional Court

○ Legislative Power/Legislation
  ■ India's Epidemic Diseases Act of 1897 and then 2005 Disaster Management Act
  ■ Mainland China’s Law on Prevention and Treatment of Infectious Diseases Act of 2004 (last amended 2013)

○ Newly Enacted Laws
  ■ Singapore’s Covid-19 Temporary Measure Act of 2020
  ■ Philippines’ Bayanihan to Heal as One Act of 2020
MAJOR ISSUES: ASIAN LEGAL RESPONSES TO COVID-19

Technology and Privacy
- Drones
- Health Tracking Apps
MAJOR ISSUES: ASIAN LEGAL RESPONSES TO COVID-19

Human Rights and Civil Justice

- “City discrimination” against Wu Han: https://global.chinadaily.com.cn/a/20203/30/WS5e81e860a3101282172831ac.html
- People with low tech skills or resources
What is the project?

• Track legal resources on Asian jurisdictions’ legal responses to COVID-19: Asian Law Interest Group - Foreign, Comparative, & International Law SIS
• Present information in multiple formats: https://online.fliphtml5.com/sftde/flyu/#p=1
MAPPING ASIAN LEGAL RESOURCES TO COVID-19 PROJECT

Comprehensiveness, Sustainability & Versatility

• All Asian Jurisdictions: from Afghanistan to Yemen
• Focus on collecting full text of primary sources in English and in Vernacular: official gazettes; gov. websites; nonprofit/international organizations, links from legal news
Comprehensiveness, Sustainability & Versatility

- Explore ways to present and use information in multiple formats:
  - Next step: Cloud – full text documents, audios and videos; Tagging/Classifying; Auto-update features
HOW TO JOIN US!

Data Collection
Data Classification & Storage
Data Presentation
Ideas, Thoughts, or Comments?

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Share your findings using this Google form
COVID-19 in Europe
The European Response to COVID-19

Alison Shea
Research & Instructional Librarian (Foreign, Comparative & International Law)
Cornell Law School
Triggering the ‘escape clause’ to allow exceptional fiscal support for healthcare systems, people and companies

Putting in place the most flexible state aid rules ever in the EU, to save jobs and companies

Supporting research on vaccines, diagnostics, treatment

Helping ensure supply of medical equipment: increased production in EU and joint procurement

Repatriation of EU citizens stranded abroad

Issuing guidelines on measures to stop the spread of the virus, on testing strategies

Providing funding through the coronavirus response initiative, liquidity through the European Investment Fund

Ensuring the flow of goods and workers’ mobility in the EU single market
Check out http://reopen.europa.eu
Legal Issues in Europe

Free movement

• On May 13 the European Commission presented “guidelines and recommendations” to help Member States gradually lift travel restrictions COM(2020) 550

• On June 11 the European Commission “recommends” that Schengen Member States lift internal borders COM(2020) 399
Legal Issues in Europe

Fundamental Rights implications

• Equality, non-discrimination and racism
  • measures to contain COVID-19 and mitigate its impact in the areas of social life, education, work, and freedom of movement, as well as asylum and migration;

• Privacy
  • how tracing apps and other technologies to monitor the spread of COVID-19 can impact fundamental rights
Country Reports from European Law Interest Group members
Décision n° 2020-799 DC
du 26 mars 2020

(Loi organique d’urgence pour faire face à l’épidémie de covid-19)

LE CONSEIL CONSTITUTIONNEL A ÉTÉ SAISI, le 23 mars 2020,
par le Premier ministre, sous le n° 2020-799 DC, conformément au
cinquième alinéa de l’article 46 et au premier alinéa de l’article 61 de la
Constitution, de la loi organique d’urgence pour faire face à l’épidémie de
covid-19.
FINLAND

Corona & LEGISLATION

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DECRETO DEL PRESIDENTE DEL CONSIGLIO DEI MINISTRI 11 giugno 2020

COVID-19 in Africa
OUTLINE

● Coverage
● Laws Across the Continent
● Litigation in national courts
● Legal Responses by Regional Courts
● Legal Reactions from International Organizations, NGOs & IGOs
COVERAGE

- African Union
- Southern Africa
- East Africa
- West Africa
Laws Across the Continent

- **Africa CDC**: [https://africacdc.org/covid-19/](https://africacdc.org/covid-19/) and
- **Africa Medical Supplies Platform**: [https://amsp.africa/](https://amsp.africa/)
- **Surveys and socio-economic data**: [https://covid19tracker.africa/](https://covid19tracker.africa/)
- **AfricanLII**
  - Directives and other resources: [https://africanlii.org/channel/covid-19-and-coronavirus-resources-africa](https://africanlii.org/channel/covid-19-and-coronavirus-resources-africa)
  - Social media: Twitter
- **News tracking and practical guidance on commercial issues**: [https://www.ensafrica.com/news/?featured=True&page=1](https://www.ensafrica.com/news/?featured=True&page=1)
  [https://www.webberwentzel.com/Expertise/Services/covid-19/Pages/default.aspx](https://www.webberwentzel.com/Expertise/Services/covid-19/Pages/default.aspx)
MAJOR ISSUES WITH LEGISLATION

Legislation and Regulations on COVID-19 & Responses

● State of Emergency, state of disaster (non state of emergency)
● Slew of legislation, regulations, directions (and quasi legislation) affecting all economic sectors and civic life. Special provisions on:
  ○ bans on alcohol and tobacco
  ○ bans on evictions
  ○ data protection/privacy in tracking Covid-19 exposure
● Gaps in legislation to combat gender violence during pandemic
● Indirect discrimination to predominantly female-operated sectors (e.g. hairdressers)
<table>
<thead>
<tr>
<th>State of Emergency</th>
<th>State of Disaster (Non State of Emergency)</th>
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<tr>
<td>Angola</td>
<td>Ghana (State of Public Health Emergency)</td>
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<tr>
<td>Botswana (Later changed to Situation of Public Calamity)</td>
<td>Mauritius</td>
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<tr>
<td>Lesotho (For 14 days only)</td>
<td>Namibia</td>
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SELECTED LEGISLATION

Cameroon
- ARRETE N° 041/CAB/PM DU 20 AVR 2020 portant création et fonctionnement des Centres spéciaux de prise en charge des patients COVID-19
  https://www.spm.gov.cm/site/?q=en/node/1044

Ghana

Nigeria

Mauritius
- The COVID-19 (Miscellaneous Provisions) Act (No.1 of 2020)
- The Quarantine Act 2020 (No. 2 of 2020)
Litigation in national courts

- Challenging of COVID-19 legislation, regulations and orders

  Outdated and inadequate laws; “rule by decree”
  [Malawilii.org](https://malawilii.org/mw/judgment/high-court-general-division/2020/5)

  Constitutionality of new laws & regulation
  [Saflii.org](http://www.saflii.org/za/cases/ZAGPPHC/2020/184.html)

  Lack of public participation process

  Freedom of movement, excessive nature of restriction & penalties, police brutality, right to food safety

- Enforcement of COVID-19 legislation, regulations and orders
- Changes to rules of court on virtual hearings
- Media participation in hearings
- Judges and Magistrates citing difficulties due to lack of basic equipment
CASES IN NATIONAL COURTS

Kenya

Nigeria

South Africa
● Mohamed and Others v President of the Republic of South Africa and Others (21402/20) [2020] ZAGPPHC 120; [2020] 2 All SA 844 (GP) (30 April 2020) http://www.saflii.org/za/cases/ZAGPPHC/2020/120.html
Legal Responses by Regional Courts 1

African Court of Human and Peoples’ Rights
- Suspension of time limits due to the measures taken in response to COVID-19. Suspended computation of all time limits that are concurrently in progress before the courts form May 1 - July 31, 2020.
- 57th Ordinary Session of the court started virtually on June 1 - June 26. The last session on June 26 will be live streamed on YouTube.

ECOWAS Community Court of Justice
- Suspended session on March 20, 2020
- Updated Supplementary Practice Direction on Electronic Case Management
- Virtual Court Session came into force on May 13, 2020.
- Virtual conduct of court sessions and e-filing of court processes
Legal Responses by Regional Courts 2

East African Court of Justice

- EACJ Rules of Procedure from Feb 2019 allow for electronic service and virtual hearings
- Virtual hearings kicked off in mid-May 2020
- Now planning to allow journalists to attend the hearings virtually

COMESA (Common Market for Eastern & Southern Africa)

- Did not have to create new rules, due to earlier online adaptation to conflict situation on the ground in Sudan
- Evidence Management System deployed in 2019
- Matters are reviewed online
- No requests thus far for oral hearings
Legal Reactions from International Organizations, NGOs & IGOs

African Union
- Weekly briefings through the AU (CDC) Centre for Disease Control
- Joint Africa Continental Strategy for COVID-19 and establishment of the Africa Taskforce for Novel Coronavirus (AFTCOR). The joint strategy is based on the need to coordinate, communicate, collaborate and communicate among Member States in their preparedness and eventual response to COVID-19, including cross-border detection and control.
- Taking steps to improve labour migration and rights of migrant workers

UN in Africa
- Policy briefs from various affiliated organizations such as Office of the Special Adviser on Africa, New Partnership for Africa’s Development, and the United Nations Economic Commission for Africa
Legal Reactions from International Organizations, NGOs & IGOs

Amnesty International

ICJ Africa, Human Rights Watch, International Bar Association
- Monitoring the effects of COVID-19 on democracy and human rights on the continent


[https://www.ibanet.org/COVID-19/Home.aspx](https://www.ibanet.org/COVID-19/Home.aspx)
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Questions?
Thank you!
Today @ 2 pm Central

Marcelo Rodriguez  Dr. Michele A. L. Villagran  Victoria De La Torre