

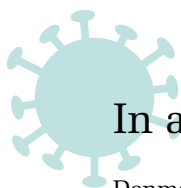
When We Pressed Pause on Freedom

What Corona Taught Us about Human Rights in a Time of Crisis



Brief

1



In a crisis, the dilemmas pile up

Denmark shut down on March 11, 2020. For an undetermined amount of time, there were to be no wedding parties, concerts, or football matches. For many, the summery weather at Easter had to be enjoyed alone, and the television again became a national gathering point, with Philip Faber’s daily morning singalong and government press conferences becoming regular topics of discussion in Zoom meetings across the country.

Suddenly, a national health disaster was not merely something that could happen in other countries at a comfortable distance. We were in the middle of the storm and had to get used to words like “infection rate” and PPE, and we all focused on “flattening the curve.” We had to show community spirit—and we learned to stand together by keeping our distance from one another.

Proportionality

When the state interferes with fundamental individual freedoms, we must always consider whether such intervention is commensurate with the problem. The balance depends on how important the right is, how intense the intervention is versus how important the purpose is, and how important the intervention is for the fulfillment of the overall objective.

The Danish government acted promptly. The corona crisis triggered amendments to the Epidemic Act, which allowed the Minister of Health to impose strict restrictions and limitations on some of our fundamental human rights, including the right to assemble and to move freely, to conduct business, and the right to have one’s case tried in a court of law. This was a historic legal shift, as it represented an unprecedented transfer of authority: authority that had belonged to epidemic commissions prior to the crisis was now centralized within the government.

Compared to many other European countries, the restrictions placed on the fundamental freedoms of Danish citizens were moderate. On the other hand, in retrospect we can now see that Denmark has maintained the restrictions for much longer than most other European countries.

Precisely because the pandemic is far from over, we can already begin to gather experience regarding how the European countries handled the first wave, drawing on this experience to determine how to best manage a potential second wave.

In four briefs, Djøf’s Corona Task Force will focus on the status of our right to gather and move freely, to have cases tried in a court of law, and the right to conduct business; initially in April, when the crisis raged at its most intense, and again in July, when infection rates across Europe started to decline. Have the proportions been in balance when we consider these efforts from a European perspective of human rights and democracy? And what can we learn from all of this for the next time?

Legal basis:

The European Convention on Human Rights:

In Europe, our fundamental freedoms are not least guaranteed in the European Convention on Human Rights (ECHR). The Convention has the character of a common European standard, as it applies to all 47 countries that are members of the Council of Europe. The Convention therefore provides a natural legal basis for assessing and comparing the restrictions on freedom in Denmark and the rest of Europe in connection with the corona crisis.

We compare Denmark with other countries in Europe based on three articles in the ECHR:

- > Article 5, letter e, on the deprivation of liberty in connection with the risk of infection in relation to lockdown
- > Article 11 on the freedom of assembly
- > Article 8 on the right to privacy and family life.

Here, it is important to note that the Danish Constitution also contains a number of provisions that ensure, among other things, the freedom of expression, freedom of assembly, and freedom of religion.

We evaluate these efforts, among other things, by comparing Denmark with our European neighbors: What did they do? How strict were their restrictions? Were there any exceptions? What did the infection curve look like before and after the restrictions were introduced? Have the restrictions been lifted—or have they become part of *the new normal*?

According to a Danish song, freedom is the best gold. But will gold turn into silver—or worse—in a time of crisis and be replaced with security? When COVID-19 struck, we suddenly had to choose what was most important. Were health-related considerations paramount (e.g. for the elderly)? Or was it more important to be able to gather, to travel, and to enjoy the lifestyle to which we are accustomed?

The dilemmas piled up quickly.

In this first brief, we have chosen to look at how the countries of Europe tackled questions pertaining to the freedom of assembly and lockdowns. Did Denmark choose a stricter or milder line than others? Could Denmark have done more or less—or acted differently? This is an important discussion, as this will hardly be the last time Denmark is hit by a crisis.

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Djøf's Corona Task Force



Caution above all else

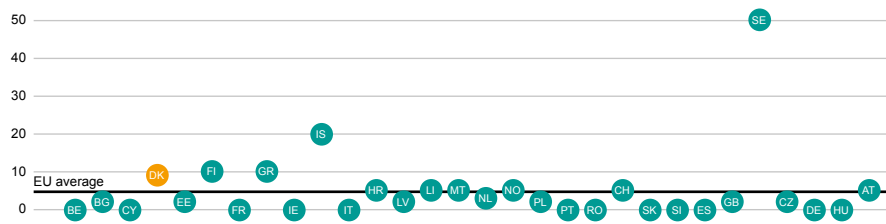
Which countries only adopted a few interventions? And which ones implemented large-scale restrictions? Which ones were the fastest and slowest to loosen things up again? And what can we learn for the next time a major crisis hits?

These are the questions we seek to answer in this first brief, where we compare how Denmark has handled the bans on assembly and restriction on movement during the corona crisis with our European neighbors. The basis for comparison is a comprehensive collection of information on the measures taken by European governments in the early stages of the corona crisis in April and July.

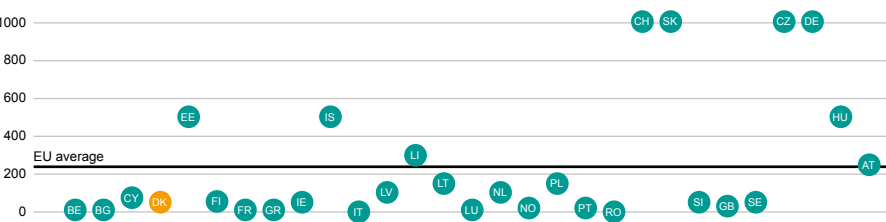
Freedom of assembly: Good start, but slow to ease off

In April, the European average was a ban on gatherings of more than five persons. In July, the average was 241. Denmark was significantly less.

April 2020



July 2020



We can conclude that the Danish government reacted promptly, taking a firm and broad grip on the whole of society from the outset. The new rules covered everyone. From a human rights perspective, we can also state that the Danish initiatives were less intrusive compared to many other European countries. The Danish interventions largely took human rights into account and they were generally “liberal.” For example, the Danish authorities declined to introduce a lockdown that was tantamount to house arrest, as was the case in several other countries. Denmark also had a number of exceptions to the ban on assembly; for example, gatherings for political and religious purposes were excluded (e.g. demonstrations and funerals). Many other countries were more restrictive in this regard.

However, the comparison shows just as clearly how Denmark took significantly longer to loosen its grip than did many other European countries. The precautionary principle has dominated; and where other countries already started relaxing restrictions on human rights significantly in July, Denmark largely chose to maintain the restrictions with reference to principles regarding caution. At the same time, the approach chosen in Denmark left very little room for individual or regional discretion or adaptations. This meant that, in certain respects, the interventions could be perceived as out of proportion and unnecessarily harsh.

The precautionary principle

The precautionary principle can be used in cases where the available scientific data do not allow a complete risk assessment. The precautionary principle derives from environmental legislation, but in practice it can be applied more broadly.

As the precautionary principle is used in the case of incomplete knowledge, the measures are therefore provisional until a more complete data base is available. Who provides this data base depends on the specific situation. In some cases, it is the responsibility of the authority, whereas in others it is the responsibility of the subject of the proceedings, typically the person or party being affected. And in yet other cases, the burden will be on those seeking protection with the introduction of the provisional measures.

Three important experiences from the corona crisis



Lesson 1:

The Danish efforts were effective and proportionate from the beginning

Initiatives were launched promptly and efficiently, which would appear to have contributed significantly to stopping the spread of the virus. At the same time, attention was paid to proportionality in the efforts in relation to citizens' freedoms. Compared to other countries, the Danish initiatives were less intrusive. For example, the encroachment on the freedom of assembly was less in Denmark, and Denmark was the first country to ease restrictions on the freedom of movement by opening its borders to couples who had been separated.



Lesson 2:

There was not enough room for local judgment calls

In several areas, other European countries provided better space for individual solutions and regional or local exemptions than did Denmark. This applied, for example, to the nursing homes in Berlin, where, as long as the virus was not widespread, short daily visits to nursing homes were allowed for the sake of the mental health of the elderly. In Denmark, all nursing homes were subject to a restrictive restraining order, which could be perceived as an unnecessarily harsh encroachment on the rights to freedom of movement and to family and private life, even if the intention was to protect the elderly. As society re-opened, regional and local closures have also become possible in Denmark. It would be advantageous to use this tool more in the future to ensure proportionality.



Lesson 3:

In dubio pro libertate—when in doubt, freedom takes precedence

Well into the crisis, the precautionary principle was the dominant rationale for decision-making. Consequently, interventions that were proportional in the beginning have been overtaken by time and the infection rate. Compared to other European countries, Denmark has taken longer to ease restrictions. The precautionary principle must be continuously weighed against—and increasingly replaced by—the principle of proportionality, as the crisis develops and uncertainties are reduced. One might say that as the nature and extent of a crisis becomes known, individual freedoms and differences must outweigh concerns for public safety and health based on the unknown and caution. European freedoms rest on a basic idea that is not readily reconcilable with the principle of precaution: the idea expressed in the Latin legal principle, “in dubio pro libertate”—in the case of doubt, freedom takes precedence.



Freedom of assembly—under pressure

The right to demonstrate when we are dissatisfied, to party in the City Hall Square when the national team has won a championship, to participate in political meetings, or just to shout in front of the stage at a music festival—this is all part of our fundamental right to assemble. Being able to express joy, sorrow, and anger en masse is a cornerstone of both national and European rights.

In April 2020, the whole of Europe suddenly had to realize that this right was no longer a matter of course. The French put their yellow protest vests on the shelf; the Norwegians were banned from using their huts and were prohibited from hiking in the mountains; and the German asparagus festivals were cancelled faster than the coveted stems could be picked.

Freedom of assembly

The Freedom of assembly is ensured in Article 11 of the European Convention on Human Rights. It protects the right to 'participate freely in peaceful assemblies'. Restrictions on the freedom of assembly to protect health are allowed, but only if the restraints are

'necessary in a democratic society' – which means that the restraints in the specific situation must be both necessary and proportionate to the purpose (proportionality).

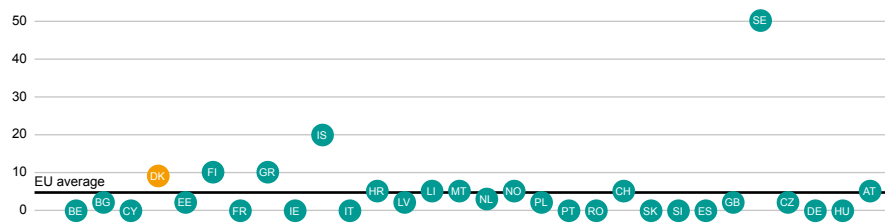
April: A quick, moderate ban

When the corona crisis really took hold in Denmark, much of the activity in society was shut down. As of March 18, 2020, the recommendation to “avoid large gatherings” was replaced by an actual ban on gatherings of more than 10 people.

Only few were allowed to gather

Across Europe, with few exceptions, the ban on assembly was very extensive. Denmark was at the liberal end, together with countries like Finland, Iceland and Sweden.

April 2020

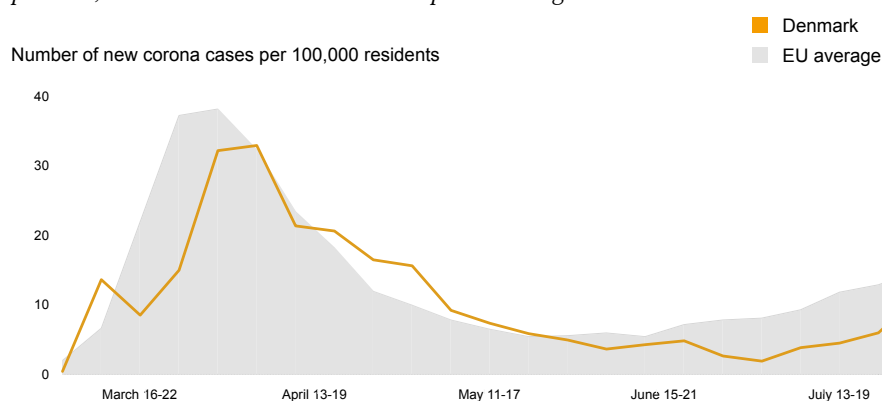


In so doing, Denmark aligned itself with the rest of Europe. By April 2020, all of the European countries had imposed restrictions on the freedom of assembly to stop the chains of infection in the population.

The number of new corona infections per 100,000 citizens in Denmark was higher than the European average for most of April. This was far from northern Italian conditions, but nonetheless higher. Nevertheless, with its ban on the assembly of more than 10 people, Denmark was at the very moderate end of the European intervention scale.

Rate of infection: Denmark exceeding the European average

In April (except April 13-19), Denmark had more infections per 100,000 inhabitants than the European average.



Only two countries (Iceland and Sweden) allowed gatherings of more than 10 persons. Finland and Greece (which are unique in that they also had a lockdown) joined the Danish line with a maximum number of 10. All other European countries for which we have data were more restrictive, with assembly bans of five people—and all the way down, where one can discuss if it was technically an assembly, to just two persons. A number of countries implemented a lockdown that was tantamount to house arrest, which by its very nature prevents people from gathering.

The popularity of this ban varied from country to country. In Germany, the ban on assembly led to dramatic protests, and a group of activists in the town of Giessen was initially banned from demonstrating under the slogan, “Strengthen health instead of weakening our rights!” The demonstrators took their case to the Federal Constitutional Court on the grounds that the ban violated the German constitution. The demonstrators won the case, the ban was overturned, and the demonstration could be carried out. Albeit with protective masks and distancing requirements.

In other countries, neither exemptions nor opportunities to circumvent the ban existed. In both Lithuania and Italy, for example, the authorities were allowed to deploy drones to monitor any illicit gatherings.

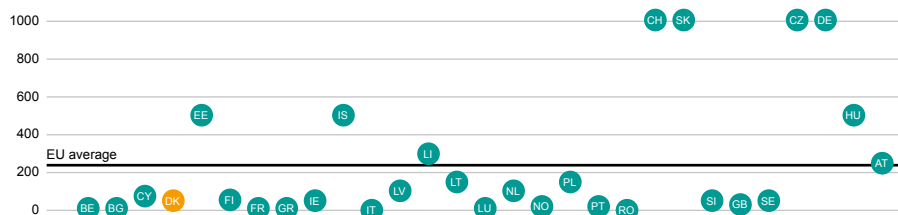
July: A new map of Europe

Two months after the corona virus hit Europe, most countries still had a ban on assembly. Only Malta had completely let go of the reins. Spain had formally lifted its national ban, but left it up to the individual regions to ease restrictions.

Major easing in Europe—minor easing in Denmark

In Denmark, the precautionary principle was applied to the assembly ban, which was eased—but only slightly.

July 2020



Whereas Denmark was at the very liberal end of the scale in April, with a “relaxed” ban on assembly compared to the other European countries, we made the European “top-10” of most restrictive countries in July.

Admittedly, the Danish ban on assembly had been eased so that up to 50 people were allowed to gather. But other European countries were relaxing their rules more. At the top were countries such as the Czech Republic, which during the two-month period went from an absolute ban on assembly to a 1000-person maximum limit. Greece and Sweden were the only countries not to increase the limit on assembly. In Greece (for activities that were exempt from the lockdown), the limit was 10 people—the same as Denmark in April—and in Sweden, the limit was 50 people. The rate of infection had also improved. Where Denmark in April was above the European average for the number of infections per 100,000 citizens, in July we were significantly below the otherwise generally sharply declining infection rate in Europe (please see the infection rate curve on page 8).

In Denmark, everyone was covered by the ban, and neither regional nor local exemptions were possible, as one could begin to observe elsewhere in Europe.

In Germany, for example, the individual Länder were permitted to adapt the rules to regional conditions. This was possible, because Germany is a federal state where the individual states—even under normal circumstances—have competencies and authority that exist at the national level in Denmark. Here, already in March, Bundestag President Wolfgang Schäuble explained to Flensburg Avis:

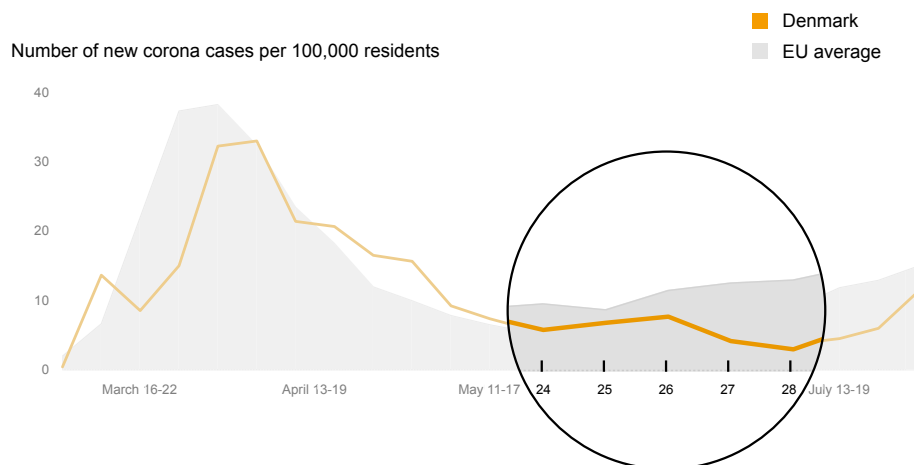
‘Citizens want uniform rules. But they often shake their heads when they get them. The differences between the states are a race to find the best solutions. This has served us well so far. And if someone then exaggerates, it usually turns out that he or she is not capable of much more than most others.’

Exceptions: Demonstrations and funerals

Looking at the exceptions to the assembly ban, Denmark chose a more moderate line than many other European countries. In Denmark, political gatherings, including demonstrations, and religious events in the form of funerals and burials were exempt from the ban. The most extreme example was when 15,000 people participated in a Black Lives Matter demonstration in Copenhagen in June. The demonstration sparked concerns about a possible increase in the number of infections—a so-called superspreader event—as numerous demonstrators later tested positive. Nevertheless, the demonstrations did not lead to any significant spike in the infection statistics in the following weeks.

Demonstration did not lead to an infection explosion

The BLM demonstration took place in week 24 (June 8-14). The statistics show that the demonstration did not cause any significant increase in the infection rate in the weeks that followed.



Political events were also exempt from the ban on assembly in Germany and the Netherlands. This exemption was interpreted very restrictively in these two countries, however, and one may ask oneself whether a demonstration with a maximum of 20-30 persons could achieve the desired effect, in the minds of the demonstrators.

It has not been possible to obtain information on all European countries on the issue of exemptions, but for 10 countries, exemptions from the assembly ban have been confirmed. In April, when the ban was most restrictive, we were able to confirm that four countries, including Denmark, made exemptions for political events.

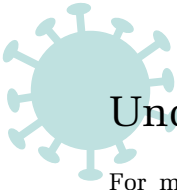
Summary: Well begun – slowly done!

In conclusion, then, it can be said that in the beginning of the corona crisis, Denmark imposed softer restrictions on fundamental rights compared to other European countries. Amendments to the Epidemic Act enabled the government to implement a ban on assembly, which was probably significant, but which was actually at the moderate end of the scale compared to most of our European neighbors. At the same time, the exemption for political events ensured that the democratic right to protest was maintained.

Conversely, the Danish government was significantly slower than most other countries to ease the ban. The precautionary principle prevailed; both when you consider how low the rate of infection was in July and when comparing with how quickly other countries eased their rules and allowed more people to gather. Moreover, the option to relax the rules regionally or locally was not exercised in Denmark, which fed criticism in the regions with very low rates of infection. This approach has partly changed since then, and there is now increased focus on local infection control.

As regards the relatively dramatic encroachment on a fundamental right to freedom that the ban on assembly represents, our comparison thus shows that Denmark began at the mild end of the intervention spectrum, but that we moved to being among the most restrictive countries in Europe as time passed—despite the fact that we actually had a lower infection rate.

Obviously, the Danish position can again shift as a result of changes in other countries and new initiatives in Denmark. At the end of August, at which time this brief was written, the infection rates around Europe and in Denmark have again started rising. Here, another (less freedom-restricting) tool is increasingly being put to use: The requirement to wear a protective mask and the shutting down of specific, local activities. The face mask requirement in public transport came into effect in Denmark on August 22, 2020. Failure to comply can be punished by fines.



Under lockdown

For many Europeans, the spring of 2020 was marked by many cancellations: Everything from concerts to conferences had to be cancelled for a while, and most of us had to get used to a new and quieter everyday life. But there were several European countries where the freedom of movement was even more restricted by a lockdown that resembled a kind of house arrest, and for weeks many people required a permit merely to leave their home, even if only for a short period of time.

Such a lockdown is one of the most far-reaching interventions a state can make and something we usually associate with wars and disasters. Denmark did not implement a lockdown, but it was discussed as a possibility in the media, and the government did not deny that it was considering a lockdown if the infection did not come under control.

Lockdown

Personal freedom is guaranteed by Article 5 of the European Human Rights Convention. It protects against the arbitrary deprivation of liberty. It is permissible to detain persons in order to “prevent the spread of infectious diseases,” but such detention must be “legal.” According to the case law of the European Court of Human Rights, this means that the deprivation of liberty in specific situations must be both necessary and proportionate to the situation (proportionality).

April: Man’s best friend becomes even more popular

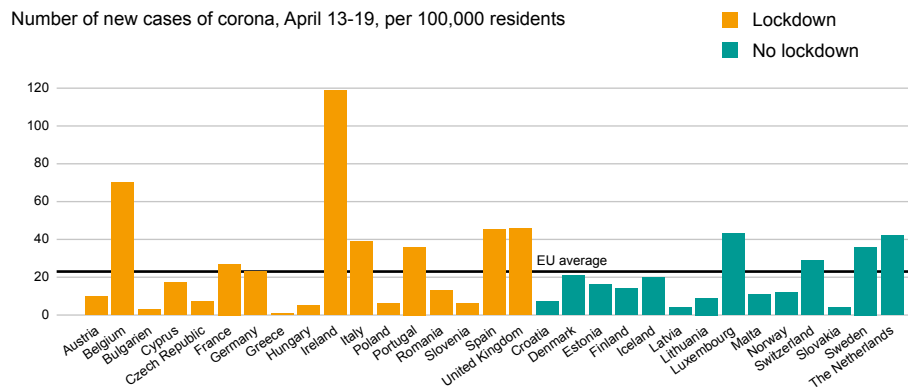
While the countries of northern Europe avoided a total lockdown, several countries in southern and eastern Europe imposed harsh restrictions, confining persons to their homes. As many as 16 countries had introduced an actual lockdown in April. Spain and Italy were among the countries in which a total lockdown was strictly enforced. In Spain, the police had the right to ask for grocery receipts to control that people had actually shopped in the nearest supermarket, as the rules allowed, or if they had travelled unnecessarily or just filled a shopping bag at home to be able to go for a walk.

In the first week of April, roughly half of the countries that chose to impose a lockdown had an infection rate that exceeded the EU average. But several of the countries imposed lockdowns actually had a rate of infection that was significantly below average, including Poland, Bulgaria, Czech Republic, and Hungary.

Most countries had exceptions to the lockdown. In Spain and Italy, for example, you were allowed to walk your pet. As early as the end of April, media outlets were reporting on how some even developed small businesses renting out their dogs for walks. There were also reports of rather creative attempts at interpreting the rules. In Spain, for example, police gave a fine to a man for walking his goldfish. The goldfish was in fact in a bowl, so he could settle for a fine for violating the lockdown and avoided prosecution for cruelty towards animals. Other examples of liberal interpretations of the concept of “pet” included persons walking chickens and teddy bears. The exception did not apply to children, and several media outlets reported on depressed children suffering from the ban on being able to go outdoors.

Not always a connection between the rate of infection and lockdown

Several countries had relatively low rates of infection but chose to introduce a lockdown.



July: Relaxations everywhere

In July, the map looked very different. Portugal was the only country still imposing a lockdown, and it only applied to parts of the capital, Lisbon.

The infection rate was generally declining. In Poland, despite a rising infection rate, the decision was made to lift the lockdown. Romania also chose to lift their lockdown despite an infection rate that started increasing markedly, from 13 per 100,000 citizens in April to more than 40 in late July. The increase was accompanied by protests in Bucharest. In July, the EU Observer reported on how the protesters wanted to avoid renewed restrictions. Many, including some politicians who even engaged in street-fighting with the police, were also against the order to wear a mask indoors.

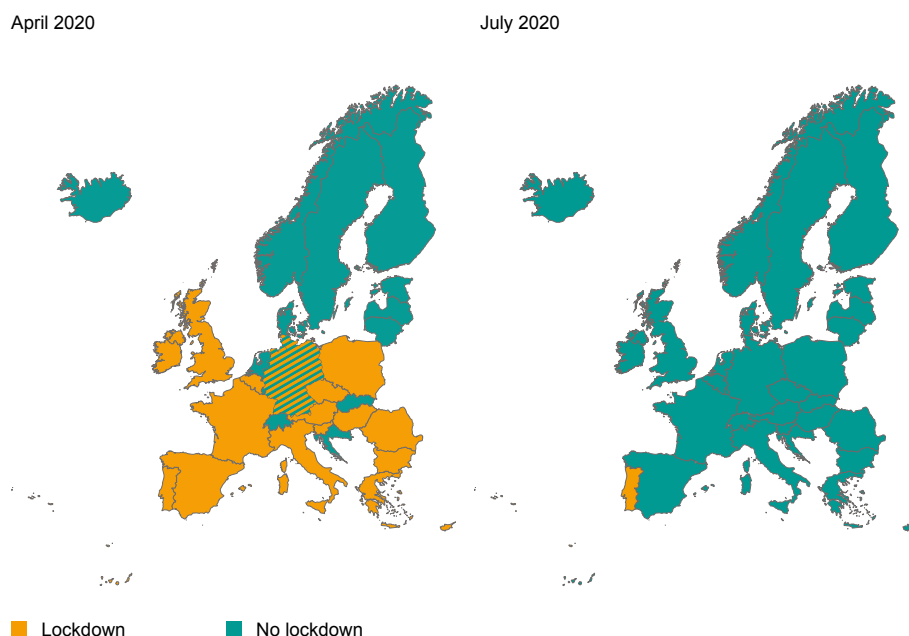
There was thus no immediate consensus across Europe or even internally within the individual countries as to when the rate of infection was high enough to warrant a lockdown—or low enough to remove or relax it.

Summary: Denmark back amongst the moderate countries

At the many press conferences held in the course of the spring, the Danish government was regularly asked whether a lockdown was being considered as an option. Even though it was not categorically rejected, such a lockdown has yet to be introduced.

Lockdown: When freedom returned

After two months, all of the countries that had imposed a lockdown had lifted it again. In Germany, there had been a lockdown in April in some areas, including Berlin, Freiburg, and the Länder of Bavaria and Baden-Württemberg. In Portugal in July, the lockdown only applied to parts of Lisbon.



Many European countries introduced very restrictive lockdowns. After two months, however, all such lockdowns had been lifted. This also applied to the countries where the infection rate had increased despite having imposed a lockdown.



COVID-19 continues to affect the health, finances, and general opportunities for people around the world. Naturally, this also raises questions about whether the initiatives the countries are taking to curb the virus are the right ones. Are the initiatives proportionate to the problems? Or are there cases where we have gone too far?

In Denmark, we have seen examples of both a restrictive approach to the rules that were introduced to stop the infection and the fact that in some areas individual solutions were relaxed and individual solutions became possible. Together, the two extremes help to provide a more nuanced picture of how Denmark has handled the corona crisis from a human rights perspective.

100 years of loneliness

When Denmark closed down in March, the Danish Patient Safety Authority ordered local councils across the country to issue a ban on visitors' access to municipal and private nursing homes. This took the authority to make decisions from the individual institutions as well as from the regional authorities. The purpose of this ban was to protect the group of people—the elderly—who are at greatest risk of death if they become infected with the corona virus.

This ban cast light on the dilemma between, on the one hand, the right to freedom of movement and the right to family life, and, on the other hand, the right to health, security, and life. Was it most important to protect the elderly from the coronavirus and risking that they would suffer during the isolation? Or should protection be relaxed, which would mean that more vulnerable elderly people could become infected and die?

In practice, the ban meant that the elderly residents were now genuinely isolated. Nursing home residents were also prohibited from visiting anyone outside the nursing home property. There, only human contact was with the nursing home staff. No children, grandchildren, friends, or acquaintances were allowed to visit. In April, this ban was actually tightened by also applying it to outdoor areas. The head of the individual institution was also given the authority to make judgments and decisions, although such “judgment” could only be used to further tighten rules—not to relax them.

Formally, “critical situations” where a person was dying and suffering from “serious cognitive impairment” and where they had a special need for visits were excluded from the rule. The executive order emphasized, however, that dementia in itself was not justification for exemption from the ban on visits.

The ban on visiting covered all regions without exception—also those regions where the rate of infection was very low. On July 2, the ban on visiting was lifted, and an option for local shutdowns was introduced.

In associations such as the Alzheimer's Association, which protects the interests of citizens with dementia and their relatives, the experience has been that the ban was interpreted unnecessarily restrictively and that the possibility of an exception

should have been exercised more. After a period of great understanding for the closure among relatives, the number of inquiries made by frustrated relatives exploded, so that in June there were three times more such inquiries than usual. One employee from the association's dementia hotline told of how she has never experienced anything like this in her 12 years with the association:

'We heard one miserable story after another, and there are undoubtedly people who have died from this. The sense of loneliness has been massive, the emptiness in the eyes has become greater, some have not been eating and drinking enough, their medicine has not been controlled with the same diligence as when relatives can help. Our experience is that it has been at the expense of the sense of humanity.

After the introduction of the ban on visiting, nursing home residents accounted for approximately 1/3 of the corona-related deaths in Denmark. Obviously, none of these persons had been infected by their family.

Strict restrictions on visiting nursing home residents were also introduced in other European countries. This was also the case in Germany. In Berlin, however, the effort stood out. Here, too, there were harsh restrictions on visiting, but everyone was entitled to a daily visit for up to one hour. This "hour exception" ensured that the elderly and often dement citizens could maintain contact with their loved ones. The seriously ill and dying were exempt from all restrictions. There was also a religious exemption, as clergy were allowed to visit.

In the Netherlands, the government decided on March 19 to close for visits to nursing homes, but these restrictions were already lifted on April 27. In France, all visits were banned on March 11, but this ban was lifted on April 19. Thus, the tendency was that a total ban on visiting (without exceptions) lasted for a significantly shorter period than was the case in Denmark. According to the original plan, relaxation of the restraining order was first on the agenda for September. This was changed, however, partly due to inquiries made by patient associations.

Nursing homes

Article 8 in the European Convention on Human Rights guarantees the right to respect for privacy and family life. Among other things, it protects the right to visitation and contact between family members. Restrictions on this right are allowed in the name of health protection, but only if the restraints are "necessary in a democratic society," meaning that the restraints in the specific situation must be both necessary and proportionate to the purpose (proportionality).

In Denmark, nursing homes and housing for the elderly are subject to the law on public housing, and encroachment on the right of nursing home residents to receive visitors therefore constitutes a breach of the right to privacy and family life.

Love is not tourism

When Denmark shut down in March, the national borders were closed. For couples consisting of Danes and foreigners, their restricted freedom of movement had extra consequences compared to couples where they both lived within Denmark's borders. In many cases, closing the border thus also constituted a breach of the right to family life and privacy.

As the weeks passed, the initial acceptance of the situation was increasingly replaced by frustration, and the media was flooded with examples of unhappy couples forced to live apart, postponing weddings, and, for example, missing pregnancy scans due to the restrictions.

These frustrations were lessened little when the rules for entry were relaxed on May 25; only partners from neighboring Germany, Norway, and Iceland (but not Sweden) were now allowed to visit their significant others. The partners from the rest of the world were still prohibited from visiting Denmark.

Citizen proposals and Twitter movements

In June, Love is not tourism was started by private individuals as a campaign to press governments around the world to exempt partners from entry bans. The entry rules have also given rise to a so-called citizen's proposal to the Folketing (borgerforslag) to allow partners from all countries to visit their partner in Denmark.

On May 25, Denmark opened for partners from neighboring countries (persons with permanent residence in Norway, Iceland, and Germany could enter), and the list was expanded to other EU countries and the UK on June 15. In July, the doors to Denmark were opened for partners from countries outside Europe if the infection rate in their country was below or at the same level as in Denmark. However, the exception only applies to couples who can meet the 3-month rule, who have thus completed a kind of probationary period.

In late May, a number of private individuals started collecting signatures for a so-called citizens' proposal to the Folketing (borgerforslag). If 50,000 persons with the right to vote in parliamentary elections support a citizens' proposal, it can be submitted to the Folketing. The proposal included the following:

"Love has no borders, and one should therefore not discriminate against couples just because their partner possibly comes from the 'wrong country'. Keeping borders closed indefinitely is certainly hard for many professions and Danes who like to travel, but it is unbearable for those Danes who have a life partner trapped in another country indefinitely. The persons forwarding this proposal acknowledge that there must be rules for the partners who come to Denmark during the corona crisis. But they must be the same for everyone and be health-based arguments."

In June, an international movement called “Love is not tourism” saw the light of day, first appearing on social media. The movement collects examples of separated couples and works to relax entry rules via appeals, happenings, and a Twitter campaign to influence European MEPs and national politicians.

Where Denmark was in the absolutely restrictive end as far as the ban on nursing home visits was concerned, the opposite was true for the ban on entry for partners.

Denmark was the first country in Europe to open its borders to visitors with recognizable purposes, even though they came from countries outside Europe. “Recognizable purposes” included work, business, studies, and a number of private purposes, including to be reunited with one’s partner.

Towards the end of August, ten other European countries introduced exceptions to the entry ban for couples: Norway, the Netherlands, Czech Republic, Iceland, Austria, Switzerland, Finland, Germany, France, and Spain.

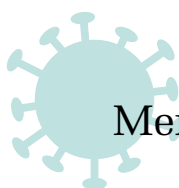
This relaxation of restrictions is an example of Denmark having introduced a number of exceptions to protect the freedom of movement and the right to family life. This exemption is both geographical—it has been decided which countries outside Europe are covered by the exemption—and individual, as it applies to a specific group.

What we have done

The task force has collected information on the legislation passed in European countries regarding bans on assembly and exit as of April 1 and July 1, 2020. The data have been collected by contacting the authorities in the individual countries.

In some cases, it has not been possible to obtain information. In other cases, like Germany, there are differences between the federal and regional levels, because these are states with a high degree of self-determination.

The corona briefs can all be found at djoef.dk/coronataskforce. Here, you will also find our interactive map of Europe (in Danish), where you can compare the extent of restrictions on human rights across Europe and find information about the corona initiatives in other EU countries. The interactive map also indicates the countries from which it was not possible to obtain information.



Members



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About Djøf's Corona Briefs

In connection with the corona crisis, Denmark has adopted historically intrusive laws affecting our human rights. Now, we have come so far in dealing with the actual crisis that we can begin to look at what we have learned so far; not only from a health perspective, but also from the perspective of human rights and democracy. As well as what we did in comparison to our European neighbors.

Djøf's Corona Task Force has been commissioned to shine a spotlight on democracy, freedom, and rights during and after the corona crisis. Crisis legislation must not become routine. Restrictions on very basic freedoms must not become permanent. The long-term objective is to use the corona crisis to learn for the next time a comprehensive crisis hits. Whether it is a health crisis or a different kind of crisis.

Other publications in the series of Corona Briefs:

- > Corona brief about courts, the distribution of power and legislation
- > Corona brief about business and retail
- > Corona brief about democracy and a summary of the work of the task force

Djøf has set up the task force and appointed its members with the aim of supporting a qualified debate on the future handling of similar comprehensive crises with consequences for democracy and human rights. The task force draws its own independent conclusions, but it has been established by Djøf, which is responsible for secretariat service. The work of the members is voluntary and unpaid.

Questions and inquiries regarding Djøf's Corona Task Force can be directed to Chief Policy Advisor Astrid Gufler agu@djoef.dk

