

# A JOURNEY INTO THE UNKNOWN? GLOBAL AND NATIONAL HUMAN RIGHTS IMPLICATIONS OF THE PANDEMIC<sup>1</sup>

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## **Abstract**

The article analyzes the implications of the pandemic on the protection of human rights at the national and global level. Human rights' norms may help in resolving some of challenges stemming from the pandemic. It concerns especially freedom of speech and access to public information, freedom of assembly, right to privacy or right to health. However, the unprecedented, gigantic scale of the pandemic undermines typical human rights' applicability. Moreover, some governments may take advantage of the emergency situation in order to consolidate authoritarian power. Certainly response to the pandemic needs a new definition of certain rights (especially right to health and equal access to healthcare by vulnerable groups). The international community underlines the need for global solidarity or new social contract. However, it is uncertain whether due to particular interests of some states (including nationalism and populism), as well as multilateralism crisis, there will be a chance for a real paradigm shift. In such a case, human rights will stay as one of instruments to accommodate the post-COVID-19 economic and social crisis.

**Key words:** *covid-19, human rights, United Nations, multilateralism, constitutionalism, nationalism, global solidarity*

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## **INTRODUCTION.**

### **THE REAL MEANING OF THE PHENOMENON**

The coronavirus pandemic is one of the most ground-breaking events that occurred since World War II. Never before have democratic states experienced a crisis that would be so damaging for their social, economic and political ties. Of course, mankind had endured various crises before. Armed conflicts in various countries (Vietnam, war in the former Yugoslavia), the consequences of the Cold War, famine in Africa, HIV/AIDS epidemics, SARS or Ebola outbreaks, financial crises (such as the Lehmann Brothers collapse) are just a few examples of those. However, in each of these cases their impact was limited to a specific region, a few or a dozen or so countries, and did not spread to the entire globe. With the coronavirus epidemic, the risk is greater than ever before as it affects everyone and on all continents. Moreover, it crosses social boundaries. Various restrictions on personal freedoms, including the freedom of movement, affect everyone regardless of status. The coronavirus crisis is experienced by many people on a personal level. Perhaps it will also be a generational experience due to the widespread trauma caused by this epidemic. It brings about a change in the way businesses, economic models, transportation, universities, health care and education function. The economic crisis is deepening. According to the United Nations Secretary-General Antonio Guterres, we are currently experiencing the biggest economic recession since World War II and the biggest fall in income since 1870.<sup>2</sup>

If you type “Coronavirus” in the Google search bar, you will get 2.7 billion search results. As of 2 October 2020, the worldwide statistical data show that more than 34 million people are suffering or have suffered from COVID-19 and more than 1,019,580

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<sup>2</sup> Antonio Guterres, Tackling Unequality: A New Social Contract for a New Era, Nelson Mandela Annual Lecture 2020, 18 July 2020, <https://www.un.org/en/coronavirus/tackling-inequality-new-social-contract-new-era> [24.10.2020]

have died because of it. The infection rate is rising on a worrying scale.<sup>3</sup> We are living in a global village which lies on a ship that is sailing into the unknown. We don't know the way to the mainland which would give us a sense of security and stability and allow us to rebuild confidence. For the time being, winds are blowing stronger and stronger, storms are raging, the ship is still sailing but we don't yet realise the consequences of this journey into the unknown. How many people will perish? What will be the face of humanity after this great tragedy?

### **1. CONSEQUENCES FOR HUMAN RIGHTS**

The coronavirus has specific human rights implications - practically in each category of human rights. Personal and political rights and freedoms are restricted, mainly due to the imposition of specific behaviours. Countries are finding it increasingly difficult to guarantee respect for social rights, especially the right to health care. The coronavirus epidemic also affects "third generation" rights such as the right to sustainable development. However, it needs to be stressed that respect for human rights depends on the specific political environment. It is not possible without the coexistence of a democratic system and the rule of law. Therefore, if democratic mechanisms and safeguards of the rule of law are disrupted, this will inevitably affect human rights.

The coronavirus outbreak has made it necessary to introduce extraordinary legal regulations imposing restrictions on the exercise of individual rights and freedoms. Individual states have dealt with the need to increase the efficiency of government action in enforcing infection control measures and influencing specific behaviour of their citizens - with varying degree of effectiveness. State of emergency has been introduced in some countries. Others have adopted detailed regulations on statuto-

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<sup>3</sup> As of 3 December 2020, there were 64.7 million positive coronavirus cases and 1.5 million deaths.

ry level. In some countries, authorities have adopted recommendations for specific behaviours in the area of human interaction. Due to a high level of public confidence in the authorities, these recommendations have been sufficient to ensure compliance with sanitary standards by the entire society without the need for sanctions.

In Poland, the government declined to introduce a state of emergency due to the upcoming presidential elections. In accordance with the provisions of the Constitution, such a decision would result in the need to postpone the election to a later date. It is probable that the ruling political party intended to benefit from the initial successes in the fight against the pandemic and lead to a swift victory for President Andrzej Duda in the presidential election. The decision not to introduce a state of emergency made it necessary for all the restrictions on civic rights to be introduced by way of a series of statutes (the so-called anti-crisis shields) and regulations issued on the basis of the Act of 5 December 2008 on preventing and combating infections and infectious diseases among humans (Journal of Laws of 2020, item 1845). Both the speed of change in the regulations as well as the scope and quality of the resulting legislation cast considerable doubt on their compliance with the Constitution, but in some cases also their rationality. Hungary is a good example, where a state of emergency was introduced giving authorities far-reaching powers, but at the same time further consolidated the system of authoritarian rule. Therefore, the epidemic was used to achieve specific political objectives. [Halmai, Mészáros, Scheppele, 2020].

Extensive solutions were also introduced in other countries. However, in the case of democratic states there is hope that after the coronavirus retreats, the restrictions will be lifted under the pressure from the opposition, the free media and the civil society, or simply due to a sense of responsibility towards the citizens. There is no such guarantee for countries that have

moved away from democratic standards. There is therefore a risk that the newly adopted mode of lawmaking will become a permanent way of shaping relations with the citizens and will further strengthen authoritarian tendencies. In addition, the regulations adopted in response to the coronavirus epidemic could stay with the citizens for longer. For example in Poland, when each of the anti-covid shields was adopted, various solutions were sneaked into the legal system which had very little to do with the need to combat the epidemic<sup>4</sup>

Let us recall that after the attacks on the World Trade Center on 11 September 2001 a debate was started on the relationship between freedom and security. It was argued that the need to combat terrorism makes it necessary to introduce restrictions on human rights and that the state should be able to use exceptional measures to counter threats. Widespread fear gave rulers a much broader possibility to change and restrict rights such as personal freedoms, bodily integrity, the right of access to courts and the right to privacy. In the most extreme cases, it even led to violations of the prohibition to torture prisoners in order to obtain information necessary for the fight against terrorism [Osiatyński 2011, 90 and further]. The extraordinary situation was therefore used as a convenient justification for the need to restrict (or even violate) human rights. A similar scenario may repeat itself in the context of the fight against the coronavirus epidemic. Fear could provide an opportunity for authorities in certain states to impose restrictions that their citizens would not normally agree to.

In the case of the coronavirus epidemic, the risk concerns not only personal rights and freedoms (such as freedom of movement or freedom of religion - due to the restriction on religious practices), but also political rights and freedoms. The most seri-

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<sup>4</sup> Cf. e.g. the right to use stun guns by the Prison Service, Ombudsman's speech to Prime Minister M. Morawiecki of 29 April 2020, [https://www.rpo.gov.pl/pl/content/koronawirus-paralizator-wiezienia-rpo-do-premiera\[24.10.2020\]](https://www.rpo.gov.pl/pl/content/koronawirus-paralizator-wiezienia-rpo-do-premiera[24.10.2020])

ous threat is related to the right to peaceful assembly. Restrictions on people gathering in public spaces raise the question of how far government interference can go without defeating the very nature of gatherings (do groups of 10 or 5 people still meet the definition of a gathering?), are spontaneous gatherings allowed, how to hold people who violate the restrictions accountable - especially if their numbers are significantly higher than police forces? In addition, how far can the restrictions introduced by implementing acts go given a fairly general nature of statutory legislation?

Other problems affect freedom of speech. Because of the failures in dealing with the epidemic, authorities may be interested in restricting the flow of information. They could also act in good faith to prevent the spread of disinformation, information that may lead to panic or hate speech against medical personnel or people from certain countries or regions. The epidemic is a true challenge for information policy. The experience of some countries shows that openness and transparency on the part of the authorities reinforces citizens' trust in the state and, as a consequence, leads to greater willingness to comply with the recommended regulations.<sup>5</sup> The spread of the epidemic has led to an increase in anti-covid and anti-vaccination movements, which poses an additional challenge for the state - how to ensure universal compliance with sanitary standards when the very existence of the coronavirus epidemic is questioned by significant social groups. Moreover, the economic crisis associated with the epidemic affects economic relations, increases unemployment and loosens the existing social ties. This provides plenty of fodder for the spread of conspiracy theories associated with the pandemic. The most dangerous ones are those

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5 Cf. Recommendations prepared by Access Now, a global NGO: Fighting Disinformation and Defending Free Expression During COVID-19: Recommendations for States, <https://www.accessnow.org/cms/assets/uploads/2020/04/Fighting-misinformation-and-defending-free-expression-during-COVID-19-recommendations-for-states-1.pdf>[24.10.2020]

that undermine trust in the state and argue the existence of an alleged global network of connections affecting governments around the world. The authorities (but also the owners of social media platforms) have to face the dilemma of whether to allow the free flow of information or, on the contrary, limit the spread of theories that threaten the functioning of democracy. In the United States, for example, the QAnon<sup>6</sup> movement has already grown beyond the point that it could be treated as a marginal and insignificant social phenomenon. What is more, it is currently posing a threat associated with acts of terrorism [Amarasingham, Argentino 2020].

The coronavirus epidemic also affects the growth of nationalism. In her essay of 2 April 2020, Olga Tokarczuk wrote this about the threat: *“The fear of the disease has therefore turned us back from the winding road and has reminded us of the nests which we come from and where we feel safe. And even the greatest of travellers will, in a situation like this, always make their way towards some kind of home. That way, sad truths were revealed to us - that in a moment of danger, the frame of mind which sees nations and borders as exclusive returns”*<sup>7</sup>

The epidemic has caused a restoration of nation states and led to the re-establishment of various types of border controls and restrictions in international transportation (especially by air). It also brought about a change in the refugee and visa policy. There is no doubt that the process of globalisation has been halted. During the first months of the pandemic in Poland, we

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<sup>6</sup> A. LaFrance, The Prophecies of Q. American conspiracy theories are entering a dangerous new phase, The Atlantic, June 2020, <https://www.theatlantic.com/magazine/archive/2020/06/qanon-nothing-can-stop-what-is-coming/610567/>[24.10.2020]

<sup>7</sup> The essay was written by Olga Tokarczuk's for „Frankfurter Allgemeine Zeitung” under the title „Jetzt kommen neue Zeiten!” (1 April 2020, <https://www.faz.net/aktuell/feuilleton/buecher/autoren/reihe-mein-fenster-zur-welt-jetzt-kommen-neue-zeiten-16703455.html> [24.10.2020]). Its translation was published on the writer's Facebook profile and at culture.pl - <https://culture.pl/pl/artykul/okno-olga-tokarczuk-o-pandemii>[24.10.2020]

saw these threats due to a massive desire to return from abroad and to consider our own nation state as a kind of “safe haven”. There were also voices blaming other countries for the existence or the spread of the epidemic. However, the threat of nationalism may increase due to the varying degree of success of individual countries in the context of the fight against coronavirus, and also due to financial disputes (also in the context of the EU budget) or the race for resources that may not be available. In this respect, the race for a vaccine is particularly dramatic as it is in fact a struggle to ensure safety to the state’s own citizens.

## **2. NEW TECHNOLOGIES AS A THREAT AS WELL AS AN OPPORTUNITY**

The coronavirus epidemic coincided with the development of new technologies and the great opportunities they offer. However, new technologies are both an opportunity and a threat. For example, any person undergoing quarantine with the help of a special mobile application can be released from the obligation to present to the police on a daily basis. Remote medicine enables contact with a doctor without the risk of contracting the virus. It is possible to provide remote education at both school and university level, although in this case it is important to remember about the potential inequalities arising from digital exclusion.<sup>8</sup> In the case of imprisonment, remote communication can ensure contact between detainees and their families. Public administration offices work and communicate using electronic document circulation systems. Online conferences have

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8 Mr. Ireneusz Dybziński from Zamość renovated and donated 600 computers to children from his own area during 4 months of the pandemic. This shows the scale of the demand for computer hardware and the possible digital exclusion. Cf. Łukasz Pilip, *Buduje laptopy i oddaje je dzieciom za darmo. W samej pandemii złożył już sześćset* [He builds laptops and gives them away for free. During the pandemic he reassembled over 600 of them], Wysokie Obcasy, 6 June 2020, <https://www.wysokieobcasy.pl/wysokie-obcasy/7,53668,25998300,buduje-laptopy-i-oddaje-je-dzieciom-za-darmo-w-pandemii-zlozyl.html> [24.10.2020]



replaced traditional lectures and seminars. New technologies allow for the development of new forms of communication and break down existing psychological barriers. In a sense, owing to the coronavirus, millions of people have become convinced that remote communication can be no less effective than normal, physical contact.

New technologies can seduce people with their effectiveness and ease of use. But since it is technically possible to collect location and biometric data easily, this could be a simple way to build a supervised society. If we do not control this phenomenon on a conceptual and intellectual level, we may cause irreversible changes to our privacy safeguards. Yuval Harari suggested in March this year that *“Even when the number of positive coronavirus cases drops to zero, certain data-hungry governments may argue that they need to maintain biometric surveillance systems due to concerns of a second wave of COVID-19, a new strain of Ebola in Central Africa or... (insert any other reason)”*<sup>9</sup>

In view of this threat, it is extremely important to control how governments are fighting the coronavirus using new technologies, how smartphone apps used for this purpose are designed (e.g. ProteGo Safe), whether police and secret services are abusing their powers and whether personal data protection rules are respected. There is also the risk that the nature and degree of legal protection will vary according to the status of the individual - due to the need to monitor the movement of people between states, governments may seek to grant less protection to foreigners than to their own citizens. These threats are becoming the focal point of reflection in various circles. One example is

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<sup>9</sup> Yuval Noah Harari, *Koronawirusa nie pokonamy nacjonalistyczną izolacją. Wygramy z nim dzięki globalnej solidarności* [We will not win with the coronavirus with nationalistic isolation. We will win thanks to global solidarity], *Magazyn Gazety Wyborczej* of 28 March 2020 – translation of an essay which appeared on 20 March 2020 in “Financial Times” (translated by Katarzyna Wężyk), <https://wyborcza.pl/magazyn/7,124059,25826569,yuval-noah-harari-koronawirusa-nie-pokonamy.html> [24.10.2020]

the initiative taken up by 50 cities under the name “Cities for Digital Rights”, which sets out 10 principles to be respected in the context of data processing and use during the fight against the coronavirus epidemic.<sup>10</sup>

### **3. THE RIGHT TO HEALTH**

The coronavirus epidemic, due to its scale, may undermine the constitutional and statutory guarantees of the right to health. Article 12 of the International Covenant on Economic, Social and Cultural Rights defines the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. In order to implement this right, the parties to the Covenant should take the necessary measures to prevent, treat and combat epidemic, endemic, occupational and other diseases (Article 12(2)(e)) and to create conditions which would ensure assistance and medical care for all people in the event of illness (Article 12(2)(e)). The scope of this right - “enjoyment of the highest attainable standard” - is crucial in the provisions of the Covenant. In fact, this phrase reflects the difficulties in implementing the right to health. This is because it depends on the wealth of a given country, good organization of the health care system and the universality of health care. The provisions of the Covenant lay down the necessary minimum that should be guaranteed (such as the adoption of measures necessary to combat epidemic diseases), but do not require the adoption of a uniform standard of minimum protection since the scope of this right depends on the condition of each country’s finances (“the highest attainable level”). In this context, the coronavirus epidemic is a real test of whether countries around the world are able to implement effective epidemic policies, but also of wheth-

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10 Cities for Digital Rights Recommendations: Safeguard digital rights when using COVID-19 related technologies, [https://citiesfordigitalrights.org/sites/default/files/CC4DR\\_Recommendations%2BPosition%20Statement\\_Covid-19tech%20final.pdf](https://citiesfordigitalrights.org/sites/default/files/CC4DR_Recommendations%2BPosition%20Statement_Covid-19tech%20final.pdf) [24.10.2020]

er people suffering from illnesses are adequately supported. At the current stage of development of the epidemic we can already formulate some general conclusions. The experience of Lombardy, Italy, has shown that one consequence of an epidemic could be the situation in which not all people can receive health care and medical support. The lack of ventilators and hospital beds made it necessary for doctors to decide who to rescue first. It had been decided that younger people would be treated with preference due to the lower probability of therapeutic response in older patients.<sup>11</sup> These decisions are one of the most difficult ethical choices ever to be made - whose lives are more important, who has a better chance of survival, who should be rescued in the first place. This is much like what happens during a war. At the same time, the situation in which the state has failed to provide the possibility for every life in danger to be saved constitutes a violation of the constitutional guarantees of the right to life. Making such a choice is also a profound interference with human dignity. In this case, due to the weakness of the state and insufficient funding of the health care, the decision is left to the medical personnel.<sup>12</sup> The obligation to make this kind of choice can be imposed not only on doctors. There may also be a shortage of rescue personnel and an insufficient number of ambulances. Due to the development of the epidemic, it is also possible that in isolated places (including social care homes) or in detention centres the lack of support staff and medical personnel will lead to numerous deaths. This raises questions about the future of the entire system of care for the elderly and

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11 Greta Privitera, Italian doctors on coronavirus front line face tough calls on whom to save, Politico, 9 March 2020, <https://www.politico.eu/article/coronavirus-italy-doctors-tough-calls-survival/> [24.10.2020]

12 Cf. considerations of the Constitutional Tribunal in the context of the possibility to shoot down a Renegade aircraft and sacrifice air passengers for the sake of a greater good - saving the lives of people who could potentially become victims of a terrorist attack, judgment of 30 September 2008 in case no. K 44/07.

the real link between health care and social policy<sup>13</sup>

Another problem associated with health protection is the consequences of the pandemic for the availability of other medical services. The nationwide focus on preventing the development of one infectious disease causes a delay in the provision of other medical services. This is the case, for example, with cancer treatment where there has been a significant delay in diagnosing and providing health care services, which has, in turn, led to numerous deaths.<sup>14</sup> We are therefore dealing with a domino effect. The downfall of one element of the system causes the collapse of others and it is unclear when the on-going degradation of the entire health care system will be stopped.

The pandemic will also result in new challenges for the public authorities in the area of the protection of mental health. Following the SARS epidemic of 2003 in China, the psychological effects of social isolation were investigated. The results showed that much of the symptoms are similar to the effects of the post-traumatic stress disorder (PTSD). The Polish system of protection of mental health is not among the best ones in the world with the slow process of deinstitutionalisation and transition to community care having started only recently. Therefore, the potential to provide support for hundreds of thousands of people due to the effects of lockdown, family trauma or economic insecurity may prove doubtful.

Particularly in the area of the right to health care the social, ethnic and racial differences are starkly noticeable. The victims

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13 Report of the Committee of Experts on Senior Citizens at the Office of the Commissioner for Human Rights - „The situation of older people in Poland - challenges and recommendations”, Warsaw 2020, <https://www.rpo.gov.pl/sites/default/files/Sytuacja-osob-starszych-w-Polsce.pdf>[25.10.2020]

14 Report entitled „Onkologia w czasach COVID-19. Jak pandemia zmieniła dostępność do opieki onkologicznej?” [Oncology in times of COVID-19. How pandemic changed the accessibility of the oncological care], September 2020, Fundacja Onkologia 2025, <http://onkologia2025.pl/userfiles/321321321/onkologia/COVID19/Onkologia%20w%20czasach%20COVID-19%20raport.pdf> [25.10.2020]

are increasingly often the poor, the elderly, people that are discriminated against or people without access to running water and clean sanitary facilities. In some countries, due to the lack of universal health insurance, the coronavirus epidemic has affected the disadvantaged groups particularly adversely and even led to a crisis engulfing the entire country.<sup>15</sup>

Therefore, one consequence of the coronavirus crisis should be the creation of a system of basic health protection and basic welfare support for all citizens. Countries should now think about how to set up a list of the most basic health care services that should be provided to everyone on a worldwide scale. The approach exercised so far, based in fact on the recognition that certain social groups may be completely excluded from access to health care, has failed the test completely.<sup>16</sup>

## **CONCLUSIONS**

The coronavirus epidemic has a direct impact on human rights. At the same time, its development makes it impossible to determine how deep the impact will be due to its scale, but also the social, economic and political problems associated with it. The state of crisis in the global economy and the dire situation in individual countries is serious due to the halt of globalisation processes, interruption of supply chains and stoppage of

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15 Georg Packer cited the UN response to the coronavirus situation in the United States as an example of the deep collapse of the American health service which is reminiscent of dysfunctional and corrupt states. In his opinion, the crisis revealed what had been happening in the United States for years, but was invisible to the elites or ignored by them. Georg Packer, *We Are Living in a Failed State*

The coronavirus didn't break America. It revealed what was already broken, *The Atlantic*, June 2020, <https://www.theatlantic.com/magazine/archive/2020/06/underlying-conditions/610261/> [24.10.2020]

16 „To learn from what went right, we must look at what went wrong” - how to address, and recover from, the impact of COVID-19” - speech by Michelle Bachelet, UN High Commissioner for Human Rights, 14 September 2020, <https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26232&LangID=E>[24.10.2020]

continuous economic growth. Also in the case of Poland, the economic crisis may undermine the basic safeguards of human rights. In the long term, Poland may not be able to guarantee adequate quality of public services due to growing public debt. A new paradigm of shaping social and international relations is urgently sought in the international community. Various statements call for global solidarity, a new social contract<sup>17</sup> and a new global deal<sup>18</sup>, however there is no real determination seen on the part of the world's superpowers and countries having a real influence on the fate of our globe. There is even the risk that the invention and access to a COVID-19 vaccine will become subject to nationalist inclinations.<sup>19</sup> Poland participates in global discussions on this subject only to a modest degree, mainly due to its weak position in the European Union caused by the gradual marginalization of its political significance.<sup>20</sup>

Human rights, understood as a political and legal doctrine, do not answer all the questions related to the coronavirus epidemic. For example, how do we safeguard the right to health for all people in the world if there has never been a real attempt to harmonise the standards of compliance with this right and countries have created different standards for their health policies? However, human rights standards can influence state policies

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17 Mary Robinson, Phil Bloomer, Shaping a new social contract through the pandemic, 8 April 2020, Open Democracy, <https://www.opendemocracy.net/en/shaping-new-social-c-ontract-through-pandemic/> [25.10.2020]

18 Cf. speech by Antonio Guterres of 18 July 2020, <https://www.un.org/sg/en/content/sg/statement/2020-07-18/secretary-generals-nelson-mandela-lecture-%E2%80%9Ctackling-the-inequality-pandemic-new-social-contract-for-new-era%E2%80%9D-delivered> [25.10.2020]

19 Cf. speech by Ursula von der Leyen, President of the European Commission, on the state of the European Union: "Vaccine nationalism puts lives at risk. Vaccine cooperation saves them" of 16 September 2020, [https://ec.europa.eu/commission/presscorner/detail/en/SPEECH\\_20\\_1655](https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_20_1655)[25.10.2020]

20 Piotr Maciej Kaczyński, *Warszawa w Radzie UE zasługuje na ksywę „Hamulcowa”* [Warsaw in the Council of the European Union deserves a nickname „Brakesman”], *Magazyn Gazety Wyborczej*, 29 December 2019, <https://wyborcza.pl/magazyn/7,124059,25548484,warszawa-w-radzie-eu-ropy-zasluguje-na-ksywe-hamulcowa.html> [24.10.2020]

forcing them to seek solutions that protect human dignity and are non-discriminatory and proportionate. This is why the activities of various international organisations and their agendas show a willingness to look for ways in which existing human rights standards could be adapted to the new situation. The academic community is also not passive in this respect. A good example is the book written under the direction of professor Teresa Gardocka and professor Dariusz Jagiełło entitled “Pandemia COVID-19 a prawa i wolności obywatelskie,” which will be published by C.H. Beck in December 2020.

The question that remains is whether this “adaptation” of human rights standards will keep up with the rapidly changing political, social and economic reality. If it doesn’t, the gap will widen and human rights will become further delegitimised. Human rights, as a value that binds the transatlantic civilisation together, have been in crisis for some time now [Moyn 2020]. Meanwhile, the coronavirus epidemic has in many cases become a kind of stress-test for human rights. Let us hope that human rights will endure. Perhaps it will take extraordinary effort not only to adjust them to the new reality, but also to adopt them as a language of communication for solving various disputes and dilemmas. It is therefore necessary to ensure wider participation of the civil society and greater empowerment of the citizens in the development of policies resilient to epidemic risks.<sup>21</sup>

Finally, let’s consider the following question. If not human rights, then what? It appears that nothing is more effective in providing the whole of mankind with the space to shape ever better standards of living. So let human rights become the music that soothes the savage breast on this ship of ours that sails into the unknown. It is my only hope that it never dies down.

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21 Cf. the speech by Michelle Bachelet, UN High Commissioner for Human Rights of 25 September 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26312&LangID=E>[24.10.2020]

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