

The Rule of Law and COVID-19: *Notable Resources*

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The ongoing COVID-19 pandemic is having profound global health, societal and economic impacts. In addition, it is also affecting the rule of law around the world. Countries are suddenly wrestling with unexpected policy concerns, such as: How do governments and societies balance the need to protect the health of their populations while protecting individual private rights? How do democracies continue to respect due process rights, including rights to a speedy trial, a public hearing, and to confront one's accuser, in the face of a pandemic? How do systems protect the health and welfare of detainees for whom they are responsible? At the same time individual courts, from the Supreme Court of the United States to municipal courts in rural locations, are seeking solutions to basic operational questions, such as: To what extent can they use technology, if it is available, to work remotely? How do judges protect their court staff if protective clothing and procedures are not in place? Where will funds come from to purchase newly necessary IT equipment and protective gear? Finally, many courts may find themselves confronted with novel cases in which litigants challenge being quarantined or seek to obtain medical treatments that they are being denied.

Any one of these questions, and a myriad more, present complicated issues that are not susceptible to easy answers. In an effort to share ideas, approaches, and issues with our counterparts and colleagues around the world, the East-West Management Institute, Inc. (EWMI), a not-for-profit organization based in New York with a mission to strengthen civil society and promote the rule of law, has compiled the following collection of articles, webpages, and resources that provide guidance and information on how various aspects of justice systems in the United States and in other countries are responding to the pandemic. The materials, which by no means are intended to be exhaustive (and are mostly only in English) cover how the pandemic is affecting courts, prisons, and access to justice, among other issues. Some of the trends we are seeing are of concern, including delays in trials due to court closures, which can be expected to contribute to backlogs well into the future, not to mention the immediate negative impact on individual parties and litigants; the spread of COVID-19 into prisons, with potentially devastating consequences for prison populations; and the lack of sufficient resources to address the crisis. Another trend, unsurprisingly, is the importance of information technology in addressing many of the emerging needs, although some localities and countries have inadequate access to such technology or the infrastructure to support its usage.

We hope that you find this information useful. Our goal is post periodic updates for as long as the information is helpful and relevant. If you are aware of additional articles, materials or training opportunities that you would like to see added to this resource, please submit them to Remi Vespi, Senior Program Manager – Legal Programs at rvespi@ewmi.org.

Thank you,

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THE RULE OF LAW AND COVID 19: NOTABLE RESOURCES

This document contains a collection of articles, webpages, and resources providing guidance, updates, and information on how various aspects of justice systems in the United States and around the world are responding to the current coronavirus pandemic, as well as ideas for adapting to the current circumstances and preparing for future disruptions with similar impacts.

COURT OPERATIONS

RESOURCES

National Center for State Courts Pandemic Response

<https://www.ncsc.org/pandemic>

- Frequent updates on how state courts are responding to the pandemic

National Center for State Courts Pandemic Response – Data Visualizations

<https://public.tableau.com/profile/ncscviz#!/vizhome/StateCourtResponsestoCOVID-19/Story1>

- Interactive map showing actions taken by state and local courts in response to the pandemic

Remote Courts Worldwide

<https://remotecourts.org>

- A compilation of resources and article hosted by the UK-based Society for Computers and Law

Coronavirus: The Latest EU Court Closures and Restrictions

<https://www.law360.com/articles/1253873/coronavirus-the-latest-eu-court-closures-and-restrictions>

- Interactive map showing EU court closures, as well as list of court closure-related updates by country with brief descriptions

Response to COVID-19 by Criminal Justice Systems

<http://www.jmijustice.org/covid-19/>

- Justice Management Institute page providing information on the response to COVID-19 by criminal justice systems, including information about responses and guidance by practice area

Preparing for a Pandemic: An Emergency Response Benchbook and Operational Guidebook for State Court Judges and Administrators

<https://ncsc.contentdm.oclc.org/digital/collection/facilities/id/194/>

- Provides guidance for state court judges and administrators on how to prepare for and respond to a pandemic

COURT OPERATIONS IN HARDEST HIT U.S. JURISDICTIONS

New York

<https://www.nycourts.gov/>

<https://www.nycourts.gov/whatsnew/pdf/covid-memo-031920.pdf>

- Provides information on the status and response of courts in New York

New Jersey

<https://njcourts.gov/public/covid19.html>

- Provides up-to-date information on courts in New Jersey

California

<https://newsroom.courts.ca.gov/coronavirus-updates>

- Provides up-to-date information on the status of courts in California

Michigan

<https://courts.michigan.gov/News-Events/Pages/COVID-19.aspx>

- Provides updates and news related to the status of courts in Michigan

Florida

<https://www.flcourts.org/Resources-Services/Emergency-Preparedness/COVID-19-Information-and-Updates>

- Provides information and updates on the actions of the Florida courts

Massachusetts

<https://www.mass.gov/resource/information-on-the-outbreak-of-coronavirus-disease-2019-covid-19>

- Provides up-to-date information about the COVID-19 response of Massachusetts courts

Washington

<https://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.COVID19>

- Provides updated information on the COVID-19 response of Washington courts

TRAINING OPPORTUNITIES**The National Judicial College: Webcasts**

<https://www.judges.org/courses/online-learning/webcasts/>

- Provides access to webcasts provided by the National Judicial College on relevant topics, such as the challenges faced by treatment courts during the pandemic, how judges should operate in times of societal crisis, and civil mediation in the time of social distancing.

MEDIA COVERAGE**Courts scramble to modernize to keep the system working in a pandemic**

March 31, 2020

<https://www.cbc.ca/news/politics/stefanovich-covid19-exposes-court-shortcomings-1.5502077>

As coronavirus roils courts, prosecutors and public defenders fume about state directives

Los Angeles Times, March 30, 2020

<https://www.latimes.com/california/story/2020-03-30/courts-coronavirus-prosecutors-public-defenders-fume-at-state-directives>

Justices: Even during coronavirus outbreak, closing Michigan courts isn't an option

Detroit Free Press, March 21, 2020

<https://www.freep.com/story/opinion/contributors/2020/03/21/coronavirus-outbreak-michigan-courts/2885058001/>

Coronavirus: No jury trials longer than three days in England and Wales

BBC News, March 18, 2020

<https://www.bbc.com/news/uk-51935320>

Mexico's Supreme Court, federal courts to pause work over coronavirus

Reuters, March 17, 2020

<https://www.reuters.com/article/us-health-coronavirus-mexico-court/mexicos-supreme-court-federal-courts-to-pause-work-over-coronavirus-idUSKBN214350>

'More challenging than 9/11': Pandemic tests American criminal justice

CNN, March 17, 2020

<https://www.cnn.com/2020/03/17/politics/pandemic-tests-american-criminal-justice>

Coronavirus, Giustizia ferma fino al 31 maggio. Bonafede: "Saranno potenziate le videoconferenze"

La Repubblica, March 7, 2020

https://www.repubblica.it/politica/2020/03/07/news/coronavirus_giustizia_ferma_fino_31_maggio_bonafede_saranno_potenziate_le_videoconferenze_-250494372/?refresh_ce

In brave new world of China's digital courts, judges are AI and verdicts come via chat app

Japan Times, December 7, 2019

<https://www.japantimes.co.jp/news/2019/12/07/asia-pacific/crime-legal-asia-pacific/ai-judges-verdicts-via-chat-app-brave-new-world-chinas-digital-courts/#.XnuCky2ZNsN>

ACCESS TO JUSTICE**RESOURCES****City Bar Justice Center: Get Help**

<https://www.citybarjusticecenter.org/get-help/>

- The Get Help page of the City Bar Justice Center demonstrates how the organization has adapted to provide affordable legal services during the pandemic.

Global Empowerment Network Community Discussions: COVID-19

<https://community.namati.org/c/covid19/>

- Provides a space for community discussions among grassroots justice groups to ask questions, share advice, or explore ideas about adapting and responding to the ongoing pandemic

The International Legal Foundation: COVID-19

<https://www.theilf.org/post/covid-19-legal-aid-providers-must-lead-efforts-for-immediate-release-of-people-trapped-in-detention>

- Outlines concrete actions legal aid providers should take related to detention facilities and prisons during the coronavirus pandemic

Center for Court Innovation: Publications & Digital Media

https://www.courtinnovation.org/publications?keys=&aof=All&program=&field_publication_type_target_id%5B205%5D=205

- Includes discussions for court practitioners focused on relevant topics, including challenges due to the closure of family courts and alternatives to help participants maintain sobriety while courts and treatment programs are closed

Vera Institute of Justice: Coronavirus Guidance for the Criminal and Immigration Legal Systems

<https://www.vera.org/publications/coronavirus-guidance-for-criminal-and-immigration-legal-systems>

- A series of fact sheets created by the Vera Institute of Justice and Community Oriented Correctional Health Services to guide actors in the criminal and immigration legal systems due to the unique and critical role they play in the coronavirus response.

TRAINING OPPORTUNITIES**Trending CLE: COVID-19 Collections**

https://www.americanbar.org/groups/departments_offices/abacle/trending-cle/

- CLE webinars and on-demand products from the American Bar Association addressing the legal implications of the coronavirus pandemic and providing answers to some questions on the effects of the outbreak.

MEDIA COVERAGE**Remote Access to Justice: A Positive Fallout from the Coronavirus Lockdown**

Bar and Bench, April 2, 2020

<https://www.barandbench.com/columns/remote-access-to-justice-a-positive-fallout-from-corona-lockdown>

Coronavirus Shouldn't Delay Justice in California

Bloomberg, April 1, 2020

<https://www.bloomberg.com/opinion/articles/2020-04-01/coronavirus-shouldn-t-delay-justice-in-california?srnd=opinion>

How is the Justice System Responding to the Coronavirus? It Depends on Where You Live.

The Marshall Project, March 28, 2020

<https://www.themarshallproject.org/2020/03/28/how-is-the-justice-system-responding-to-the-coronavirus-it-depends-on-where-you-live>

American Life is Shrinking Under Coronavirus. The Criminal-Justice System Is Not.

New York Magazine, March 24, 2020

<https://nymag.com/intelligencer/2020/03/the-criminal-justice-system-is-expanding-with-coronavirus.html>

Coronavirus leaves defense attorneys torn between visiting their jailed clients and spreading the illness

The Appeal, March 17, 2020

<https://theappeal.org/coronavirus-leaves-defense-attorneys-torn-between-visiting-their-jailed-clients-and-spreading-the-illness/>

PRISONS

RESOURCES

Tracking Prisons' Response to Coronavirus

<https://www.themarshallproject.org/2020/03/17/tracking-prisons-response-to-coronavirus>

- A map of the U.S. tracking the response of state prisons

Federal Bureau of Prisons COVID-19 Resources

<https://www.bop.gov/coronavirus/index.jsp>

- Bureau of Prisons COVID-19-dedicated page providing details on the Bureau's emergency response, collaboration efforts, etc.

MEDIA COVERAGE

Federal prisons are fighting coronavirus with home release and a quarantine, but that may not be enough

Vox, April 1, 2020

<https://www.vox.com/policy-and-politics/2020/4/1/21202808/coronavirus-federal-prisons-doj-barr-14-day-quarantine>

The World's Most Dangerous Coronavirus Lockdowns

Foreign Policy, April 1, 2020

<https://foreignpolicy.com/2020/04/01/prisons-coronavirus-lockdown-incarcerated-pandemic/>

Latin America's Prisons Get Uglier with Coronavirus

Bloomberg, April 1, 2020

<https://www.bloomberg.com/opinion/articles/2020-04-01/coronavirus-and-latin-america-s-prisons-are-a-bad-mix>

Turkish political prisoners left out of plan to reduce jail populations

Al-Monitor, April 1, 2020

<https://www.al-monitor.com/pulse/originals/2020/04/turkey-political-prisoners-remain-jail-pandemic.html>

Coronavirus spread at Rikers is a 'public health disaster,' says jail's top doctor

The Guardian, April 1, 2020

<https://www.theguardian.com/us-news/2020/apr/01/rikers-island-jail-coronavirus-public-health-disaster>

Indonesia to Release 30,000 Prisoners Early Amid Virus Concerns

New York Times, March 31, 2020

<https://www.nytimes.com/reuters/2020/03/31/world/asia/31reuters-health-coronavirus-indonesia-prisons.html>

Turkey set to release some 45,000 inmates in coronavirus response

Reuters, March 31, 2020

<https://www.reuters.com/article/us-health-coronavirus-turkey-prisoners/turkey-set-to-release-some-45000-inmates-in-coronavirus-response-idUSKBN21I2DK>**'Jails Are Petri Dishes': Inmates Freed as the Virus Spreads Behind Bars**

New York Times, March 30, 2020

<https://www.nytimes.com/2020/03/30/us/coronavirus-prisons-jails.html?referringSource=articleShare>**Coronavirus Fears Spark Prison Strikes, Protests, and Riots Around the World**

New York Magazine, March 27, 2020

<https://nymag.com/intelligencer/2020/03/coronavirus-fears-spark-prison-unrest-worldwide.html>**The Coronavirus is Prompting Middle East Regimes to Release Prisoners. But Journalists and Activists Remain Behind Bars**

Time, March 27, 2020

<https://time.com/5811237/coronavirus-middle-east-prisoners-released/>**Afghanistan to Release 10,000 Prisoners to Slow Spread of Coronavirus**

New York Times, March 26, 2020

<https://www.nytimes.com/reuters/2020/03/26/world/asia/26reuters-health-coronavirus-afghanistan-prisoners.html>**UN urges prisoner releases to stem spread of coronavirus**

France 24, March 25, 2020

<https://www.france24.com/en/20200325-un-urges-prisoner-releases-to-stem-spread-of-coronavirus>**Lock 'em up or let 'em out? Coronavirus prompts wave of prisoner releases**

Reuters, March 25, 2020

<https://www.reuters.com/article/us-health-coronavirus-prisoners-released/lock-em-up-or-let-em-out-coronavirus-prompts-wave-of-prisoner-releases-idUSKBN21C38R>**Australia's overcrowded prisons could struggle to control coronavirus, expert says**

The Guardian, March 19, 2020

<https://www.theguardian.com/australia-news/2020/mar/19/australias-overcrowded-prisons-could-struggle-to-control-coronavirus-expert-says>**Fears over coronavirus risk in prisons as first UK inmate case confirmed**

(The Guardian, March 18, 2020)

<https://www.theguardian.com/world/2020/mar/18/first-uk-prisoner-with-covid-19-confirmed-at-strangeways-manchester>**An Epicenter of the Pandemic Will Be Jails and Prisons, if Inaction Continues**

New York Times, March 16, 2020

<https://www.nytimes.com/2020/03/16/opinion/coronavirus-in-jails.html>

IMMIGRATION/REFUGEES

RESOURCES

Grantmakers Concerned with Immigrants and Refugees: COVID-19

<https://www.gcir.org/covid19>

- Provides relevant and useful resources for immigrants and refugees, as well as resources for lawyers and representatives, including webinars and other programs

Refugees International, COVID-19 and the Displaced: Addressing the Threat of the Novel Coronavirus in Humanitarian Emergencies

<https://www.refugeesinternational.org/reports/2020/3/29/covid-19-and-the-displaced-addressing-the-threat-of-the-novel-coronavirus-in-humanitarian-emergencies>

- Provides an overview of refugees and displaced people in different regions in relation to COVID-19 and offers recommendations for how best to respond to the current pandemic.

Migration Policy Institute: Coronavirus (COVID-19) Research & Analysis

<https://www.migrationpolicy.org/programs/us-immigration-policy-program-international-program/coronavirus>

- Up-to-date webpage that contains all of the coronavirus-related research and analysis generated by the Migration Policy Institute and Migration Policy Institute Europe, including commentaries, webinars, fact sheets, and articles.

MEDIA COVERAGE

The Unseen Pandemic

The Atlantic, April 2, 2020

<https://www.theatlantic.com/international/archive/2020/04/refugees-coronavirus-covid19-bangladesh/609259/>

Refugee Camps Face COVID-19: 'If We Do Nothing, The Harm Is Going to Be Extreme'

NPR, March 31, 2020

<https://www.npr.org/sections/goatsandsoda/2020/03/31/823782847/refugee-camps-face-covid-19-if-we-do-nothing-the-harm-is-going-to-be-so-extreme>

Time is running out to protect refugees from a coronavirus crisis

Al Jazeera, March 31, 2020

<https://www.aljazeera.com/indepth/opinion/time-running-protect-refugees-coronavirus-crisis-200330063002696.html>

No tests or masks, plus overcrowded facilities: ICE confirms first case of coronavirus and detainees say they feel unprotected

Univision News, March 27, 2020

<https://www.univision.com/univision-news/immigration/no-tests-or-masks-plus-overcrowded-facilities-ice-confirms-first-case-of-coronavirus-and-detainees-say-they-feel-unprotected>

UN to suspend refugee resettlement abroad due to coronavirus travel restrictions

France 24, March 17, 2020

<https://www.france24.com/en/20200317-un-to-suspend-refugee-resettlement-abroad-due-to-coronavirus-travel-restrictions>**Anger builds over virus dangers in immigration courts**

Politico, March 17, 2020

<https://www.politico.com/news/2020/03/17/anger-virus-dangers-immigration-courts-134709>**Asylum Seekers Stuck in French Detention as EU Courts Slow**

Bloomberg, March 17, 2020

<https://www.bloomberg.com/news/articles/2020-03-17/asylum-seekers-stuck-in-french-detention-as-eu-justice-slows>**HUMAN RIGHTS AND INTERNATIONAL LAW****RESOURCES****American Society of International Law: Resources on Pandemics**<https://www.cambridge.org/core/journals/american-journal-of-international-law/asil-resources-on-pandemics>

- Provides access to the American Society of International Law's pandemic-related publications to aid with research and learning.

Human Rights Dimensions of COVID-19 Responsehttps://www.hrw.org/news/2020/03/19/human-rights-dimensions-covid-19-response#_Toc35446580

- A piece by Human Rights Watch covering applicable human rights law and discussing some of the concerns, such as protection of freedom of expression and access to critical information, the right to education, protecting people in custody, and ensuring quarantines/lockdowns/travel bans comply with relevant norms.

Response to COVID-19 and States' Human Rights Obligations: Preliminary Observations<https://www.amnestyusa.org/press-releases/responses-to-covid-19-and-states-human-rights-obligations-preliminary-observations/>

- An Amnesty International review of the human rights concerns and challenges that often emerge as states respond to epidemics, and summaries of states' human rights obligations and the key human rights laws, standards, and principles that must be reflected in their responses to the current pandemic.

MEDIA COVERAGE**'Missing in Action': United Nations Struggles in Coronavirus Fight**

New York Times, April 2, 2020

<https://www.nytimes.com/2020/04/02/world/americas/coronavirus-united-nations-guterres.html>

Human rights must be maintained in beating back the COVID-19 pandemic, 'without exception' – UN experts

UN News, March 26, 2020

<https://news.un.org/en/story/2020/03/1060372>

COVID-19 and Defences in the Law of State Responsibility: Part I

EJIL: Talk!, March 17, 2020

<https://www.ejiltalk.org/covid-19-and-defences-in-the-law-of-state-responsibility-part-i/>

- Discusses the defense of force majeure

COVID-19 and Defences in the Law of State Responsibility: Part II

EJIL: Talk!, March 17, 2020

<https://www.ejiltalk.org/covid-19-and-defences-in-the-law-of-state-responsibility-part-ii/>

- Focuses on the defense of necessity/distress

Coronavirus and the International Law of Epidemics

American Society of International Law, February 21, 2020

<https://www.asil.org/resources/podcast/ep19>