

The first open access case law database of the COVID era goes online

***COVID-19 Litigation Project comes to light thanks to University of Trento
with financial support from the WHO***

Built on the intense cooperation of an international network of judges and legal scholars, coordinated by the **University of Trento** with the financial support of the **World Health Organization (WHO)**, the "[Covid-19 Litigation Database](#)" is now online.

The **first and only single website** in which information about legal challenges brought before courts in respect of public health interventions to address COVID-19 in different countries is systematically collected and analyzed.

The Project, partaken by universities and research centers in North and South America, Africa, Asia and Australia, aims at collecting, selecting, organizing and publishing, within an **open access online platform**, the **case law** concerning disputes arising from the governments' **adoption of public health measures to address COVID-19** at regional, national or sub-national level.

The Database will be launched on 15 December 2021 during the works of the **Tenth Global Conference on Health Promotion for Well-being, Equity and Sustainable Development**, (13–15 December 2021), organized by the WHO.

In an era that has confronted governments with **unprecedented challenges for the protection of lives** and the globe's safety, and the need to take tragic choices **balancing different fundamental rights and freedoms**, the "COVID-19 Litigation Project" sheds light on the role of courts within global crises like the present one. Courts are indeed increasingly asked to determine the **lawfulness of public health measures** to tackle COVID-19 and to balance the protection of health with other fundamental rights. In this context, courts and lawyers play important gatekeeping roles to ensure the rationality, reasonableness, and proportionality of governmental interventions.

The creation of the Covid-19 Litigation Database by the University of Trento, with the financial support of the WHO, aims to fill this gap and to enable policy makers, lawyers (including but not limited to government lawyers), judges, researchers and others to **learn from experiences in different jurisdictions**. It can also trigger different forms of inter-jurisdictional dialogue to coordinate authorities' responses to the current and future sanitary crises.

Although courts can help protect vulnerable populations and ensure **social solidarity by balancing rights**, adjudication in these cases requires to consider complex scientific and legal issues in short time frames with limited scientific evidence.

Case selection focuses on the litigation concerning challenges to the exercise of governmental authority, where a government's power to implement public health measures has been challenged. The cases published in the database come from jurisdictions (WHO Member States, including national and subnational legal systems) in all world regions, and, where applicable, from supranational courts, such

as the European Court of Human Rights. The database includes basic bibliographical information concerning cases, as well as English language case summaries.

The cases are identified through an International Network of Judges and Scholars for a Covid-19 Litigation Initiative (INJuS-CoLit Network), public databases and extensive media searches, and a crowd sourcing tool allowing broader community involvement, whereby the project website will show a dedicated channel for case signalling by Database users, with collected materials being sent to the Project coordinator for review and possible inclusion in the database.

The Database will be **continuously updated** to reflect developments in the law of each jurisdiction. An **interactive search engine** is made available so that users can also provide suggestions for the integration of the database, its fruition, and usefulness.