

European Court of Human Rights  
Council of Europe  
F-67075 Strasbourg CEDEX  
France  
By fax: +33 3 88 41 27 30

Third Party Submission by Dr. Ayelet Berman and Dr. Marija Jovanovic in Vesna Pešić and Others v Serbia (Application Nos. 48973/20, 54565/20, and 54676/20)<sup>1</sup>



MAYER | BROWN

16 August 2023

Mayer Brown PK Wong & Nair Pte. Ltd.  
6 Battery Road  
#10-01  
Singapore 049909  
Fax: +65 6491 5160

---

<sup>1</sup> Dr. Ayelet Berman, Lead of Global Health Law Program, Centre for International Law, National University of Singapore, and Dr. Marija Jovanovic, Senior Lecturer (Associate Professor) at Essex Law School and Human Rights Centre, University of Essex. For excellent research assistance, we thank Kriti Sharma (NUS) and Maleeha Khan (Mayer Brown), and for coordination, we thank Kate Apostolova (Mayer Brown).

## I. Introduction and Summary of Findings

1. *Vesna Pešić and Others v Serbia* concerns measures adopted by Serbian authorities to prevent the spread of the SARS-CoV-2 coronavirus during the COVID-19 pandemic (the “pandemic”). The measures included temporary restrictions on the freedom of movement and distinguished between persons over 65 and 70 years old in urban and rural areas, respectively, and the rest of the population. Violations were considered a criminal offence or misdemeanour punishable by imprisonment and/or fines.
2. While these measures undoubtedly interfered with the freedom of movement guaranteed by Article 2 of Protocol No. 4 of the Convention, the question is whether such interference was justified by permissible limitations of this right. According to Protocol No. 4, Article 2 paragraphs 3 and 4, every restriction must be in accordance with the law and necessary in a democratic society. In adjudicating these questions, States are afforded a certain margin of appreciation in line with the principle of subsidiarity.
3. The Court has laid out the subject matters of the case in a question list. This Brief seeks to contribute to Questions 3 and 4. Question 3 asks if the restrictions on movement were in accordance with the law and necessary in view of the need to protect public health. It also asks what the State’s margin of appreciation is and whether the authorities considered less severe measures to achieve the aim. Question 4 asks whether the applicants suffered discrimination in the enjoyment of their right to liberty of movement, contrary to Article 14 of the Convention read in conjunction with Article 2 of Protocol No. 4 of the Convention.
4. The purpose of this Brief is to inform the Court of the key emerging principles and practices pertaining to limitations on the freedom of movement of older persons during pandemics (and other public health/humanitarian emergencies). We draw these from:
  - a. Findings, guidance, and recommendations of leading international, regional, and civil society organizations regarding restrictions on the freedom of movement of older persons during the pandemic (Section III); and
  - b. State practice in other domestic jurisdictions pertaining to the restrictions on the freedom of movement of older persons during the pandemic (Section IV).
5. The Court has recognized the relevance of domestic legislation of States (within and outside the Council of Europe), and domestic case law when determining the scope of the Member States’ margin of appreciation under the Convention.<sup>2</sup> The Court has examined domestic legislation and case law in other jurisdictions to establish if there is existing or growing consensus among countries when assessing reasonableness and proportionality of measures imposed by a Member State. We, therefore, hope that this information and analysis of international standards and domestic practices in other jurisdictions will shed light on the necessity, proportionality, and reasonableness of the measures imposed by the Serbian Government.
6. The main findings of this Brief are that: First, existing guidance and recommendations issued by prominent international, regional, and civil society organizations demonstrate an emerging international consensus on appropriate limitations to the freedom of movement of older persons during a pandemic or other health/humanitarian emergency. This consensus is embodied in five core principles elaborated in Section III.
7. Second, a review of State practice in many jurisdictions worldwide, discussed in Section IV of the Brief, reveals that most countries did not impose any legal distinction between older persons and the rest of population when imposing measures aimed at restricting the freedom of movement to combat the pandemic.
8. Third, of the many jurisdictions surveyed, only eight imposed a legal distinction between movement of older persons and others. Of these, the Brief focuses on the practice of four jurisdictions (Argentina, Columbia, Russia and Turkey) that applied more stringent movement restrictions on older persons, and in which domestic courts considered the legality of the imposed measures. It finds that in Argentina and Columbia, the courts found the measures to be unconstitutional. In Russia and Turkey, the courts dismissed the cases and/or upheld the measures.

---

<sup>2</sup> See *Evans v. United Kingdom* [GC], no. 6339/05, §§ 80-81, ECHR 2007-I (where the Court referred to the case law of Israeli and United States courts on IVF treatment); *Neulinger and Shuruk v. Switzerland* [GC], no. 41615/07, ECHR 2010-V (where the Court referred to the case law of Australia and the United States in inter-State custodial disputes); see also *Vinter and Others v. United Kingdom* [GC], no. 66069/09, §§ 73-74, ECHR 2013-III; see *Christine Goodwin v. United Kingdom* [GC], no. 28957/95, § 173, ECHR 2002-VI..

## II. Methodology and Scope of the Brief

9. When it comes to the relevant international guidance discussed in Section III, we conducted a comprehensive review of available publications of international, regional, and civil society organizations. The main international sources considered were: Reports by the World Health Organization,<sup>3</sup> the United Nations Secretary General Policy Brief on the Impact of COVID-19 on Older Persons (“**UNSG Brief on COVID-19 and Older Persons**”),<sup>4</sup> the Report by the United Nations Independent Expert on the Enjoyment of all Human Rights by Older Persons (“**UN Independent Expert on Older Persons**”),<sup>5</sup> the United Nations Secretary General’s Brief on COVID-19 and Human Rights (“**UNSG Brief on COVID-19 and Human Rights**”),<sup>6</sup> and the United Nations Population Fund Brief on Implications of COVID-19 for Older Persons (“**UNPF Brief on COVID-19 and Older Persons**”).<sup>7</sup> Regional sources included reports by the Council of Europe Commissioner for Human Rights,<sup>8</sup> and the Inter-American Commission on Human Rights.<sup>9</sup> We have also examined guidance by civil society organizations advancing older persons’ rights, notably HelpAge International’s Report on Age-based Measures Coming Out of Lockdown<sup>10</sup> and Age Platform Europe’s Report on COVID-19 and Human Rights Concerns for Older Persons.<sup>11</sup> **Annex 1** provides the full list of these sources, including their complete references.
10. For research on domestic practice in selected jurisdictions presented in Section IV, we reviewed the following databases:
- Oxford Compendium of National Legal Responses to COVID-19<sup>12</sup> (covers 41 jurisdictions);
  - Covid-19 Litigation<sup>13</sup> (covers 100 jurisdictions);
  - Lex-Atlas: Covid-19<sup>14</sup> (covers 55 jurisdictions);
  - Verfassungsblog.de: Power and the COVID-19 Pandemic Country Reports<sup>15</sup> (covers 63 jurisdictions);
  - COVID-19 Law Lab<sup>16</sup> (covers 192 jurisdictions); and
  - Oxford Human Rights Hub: COVID-19.<sup>17</sup>
- Annex 1** provides the complete list of references.
11. As regards the substantive issues covered by this Brief, the following parameters delimit its scope:
- We focused on limitations on the freedom of movement and have not reviewed other types of human rights limitations.
  - We focused on those jurisdictions that distinguished between limitations to the freedom of movement of older persons, commonly understood as people over 65 or 70 years old, and the rest of the population.
  - We have not covered limitations on the freedom of movement in elderly homes.

---

<sup>3</sup> World Health Organization, “Older People and COVID-19”; World Health Organization, “Ageing”.

<sup>4</sup> United Nations Secretary General, “Policy Brief: The impact of COVID-19 on older persons”, May 2020.

<sup>5</sup> United Nations General Assembly, “Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler”, A/75/205, 21 July 2020.

<sup>6</sup> United Nations Secretary General, “Policy Brief: COVID-19 and Human Rights: We are all in this together”, 23 April 2020.

<sup>7</sup> United Nations Population Fund, “Implications of COVID-19 for older persons: Responding to the pandemic”, 24 April 2020.

<sup>8</sup> Council of Europe Commissioner for Human Rights, “Older persons need more support than ever in the age of the Covid-19 pandemic”, 20 March 2020.

<sup>9</sup> Inter-American Commission of Human Rights and Organization of American States, “Human Rights of the elderly and national protection systems in the Americas”, 31 December 2022; Inter-American Commission of Human Rights and Organization of American States, Resolution 1/2020, Pandemic and Human Rights in the Americas adopted 10 April 2020; Inter-American Commission of Human Rights and Organization of American States, Resolution 4/2020, Human Rights of Persons with COVID-19, adopted 27 July 2020.

<sup>10</sup> HelpAge International, “COVID-19: Age based measures coming out of lockdown”, 2020.

<sup>11</sup> AGE Platform Europe, “COVID-19 and human rights concerns for older persons”, 18 May 2020.

<sup>12</sup> Oxford Constitutional Law, “The Oxford Compendium of National Legal Responses to Covid-19”.

<sup>13</sup> Covid-19 Litigation, “Open-Access Case Law Database”.

<sup>14</sup> Lex-Atlas, “Covid-19: A global academic project mapping legal responses to Covid-19”.

<sup>15</sup> Joelle Grogan, “Power and the COVID-19 Pandemic – Introduction & List of Contributions: #PowerandPandemic”, 22 February 2021.

<sup>16</sup> COVID-19 Law Lab, “Find recent legislative action to control and reduce the pandemic”.

<sup>17</sup> Oxford Human Rights Hub, “Results for ‘COVID-19’”.

- Our research was limited to the jurisdictions covered in the above databases, and documents available in the English language (original or translated).

### III. International Guidance on Restrictions to the Freedom of Movement of Older Persons During COVID-19 and/or Other Public Health or Humanitarian Emergencies

12. This Section presents the emerging international consensus on the standards governing limitations to the freedom of movement of older persons during a pandemic and/or other public health or humanitarian emergencies. The following five key principles are derived from published guidance and recommendations issued by prominent international, regional, and civil society organizations.

#### Principle 1: Older Persons (understood as 60 or 65 years old and above)<sup>18</sup> are a Vulnerable Group.

13. During the pandemic, physical distancing measures were essential for everyone's safety, and there was scientific and medical consensus that older people were at a higher risk of illness and death during the pandemic.<sup>19</sup> However, older people have other characteristics that make them a vulnerable social group for reasons other than health. The WHO, accordingly, determined that older people are a vulnerable social group due to their special characteristics.<sup>20</sup>

#### Principle 2: Limitations on movement of older persons risk resulting in their social isolation or other disproportionate negative impacts on them -- even when the limitations do not intend to discriminate between older persons and others.

11. Older adults are more likely to be socially isolated or economically dependent. They may also lack the equipment or knowledge to use digital tools for socializing. Thus, there is a widespread consensus that even when not intended to discriminate against older people, restrictions on their movement have disproportionate negative effects on them. For example, **the UNSG Brief on COVID-19 and Older Persons** states that:

COVID-19 risks aggravating social exclusion of older persons through measures to restrict movement and contact such as stay-at-home restrictions, quarantines, and lockdowns. While such measures are crucial for ensuring the safety of all, they need as much as possible to factor in the realities faced by older persons so as not to increase their social isolation and worsen their health outcomes. These risks are magnified if such measures remain in place for protracted periods and do not allow for in-person social interactions or other mitigating measures. Many older persons rely on home and community services and support, particularly those living alone.<sup>21</sup>

12. 146 Member States, including Council of Europe Members, signed a **Statement supporting the UNSG Brief on Older Persons**.<sup>22</sup> They recognized that:

Some protection measures adopted to prevent the spread of the COVID-19 pandemic can exacerbate the vulnerabilities and challenges faced by older people not only regarding their access to healthcare services, life-saving treatments and access to social services, but they can also have negative impacts on their jobs, and pensions as well as their mental and physical health.<sup>23</sup>

<sup>18</sup> *Supra*, note 3.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> *Supra*, note 4, p. 9.

<sup>22</sup> Office of the High Commissioner for Human Rights, "Statement of Support to the UN Secretary General's Policy Brief on The Impact of COVID-19 on Older Persons", 24 May 2020.

<sup>23</sup> *Ibid.*

13. The **Council of Europe Commissioner for Human Rights** issued a Statement emphasizing that: “[o]lder persons need more support than ever in the age of the Covid-19 pandemic”,<sup>24</sup> and warned that:

The ongoing coronavirus (COVID-19) outbreak is especially dangerous for older persons and has a disproportionately negative impact on their right to health and other human rights... Confinement measures are absolutely vital and necessary... However, the social distancing necessary to achieve this will undoubtedly aggravate the already burning issue of social isolation of older persons. Indeed, older persons are at higher risk of poverty and social exclusion, as well as social isolation which has a direct impact on their health status, including mental health. This is why they need more support than ever in this crisis situation, and measures taken to cope with the pandemic must take special account of this need.<sup>25</sup>

14. **HelpAge’s Report** states that “age-based measures that isolate older people for long periods of time are harmful to their dignity and well-being. Many are left with no access to healthcare, care and support, pensions, work, food or other means to support themselves.”<sup>26</sup> **Age Platform’s Report** emphasizes that older persons who live alone are “at higher risk of isolation and lack of access to necessary services during the pandemic.”<sup>27</sup>
15. Finally, Sofiat Akinola writing for the **World Economic Forum**, found that:

Even before the pandemic, reports showed that many older adults were already more socially isolated and experienced more loneliness than the rest of the population. Coronavirus containment measures, including confinement measures, physical distancing and restrictions on movement and social gatherings, increased the risk for social isolation and loneliness... There’s also a mental toll: Social isolation has been linked to an increased risk for premature death, similar to cigarette smoking, physical inactivity or obesity.<sup>28</sup>

**Principle 3: Measures imposing limitations on movement of older persons must be accompanied by offsetting measures aimed at supporting them. Furthermore, measures targeted at specific vulnerable groups should be optional or they should not be enforced by excessive means.**

16. Measures restricting movement should not result in social isolation of older persons. In this context, governments should also provide “offsetting” measures that provide for their needs. For example, the **UNSG Brief on COVID-19 and Older Persons** emphasizes the need to:

Strengthen social inclusion and solidarity during physical distancing. Restrictions on freedom of movement and physical distancing can lead to a disruption of essential care and support for older persons. ‘Physical distancing’ is crucial but needs to be accompanied by social support measures and targeted care for older persons, including by increasing their access to digital technologies.<sup>29</sup>

17. In the **Statement of Support to the UNSG Brief on Older Persons**, 146 Member States committed to: “fully promoting and respecting the dignity and rights of older people and to mitigate the negative impacts during and after the COVID-19 pandemic on their health, lives, rights and wellbeing.”<sup>30</sup>

---

<sup>24</sup> *Supra*, note 8.

<sup>25</sup> *Ibid.*

<sup>26</sup> *Supra*, note 10.

<sup>27</sup> *Supra*, note 11, p. 27.

<sup>28</sup> Sofiat Akinola, “COVID-19 has worsened ageism. Here’s how to help older adults thrive”, 28 October 2020; *see also* Sarah Harper, “The COVID-19 Pandemic and Older Adults: Institutionalized Ageism or Pragmatic Policy?”, 13 *Journal of Population Ageing* 419–425, 12 January 2021; World Economic Forum Global Future Council on Longevity, “COVID and Longer Lives: Combating ageism and creating solutions”, October 2020.

<sup>29</sup> *Supra*, note 4, p. 3.

<sup>30</sup> *Supra*, note 22, p. 2.

18. Significantly, the former and current **UN Independent Expert on Older Persons** urged States to better protect older persons and to ensure that social distancing does not become social exclusion.<sup>31</sup> The current **UN Independent Expert on Older Persons** recommended that:

Policies that limit the freedom of movement of older persons to specific time frames exceed the requirements of proportionality as applied to freedom of movement and should be avoided. At the very least, time restrictions that are imposed in order to safeguard the health of persons of increased vulnerability, including older persons, as well as persons with underlying health conditions, should be optional.<sup>32</sup>

19. Therefore, she reminded that “[p]hysical distance is crucial but creative and safe ways must be found to increase social connections”.<sup>33</sup> Also, **HelpAge** determined that “age-based measures that isolate older people for long periods of time are harmful to their dignity and well-being. Many are left with no access to healthcare, care and support, pensions, work, food or other means to support themselves.”.<sup>34</sup> Accordingly, “alternative measures should be used that minimize the risk of infection for everyone, including older people, and help build more cohesive societies”.<sup>35</sup>
20. The **UNSG Brief on COVID-19 and Human Rights** emphasized the importance of putting in place “targeted measures to address the disproportionate impact of the virus on certain groups and individuals” including older persons,<sup>36</sup> and stressed that “restrictions on free movement should be strictly necessary for that purpose, proportionate and non-discriminatory.”<sup>37</sup> Thus, “excessive use of force to enforce measures to restrict movement, including arrests and detention” is not justified.<sup>38</sup>
21. The **Inter-American Commission on Human Rights** issued a 2020 resolution on the pandemic and older persons and recommended that States:

When implementing contingency measures, consider the necessary balance between protection against COVID-19 and the particular need for older people to connect with their families, particularly those who are alone or are in long-term residencies, and offer alternative means of connecting them with their families such as phone or Internet communications, bearing in mind the need to close the digital divide.<sup>39</sup>

22. **Age Platform Europe** emphasizes that “physical distancing should not lead to social isolation [of older persons]”<sup>40</sup> and that “measures taken as a response to COVID-19 must be necessary, limited in time, proportionate and non-discriminatory.”<sup>41</sup>

**Principle 4: COVID-19 has amplified age-related discrimination (ageism), resulting in a strong need to combat it, grounded in intergenerational solidarity.**

22. While some negative effects on older persons may be unintentional, the pandemic has also given rise or magnified existing age-based discrimination against older persons. There is a need to combat such ageism with a particular emphasis on inter-generational solidarity. For example, the **UNSG Brief on COVID-19 and Human Rights**,<sup>42</sup> states that older persons are among those social groups that have suffered most from the pandemic – not only due to higher mortality rates, but also due to discrimination and isolation. The Brief states that:

Older persons have faced higher infection and mortality rates, while at the same time being subjected to ageism in public discourse, age discrimination in

<sup>31</sup> United Nations Department of Economic and Social Affairs, “‘Unacceptable’ – UN expert urges better protection of older persons facing the highest risk of the COVID-19 pandemic”, 27 March 2020.

<sup>32</sup> *Supra*, note 5, para 80.

<sup>33</sup> *Supra*, note 31.

<sup>34</sup> *Supra*, note 10.

<sup>35</sup> *Ibid*.

<sup>36</sup> *Supra*, note 6, p. 21.

<sup>37</sup> *Ibid*, p. 4.

<sup>38</sup> *Ibid*, p. 17.

<sup>39</sup> *Supra*, note 9 (Resolution 1/2020), p. 14.

<sup>40</sup> *Supra*, note 11, p. 13.

<sup>41</sup> *Ibid*, p. 4.

<sup>42</sup> *Supra*, note 6.

health care and triage decisions, neglect and domestic abuse at home, isolation without access to essential services, and greater exposure and poor treatment in care institutions.<sup>43</sup>

23. The **UN Independent Expert on Older Persons** determined:

The COVID-19 pandemic magnified pre-existing human rights violations and had very broad effects on older persons: they have been denied health services; they have been physically and socially isolated; and they have been the victims of ageist attitudes. Despite being such a diverse group, older persons have been labelled as vulnerable and branded as burdens to societies. The pandemic has made very evident the urgent need to combat stigma and age discrimination.<sup>44</sup>

24. The former **UN Independent Expert on Older Persons** stressed that:

Older persons have become highly visible in the COVID 19 outbreak, but their voices, opinions and concerns have not been heard. Instead, the deep-rooted ageism in our societies has become even more apparent. We have seen this in some cruel and dehumanizing language on social media and in the exclusive emphasis on older persons' vulnerability ignoring their autonomy.<sup>45</sup>

25. The **UNPF Brief** emphasized that "physical distancing can pose added burdens for older persons".<sup>46</sup> UNFP thus calls for promoting "collective inter-generational solidarity".<sup>47</sup>

26. Similarly, the **Council of Europe Commissioner for Human Rights** called on "all our societies [to] find novel ways of boosting inter-generational solidarity and social contact with older persons without putting them at risk of infection".<sup>48</sup>

27. **HelpAge's Report** further emphasized: "singling out older people [in lockdown] stigmatizes them and reinforces ageist stereotypes that all older people are weak and vulnerable. It prevents them from playing their multiple roles in society and their part alongside others in recovery from the pandemic."<sup>49</sup>

**Principle 5: Older persons should be included in decision-making on matters that affect them.**

27. Older persons should be included in decision making so that their needs and interests are better addressed. In the **Statement of Support to the UNSG Brief on Older Persons**, 146 Member States emphasized that:

Measures taken as a response to the COVID-19 must include the participation of older people, be inclusive of their specific needs and ensure their right to the highest attainable standard of physical and mental health, ensure their access to lifesaving treatments, and protect their social and economic wellbeing on an equal basis with others.<sup>50</sup>

**IV. Practices in Other Domestic Jurisdictions Pertaining to the Restrictions on the Freedom of Movement of Older Persons During the COVID-19 Pandemic**

28. When it comes to practices in other domestic jurisdictions contained in the sources discussed in the methodology section (Section II), the following general findings have been observed.

29. Most surveyed countries imposed restrictions on the freedom of movement of the entire population, but did not legally distinguish between older persons and others. These include: Austria, Belgium, Chile, Germany, France, Hong Kong, Hungary, Indonesia, Ireland, Israel, Italy,

---

<sup>43</sup> Ibid, p. 11.

<sup>44</sup> United Nations Office of the High Commissioner, Independent Expert on enjoyment of all human rights by older persons, "About the human rights of older persons".

<sup>45</sup> *Supra*, note 31.

<sup>46</sup> *Supra*, note 7, p. 6.

<sup>47</sup> Ibid, pp. 6-7.

<sup>48</sup> *Supra*, note 8.

<sup>49</sup> *Supra*, note 10.

<sup>50</sup> *Supra*, note 22.

Latvia, New Zealand, Norway, China, South Africa, Romania, Singapore, Spain, Taiwan, and the United Kingdom.

30. Notably, in some countries, the government recognized that legal restrictions on the freedom of movement of older persons could be unconstitutional. In Austria, for example, the Federal Ministry of Social Affairs issued recommendations to residential care homes in which it emphasized the need for a balance between the right to health and the right to social contact. It clarified that preventing residents from entering public spaces would be a deprivation of movement that could amount to illegal deprivation of liberty.<sup>51</sup>
31. Of all the jurisdictions surveyed, only eight jurisdictions imposed a legal distinction between movement of older persons and others. These are: Argentina, Colombia, Jamaica, Peru, Russia, Serbia, Thailand, and Turkey.
32. This section focuses on the practice of four jurisdictions that applied more stringent movement restrictions on older persons, and where domestic courts considered the legality of the imposed measures.<sup>52</sup> The analysis focused on the following questions: (1) How were the imposed measures enforced and what were the sanctions for violations of the imposed restrictions (e.g., administrative fines or criminal sanctions)? (2) Were any measures put in place to offset the negative impact of the restrictions of the freedom of movement of older people? (3) Did domestic courts find imposed restrictions constitutional and in line with domestic and international law?
33. As further discussed below, the imposed restrictions were challenged before courts in Argentina and Colombia, and in both jurisdictions the courts found them to be unconstitutional. In Russia and Turkey, on the other hand, domestic courts dismissed the cases and/or upheld the impugned measures.

## Argentina

34. On 19 April 2020, the Buenos Aires City Government in a Joint Resolution 16/MJGGC/2020 with the Minister of Health and Chief of Cabinet Ministers of Buenos Aires prohibited persons over 70 years old from leaving their homes without seeking prior authorization. Article 2 of the Resolution imposed a requirement to contact public authorities by phone (at a special citizen attention service number 147) before leaving the house. After communicating their intent and stating their reason, Article 3 limited the time they were allowed to leave their residence to 48 hours.<sup>53</sup>
35. A group of claimants challenged the constitutionality of the Resolution before the Buenos Aires Administrative and Tax Court.<sup>54</sup> They argued that the Resolution interfered with Constitutional guarantees to equality, protection from discrimination on grounds of age, and full enjoyment of rights to the elderly. The court declared the measures contained in Articles 2 and 3 of the Resolution unconstitutional.<sup>55</sup> It pointed out that even though the measures had good intentions, they discriminated between the members of the public based on age and violated the constitutional rights to the freedom of movement, and equality and non-discrimination of older persons. They were also found to be in breach of the Inter-American Convention on Human Rights because they imposed a higher and distinct obligation on older people than on the rest of the population. The court found that it was not reasonable nor proportional to subject persons over 70 to such obligations—solely based on their age.<sup>56</sup>

## Colombia

36. The Ministry of Health and Social Protection of Colombia (“MHSP”) imposed several binding measures which established specific lockdowns and restrictions for individuals over 60 or 70 years old and stated that those measurements are to protect older adults’ lives.<sup>57</sup>

---

<sup>51</sup> *Supra*, note 5, p. 12.

<sup>52</sup> With the exception of Jamaica, Thailand and Serbia, which we did not review.

<sup>53</sup> First Instance Court in Administrative and Tax Disputes No. 14 Administrative and Tax Court No. 14 of the City of Buenos Aires, No. 3045/2020, 20 April 2020.

<sup>54</sup> *Ibid*.

<sup>55</sup> *Ibid*. See also Ministry of Justice and Human Rights, Lanzieri, Silvano c/ GCBA without protection, 20 April 2020.

<sup>56</sup> *Ibid*; *supra*, note 53.

<sup>57</sup> Elfriede Derrer-Merk, et al. “Is protecting older adults from COVID-19 ageism? A comparative cross-cultural constructive grounded theory from the United Kingdom and Colombia”, *Journal of Social Issues*, 78, 900-923, 17 August 2022.



37. Decree 457 (22 March 2020)<sup>58</sup> implemented a strict quarantine that restricted people over 70 from leaving their homes, even for groceries or medical appointments. Furthermore, MHSP Resolutions 464/2020 (18 March 2020)<sup>59</sup> and 844/2020 (26 May 2020),<sup>60</sup> further reinforced self-isolation for people over 70 stating that they were more susceptible to the virus and should stay home to avoid infection. They were prohibited from undertaking outdoor exercise.<sup>61</sup> Presidential Decree 749/2020 (28 May 2020) also extended the health emergency until 1 July 2020,<sup>62</sup> and ordered a mandatory quarantine which distinguished between people on the basis of age.<sup>63</sup> It permitted “physical activity and outdoor exercise for those aged 18 to 69 years for a maximum of two hours a day; for adults over 70, three times a week for half an hour a day.”<sup>64</sup> Violation of these measures could result in criminal penalties and fines.<sup>65</sup>
38. The Government introduced certain measures aimed at “offsetting” negative consequences of the imposed restrictions. For example, “helping people over 70” was an exemption to lockdown.<sup>66</sup> Many low-income or retired older persons received cash transfers.<sup>67</sup> Moreover, the Colombia Mayor (Elder Colombia) provided financial assistance to older people by adding many new beneficiaries to a project that provided them social pensions and cash transfers, and also increased the frequency and amount of payments.<sup>68</sup> Services for persons over 70 were classified as essential services and the National Unit for Disaster Risk Management issued a directive to local governments that provided for meal deliveries for vulnerable older adults.<sup>69</sup>
39. Notwithstanding these measures aimed at “offsetting” negative impacts of the imposed restrictions on the freedom of movement, age-based measures were controversial, sparking the so-called “Grey Hair Revolution.”<sup>70</sup> In the case of *Hombres Rodriguez v. The President of the Republic*, a group of 24 individuals aged 70 or above challenged these measures before the 61<sup>st</sup> Administrative Court, via a *tutela* action – a complaint seeking the protection of constitutional rights.<sup>71</sup> They claimed that the MHSP had discriminated against them on the basis of age, limiting their freedom of movement unreasonably and disproportionately.<sup>72</sup> The First Instance Court and the Appellate Court granted the plaintiffs’ claims, and suspended the measures. Judge Alarcón-Bernal concluded that although the objective set by the Government – the protection of the elderly’s health – was a legitimate one, the measures taken by the executive were disproportionate, discriminatory, inefficient and violated their human dignity, and as such, were unconstitutional.<sup>73</sup>
40. The ruling offered three reasons for this conclusion.<sup>74</sup> First, while the Government justified its actions based on scientific facts (the health risk to the older persons), scientific evidence also demonstrates that long-term confinement can seriously harm people over 70. Second, the Court found that the Government could have protected older persons through other means

<sup>58</sup> Gómez-Pinzón, Decree 457 of 2020 Mandatory preventive isolation of all inhabitants of Colombia, 22 March 2020 (English translation).

<sup>59</sup> Resolution 464 of 2020 by which the mandatory sanitary measure of preventive isolation is adopted, to protect adults over 70 years of age, 18 March 2020.

<sup>60</sup> Resolution 844 of 2020 by which the health emergency is prolonged, 26 May 2020.

<sup>61</sup> Carlos Bernal-Pulido, et al. “Colombia: Legal Response to Covid-19”, 1 March 2021.

<sup>62</sup> United States Library of Congress, “Colombia: COVID-19 Health Emergency Extended until July 1, 2020”, 9 June 2020.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*

<sup>65</sup> *Supra*, note 61.

<sup>66</sup> *Supra*, note 58; International Federation of Red Cross and Crescent Societies, “IFRC COVID-19 Emergency Decree Pro Bono Research: Colombia”, 24 April 2020; The City Paper, “Colombian President Duque signs nationwide quarantine decree 457”, 23 March 2020.

<sup>67</sup> Center for Global Development, “Social Protection During the Pandemic: Argentina, Brazil, Colombia, and Mexico”, 4 February 2021; Innovations for Poverty Action, “Adaptive Crisis Response: Data-Driven Decisions during COVID-19 in Colombia”; UNICEF, “Social protection and response to COVID-19 in Latin America and the Caribbean: Innovations in registration and payment systems”, 2022.

<sup>68</sup> *Ibid.*

<sup>69</sup> United Nations Economic Commission for Latin America and the Caribbean, “COVID-19 Reports Challenges for the protection of older persons and their rights during the COVID-19 pandemic”, December 2020, p. 28.

<sup>70</sup> *Ámbito Jurídico*, “This is how promoters of the ‘grey hair rebellion’ won the *tutela*”, 3 July 2020.

<sup>71</sup> *See supra*, note 62.

<sup>72</sup> Esteban Hotos-Ceballos, Oxford Human Rights Lab, “Separated, Locked Down, and Unequal: The Grey Hair Revolution’s resistance to draconian quarantine in Colombia”, 14 August 2020; John Stephen Lewin, “They Took Gray Hair out of Duque”, 11 August 2020.

<sup>73</sup> *See ibid* (Esteban Hotos-Ceballos for summary of case).

<sup>74</sup> *Ibid.*

that did not discriminate against older people and violate their human dignity, such as an increase in intensive care units. Third, these measures were found to disproportionately burden the older persons and therefore went against the established jurisprudence of the Colombian Constitutional Court and international human rights law. The ruling was upheld by the Administrative Tribunal of Cundinamarca.<sup>75</sup> After this ruling, the Colombian Government used measures of persuasion to encourage older people's self-care and autonomy.<sup>76</sup>

## Russia

41. From March 2020, Russian authorities began imposing stricter isolation on persons over 65. On 29 March 2020, the Mayor of Moscow declared a lockdown for persons over 65 or with chronic diseases, and they were only permitted to leave for necessities, such as buying groceries or medicines.<sup>77</sup> The Arkhangelsk region imposed more restrictive measures, which banned over 65 year olds from leaving home.<sup>78</sup>
42. On 1 April 2020, the parliament issued amendments to a 1994 legislation on protection of people and territories during national emergencies,<sup>79</sup> which expanded the powers of the federal and regional executives, authorizing them to impose temporary restrictions on citizens.<sup>80</sup> This amendment was used immediately to impose mandatory self-isolation on persons aged 65 and above in the entire country.<sup>81</sup> The Mayor of Moscow imposed stricter limitations on those over 65 from September 2020 until February 2022, including banning walks and long-term home confinement.<sup>82</sup>
43. Violations of the imposed measures resulted in civil sanctions (fines of up to 2 million roubles (\$25,500)<sup>83</sup> and criminal sanctions (up to 7 years in prison).<sup>84</sup> Older persons were deprived of the opportunity to be heard by the authorities.<sup>85</sup> The police made hundreds of arrests and issued fines to violators,<sup>86</sup> and these amounts were often excessive for older persons.
44. The Government was not able to manage adequate dispensation of home services for older persons, such as delivery of groceries and medical services.<sup>87</sup> Some impacts of the lockdown was mitigated by volunteers, social workers, and social service organisations.<sup>88</sup> Many older people, especially in rural Russia, were unable to reach shops, services, or healthcare.<sup>89</sup>
45. A group of individuals brought a joint legal action before the Supreme Court of the Republic of Tatarstan to annul certain provisions of a Resolution No. 208 issued in March 2021 by the Cabinet of Ministers of Tatarstan.<sup>90</sup> They contested a provision which determined that persons over 60 who were not vaccinated or immune from COVID-19 (having been infected in the past six months) were prohibited from leaving their homes (with some exceptions). They challenged the legality and constitutionality of the measures arguing that they restricted their rights and interests, including their freedom of movement.
46. The court referred to the Constitutional Court's position expressed in an earlier judgment (Decision No. 49-2020 of 25 December 2020),<sup>91</sup> which established that in assessing restrictions to the freedom of movement, it considers whether it was justified in light of the

---

<sup>75</sup> "Judgment Second Instance Tutela 061-2020-0111 Rudolf Hommes Rodriguez Others"; Esteban Hoyos-Ceballos, "Dealing with the Pandemic: A Stress Test for Colombian Political Institutions", 5 March 2021.

<sup>76</sup> *Supra*, note 57.

<sup>77</sup> A3M Global Monitoring, "COVID-19 pandemic – Russia".

<sup>78</sup> Elena Golubeva, et al. "Caregiving of Older Persons during the COVID-19 Pandemic in the Russian Arctic Province: Challenges and Practice", *Int J Environ Res Public Health*, 27 February 2022.

<sup>79</sup> "On Protection of the Population and Territories in Case of Natural or Man-Made Disasters," [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_5295/](https://www.consultant.ru/document/cons_doc_LAW_5295/).

<sup>80</sup> *Ibid*; Human rights in Russia monitoring & advocacy, "Age Discrimination in the Context of Freedom of Assembly in Russia".

<sup>81</sup> *Ibid*.

<sup>82</sup> *Supra*, note 77; Charles Maynes, "Behind Russia's Coronavirus Right, a Surveillance State Blooms", 6 May 2020.

<sup>83</sup> Reuters, "Russian lawmakers back jail terms for quarantine offenders as coronavirus cases rise", 31 March 2020.

<sup>84</sup> *Supra*, note 80.

<sup>85</sup> *Ibid*.

<sup>86</sup> *Supra*, note 77.

<sup>87</sup> Human Rights Watch, "Russia: Insufficient Home Services for Older People", 24 August 2021.

<sup>88</sup> *Supra*, note 78.

<sup>89</sup> Charlie Walker, "Welfare in Russia and Eurasia in the Context of the COVID-19 Pandemic", *Europe-Asia Studies*, published online 15 March 2023.

<sup>90</sup> Russian Federation, Supreme Court of the Republic of Tatarstan, No. 3a-645/2021 ~ M-449/2021, 7 December 2021.

<sup>91</sup> Russian Federation, Constitutional Court of the Russian Federation, Case No. 8186/15-01/2020 / resolution No. 49-П/2020, 25 December 2020.

need of the authorities to respond quickly to the unprecedented risk posed by the pandemic. The court determined that the measures intended to protect public health, including temporarily isolated older persons, and as such, were proportionate. The court noted that the measure included exceptions – such as seeking urgent medical assistance, travelling to work, purchasing certain goods close to one's residence, walking pets, or taking out the trash. It found that these exceptions demonstrated the proportionality of the restrictive measures. The court concluded that the measures were lawful and dismissed the claim.<sup>92</sup>

## Turkey

47. The central government imposed movement restrictions for individuals under-20s and over-65s<sup>93</sup> using its executive powers under the Public Health Law<sup>94</sup> and the Provincial Administration Law.<sup>95</sup>
48. The Minister of the Interior issued a Circular on 22 March 2020 ordering provincial public health administrators to impose 24 hour lockdowns on over 65 year olds and chronically ill people.<sup>96</sup> This prevented people over 65 from leaving their homes for weeks, even for a walk.<sup>97</sup> Until 10 May 2020, older people were only allowed to leave their homes for several hours per week.<sup>98</sup> In January 2021 the lockdown was lifted between 10am and 1pm.<sup>99</sup> Subsequently, 65-year-olds could go out between 11am and 3pm.<sup>100</sup> As of 16 March 2021, people over 65 could only leave their houses for three hours a day and needed special permits for inter-city travel.<sup>101</sup> In April 2021, people over 65 years were banned from public transit during Ramadan.<sup>102</sup> From May 2021 onwards, no special restrictions were introduced for people over 65 if they had two doses of COVID-19 vaccines. Yet, unvaccinated older people were only permitted to go out of their homes between 10am-2pm and were subject to weekend lockdowns.<sup>103</sup>
49. As regards “offsetting” measures, during the full lockdown during May and June 2021, older people or those with severe illness who were unable to meet their basic needs could call 112, 155, and 156 hotlines to report their needs. Those needs were supposed to be met by VEFA Social Support Groups and according to the Circular, “the necessary measures will be taken by governors and district governors in terms of both staffing and addressing the needs as soon as possible”.<sup>104</sup> There was also an increase in home-care services by the Ministry of Health.<sup>105</sup>
50. Imposed restrictions were enforced through fines. Such restrictions were passed with very limited judicial oversight “and little parliamentary involvement”.<sup>106</sup> It was noted that “critics of the laws were prosecuted.”<sup>107</sup> In June 2020, the Turkish Constitutional Court (TCC) rejected Senih Özay's application contesting the pandemic-related lockdowns for persons over 65. The TCC stated that lockdown was an administrative measure and that the applicant should seek relief in administrative courts. In January 2021, an Istanbul-based organisation petitioned the Istanbul Administrative Court to overturn the senior citizen lockdown, arguing that it violated Article 23 of the Turkish Constitution, which guaranteed the freedom of movement. We have been unable to obtain more information on this issue.

<sup>92</sup> *Supra*, note 90.

<sup>93</sup> Başak Çalı, “Year One: Reflections on Turkey’s Legal Responses to the COVID-19 Pandemic”, 16 March 2021.

<sup>94</sup> *Ibid* (citing Law on Public Health No. 1593).

<sup>95</sup> *Ibid* (citing Law on Public Health No. 5442).

<sup>96</sup> Müjde Koca-Atabey, “Disability and old age: the COVID-19 pandemic in Turkey”, 16 July 2020; Serdar Ünver “Fighting COVID-19 – Legal Powers, Risks and the Rule of Law: Turkey”, 15 April 2020; Arwa Damon, “With weekend lockdowns and age-specific restrictions, Turkey takes a different coronavirus approach”, 17 April 2020.

<sup>97</sup> *Ibid* (Serdar Ünver).

<sup>98</sup> *Supra*, note 96 (Müjde Koca-Atabey).

<sup>99</sup> Duvar English, “Diyarbakır village quarantined after coronavirus mutation diagnosis”, 25 January 2021.

<sup>100</sup> Esra Açıkgöz, “The Pandemic Diary of the Aged 65+”, 27 January 2022.

<sup>101</sup> *Supra*, note 93.

<sup>102</sup> Daily Sabah, “Erdogan reveals stricter COVID-19 measures in Turkey during Ramadan”, 13 April 2021.

<sup>103</sup> United Nations High Commissioner for Refugees, “18 May 2021: New curfew measures”.

<sup>104</sup> *Ibid*.

<sup>105</sup> Mehmet Ilkin Naharci, et al. “Coronavirus 2019 (COVID-19) outbreak and geropsychiatric care for older adults: a view from Turkey”, *International Psychogeriatrics*, 11 June 2020.

<sup>106</sup> *Supra*, note 93.

<sup>107</sup> *Ibid*.

## ANNEX 1 – LIST OF SOURCES

### **INTERNATIONAL ORGANIZATIONS**

United Nations Department of Economic and Social Affairs, “‘Unacceptable’ – UN expert urges better protection of older persons facing the highest risk of the COVID-19 pandemic”, 27 March 2020

<https://www.un.org/development/desa/ageing/news/2020/03/COVID-19/>

United Nations General Assembly, “Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler”, A/51/27, 9 August 2022, <https://www.ohchr.org/en/calls-for-input/2022/report-older-persons-deprived-their-liberty>

United Nations General Assembly, “Report of the Independent Expert on the enjoyment of all human rights by older persons, Claudia Mahler”, A/75/205, 21 July 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/189/73/PDF/N2018973.pdf?OpenElement>

United Nations Office of the High Commissioner, Independent Expert on enjoyment of all human rights by older persons, “About the human rights of older persons”, <https://www.ohchr.org/en/special-procedures/ie-older-persons/about-human-rights-older-persons>

United Nations Office of the High Commissioner for Human Rights, “Statement of Support to the UN Secretary General’s Policy Brief on The Impact of COVID-19 on Older Persons”, 24 May 2020, [https://www.un.org/development/desa/ageing/wp-content/uploads/sites/24/2020/05/ENG\\_final\\_-with-countries.pdf](https://www.un.org/development/desa/ageing/wp-content/uploads/sites/24/2020/05/ENG_final_-with-countries.pdf)

United Nations Population Fund, “Implications of COVID-19 for older persons: Responding to the pandemic”, 24 April 2020, [https://www.unfpa.org/sites/default/files/resource-pdf/Older\\_Persons\\_and\\_COVID19\\_final.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/Older_Persons_and_COVID19_final.pdf)

United Nations Secretary General, “Policy Brief: COVID-19 and Human Rights: We are all in this together”, April 2020, <https://www.un.org/ruleoflaw/wp-content/uploads/2020/05/UN-SG-Policy-Brief-Human-Rights-and-COVID-23-April-2020.pdf>

United Nations Secretary General, “Policy Brief: The impact of COVID-19 on older persons”, May 2020, <https://unsdg.un.org/sites/default/files/2020-05/Policy-Brief-The-Impact-of-COVID-19-on-Older-Persons.pdf>

World Health Organization, “Ageing”, [https://www.who.int/health-topics/ageing#tab=tab\\_1](https://www.who.int/health-topics/ageing#tab=tab_1)

World Health Organization, “Older People and COVID-19”,  
<https://www.who.int/teams/social-determinants-of-health/demographic-change-and-healthy-ageing/covid-19>

### **REGIONAL ORGANIZATIONS**

Council of Europe Commissioner for Human Rights, “Older persons need more support than ever in the age of the Covid-19 pandemic”, 20 March 2020,  
<https://www.coe.int/en/web/commissioner/-/older-persons-need-more-support-than-ever-in-the-age-of-the-covid-19-pandemic>

Inter-American Commission of Human Rights and Organization of American States, “Human Rights of the elderly and national protection systems in the Americas”, 31 December 2022,  
[https://www.oas.org/en/iachr/reports/pdfs/2023/PersonasMayores\\_EN.pdf](https://www.oas.org/en/iachr/reports/pdfs/2023/PersonasMayores_EN.pdf)

Inter-American Commission of Human Rights and Organization of American States, Resolution No. 1/2020, Pandemic and Human Rights in the Americas adopted 10 April 2020, <https://www.oas.org/en/iachr/decisions/pdf/Resolution-1-20-en.pdf>

Inter-American Commission of Human Rights and Organization of American States, Resolution No. 4/2020, Human Rights of Persons with COVID-19, adopted 27 July 2020, <https://www.oas.org/en/iachr/decisions/pdf/resolution-4-20-en.pdf>

### **CIVIL SOCIETY**

AGE Platform Europe, “COVID-19 and human rights concerns for older persons”, 18 May 2020, [https://www.age-platform.eu/sites/default/files/Human\\_rights\\_concerns\\_on\\_implications\\_of\\_COVID-19\\_to\\_older\\_persons\\_updated\\_18May2020.pdf](https://www.age-platform.eu/sites/default/files/Human_rights_concerns_on_implications_of_COVID-19_to_older_persons_updated_18May2020.pdf)

Sofiat Akinola, “COVID-19 has worsened ageism. Here’s how to help older adults thrive”, 28 October 2020, <https://www.weforum.org/agenda/2020/10/covid-19-has-worsened-ageism-here-s-how-to-help-older-adults-thrive/>

Sarah Harper, “The COVID-19 Pandemic and Older Adults: Institutionalized Ageism or Pragmatic Policy?”, 13 Journal of Population Ageing 419–425, 12 January 2021, <https://doi.org/10.1007/s12062-020-09320-4>

HelpAge International, “COVID-19: Age based measures coming out of lockdown”, 2020 <https://www.helpage.org/what-we-do/covid19-agebased-measures-coming-out-of-lockdown/>

World Economic Forum Global Future Council on Longevity, “COVID and Longer Lives: Combating ageism and creating solutions”, October 2020, [https://www3.weforum.org/docs/WEF\\_Combating\\_ageism\\_and\\_creating\\_solutions\\_2020.pdf](https://www3.weforum.org/docs/WEF_Combating_ageism_and_creating_solutions_2020.pdf)

### **DATABASES**

COVID-19 Law Lab, “Find recent legislative action to control and reduce the pandemic”, <https://www.covidlawlab.org/>

Covid-19 Litigation, “Open-Access Case Law Database”, <https://www.covid19litigation.org/>

Joelle Grogan, “Power and the COVID-19 Pandemic – Introduction & List of Contributions: #PowerandPandemic”, Verfassungsblog, 22 February 2021, <https://verfassungsblog.de/power-and-the-COVID-19-pandemic/>

Lex-Atlas, “Covid-19: A global academic project mapping legal responses to Covid-19”, <https://lexatlas-c19.org/>

Oxford Constitutional Law, “The Oxford Compendium of National Legal Responses to Covid-19”, <https://oxcon.ouplaw.com/home/OCC19>

Oxford Human Rights Hub, “Results for ‘COVID-19’”, <https://ohrh.law.ox.ac.uk/?s=Covid-19>

## **DOMESTIC LAWS AND JURISPRUDENCE**

### **Argentina**

Administrative and Tax Court No. 14 of the City of Buenos Aires, No. 3045/2020, 20 April 2020, <https://www.covid19litigation.org/case-index/argentina-administrative-and-tax-court-no-14-city-buenos-aires-no-30452020-2020-04-20>

Ministry of Justice and Human Rights, Lanzieri, Silvano c/ GCBA without protection, 20 April 2020, <http://www.saij.gob.ar/juzgado-contencioso-administrativo-tributario-nro-14-local-ciudad-autonoma-buenos-aires-lanzieri-silvano-gcba-amparo-fa20370011-2020-04-20/123456789-110-0730-2ots-eupmocsollaf> (See English translation)

### **Columbia**

Ámbito Jurídico, “This is how promoters of the ‘grey hair rebellion’ won the tutelage”, 3 July 2020, <https://www.ambitojuridico.com/noticias/general/constitucional-y-derechos-humanos/asi-ganaron-la-tutela-promotores-de-la-rebelion>

Carlos Bernal-Pulido, et al. “Colombia: Legal Response to Covid-19”, 1 March 2021 (last updated March 2022), <https://oxcon.ouplaw.com/display/10.1093/law-occ19/law-occ19-e34>

Center for Global Development, “Social Protection During the Pandemic: Argentina, Brazil, Colombia, and Mexico”, 4 February 2021, <https://www.cgdev.org/publication/social-protection-during-pandemic-argentina-brazil-colombia-and-mexico>

Elfriede Derrer-Merk, et al. “Is protecting older adults from COVID-19 ageism? A comparative cross-cultural constructive grounded theory from the United Kingdom and Colombia”, Journal of Social Issues, 78, 900-923, 17 August 2022, <https://doi.org/10.1111/josi.12538>

Gómez-Pinzón, Decree 457 of 2020 Mandatory preventive isolation of all inhabitants of Colombia, 22 March 2020, <https://gomezpinzon.com/mandatory-preventive-isolation-of-all-inhabitants-of-colombia/> (English translation); Spanish original available: <https://dapre.presidencia.gov.co/normativa/normativa/DECRETO%20457%20DEL%2022%20DE%20MARZO%20DE%202020.pdf>

Esteban Hoyos-Ceballos, “Dealing with the Pandemic: A Stress Test for Colombian Political Institutions”, 5 March 2021, <https://verfassungsblog.de/dealing-with-the-pandemic-a-stress-test-for-colombian-political-institutions/>

Esteban Hoyos-Ceballos, Oxford Human Rights Lab, “Separated, Locked Down, and Unequal: The Grey Hair Revolution’s resistance to draconian quarantine in Colombia”, 14 August 2020, <https://ohrh.law.ox.ac.uk/separated-locked-down-and-unequal-the-grey-hair-revolutions-resistance-to-draconian-quarantine-in-colombia/> (original Spanish decision cited in article available <https://www.ramajudicial.gov.co/documents/7819920/40845311/ArchivoFirmado+%25283%2529.pdf/291e6ffe-14d0-4e67-b866-25637759e0a5>)

Innovations for Poverty Action, “Adaptive Crisis Response: Data-Driven Decisions during COVID-19 in Colombia”, <https://poverty-action.org/adaptive-crisis-response-data-driven-decisions-during-COVID-19-colombia>

International Federation of Red Cross and Crescent Societies, “IFRC COVID-19 Emergency Decree Pro Bono Research: Colombia”, 24 April 2020, [https://disasterlaw.ifrc.org/sites/default/files/media/disaster\\_law/2021-03/COOVID-19%20Emergency%20Decree%20Research%20-%20Columbia.pdf](https://disasterlaw.ifrc.org/sites/default/files/media/disaster_law/2021-03/COOVID-19%20Emergency%20Decree%20Research%20-%20Columbia.pdf)

John Stephen Lewin, “They Took Gray Hair out of Duque”, 11 August 2020, <https://www.lasillavacia.com/historias/silla-nacional/le-sacaron-canas-a-duque>

“Judgment Second Instance Tutela 061-2020-0111 Rudolf Hommes Rodriguez Others”, <https://www.scribd.com/document/472157674/FalloSegundaInstanciaTutela061-2020-0111RudolfHommesRodriguezOtros#>

Resolution 464 of 2020 by which the mandatory sanitary measure of preventive isolation is adopted, to protect adults over 70 years of age, 18 March 2020, <https://www.covidlawlab.org/item/resolucion-464-de-2020/>

Resolution 844 of 2020 by which the health emergency is prolonged, 26 May 2020, <https://www.covidlawlab.org/item/resolucion-844/>

The City Paper, “Colombian President Duque signs nationwide quarantine decree 457”, 23 March 2020, <https://thecitypaperbogota.com/news/colombian-president-duque-signs-nationwide-quarantine-decree-457/>

UNICEF, “Social protection and response to COVID-19 in Latin America and the Caribbean: Innovations in registration and payment systems”, 2022,

[https://www.unicef.org/lac/media/36966/file/Social\\_Protection\\_and\\_Response\\_to\\_COVID\\_19.pdf](https://www.unicef.org/lac/media/36966/file/Social_Protection_and_Response_to_COVID_19.pdf)

United Nations Economic Commission for Latin America and the Caribbean, “COVID-19 Reports Challenges for the protection of older persons and their rights during the COVID-19 pandemic”, December 2020,

[https://www.cepal.org/sites/default/files/publication/files/46488/S2000722\\_en.pdf](https://www.cepal.org/sites/default/files/publication/files/46488/S2000722_en.pdf)

United States Library of Congress, “Colombia: COVID-19 Health Emergency Extended until July 1, 2020”, 9 June 2020, <https://www.loc.gov/item/global-legal-monitor/2020-06-09/colombia-covid-19-health-emergency-extended-until-july-1-2020/>

## **Russia**

A3M Global Monitoring, “COVID-19 pandemic – Russia”, <https://global-monitoring.com/gm/page/events/epidemic-0001991.VTlofy05ORvh.html?lang=en>

Elena Golubeva, et al. “Caregiving of Older Persons during the COVID-19 Pandemic in the Russian Arctic Province: Challenges and Practice”, Int J Environ Res Public Health, 27 February 2022, <https://doi.org/10.3390%2Fijerph19052775>

Human rights in Russia monitoring & advocacy, “Age Discrimination in the Context of Freedom of Assembly in Russia”, <https://en.ovdinfo.org/ageism-and-age-discrimination-context-freedom-assembly-russia#1>

Human Rights Watch, “Russia: Insufficient Home Services for Older People”, 24 August 2021, <https://www.hrw.org/news/2021/08/24/russia-insufficient-home-services-older-people>

“On Protection of the Population and Territories in Case of Natural or Man-Made Disasters”, [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_5295/](https://www.consultant.ru/document/cons_doc_LAW_5295/)

Charles Maynes, “Behind Russia’s Coronavirus Fight, a Surveillance State Blooms”, 6 May 2020, [https://www.voanews.com/a/europe\\_behind-russias-coronavirus-fight-surveillance-state-blooms/6188545.html](https://www.voanews.com/a/europe_behind-russias-coronavirus-fight-surveillance-state-blooms/6188545.html)

Reuters, “Russian lawmakers back jail terms for quarantine offenders as coronavirus cases rise”, 31 March 2020, <https://www.reuters.com/article/health-coronavirus-russia-idINL8N2BO3CT>

Russian Federation, Constitutional Court of the Russian Federation, Case No. 8186/15-01/2020 / resolution No. 49-П/2020, 25 December 2020, <https://www.covid19litigation.org/case-index/russian-federation-constitutional-court-russian-federation-case-no-818615-012020>

Russian Federation, Supreme Court of the Republic of Tatarstan, No. 3a-645/2021 ~ M-449/2021, 7 December 2021, <https://www.covid19litigation.org/case-index/russian-federation-supreme-court-republic-tatarstan-no-3a-6452021-m-4492021-2021-12-07>



Charlie Walker, “Welfare in Russia and Eurasia in the Context of the COVID-19 Pandemic”, Europe-Asia Studies, published online 15 March 2023, <https://doi.org/10.1080/09668136.2023.2175526>

### **Turkey**

Esra Açıkgöz, “The Pandemic Diary of the Aged 65+”, 27 January 2022, <https://www.freiheit.org/turkey/pandemic-diary-aged-65>

Başak Çalı, “Year One: Reflections on Turkey’s Legal Responses to the COVID-19 Pandemic”, 16 March 2021, <https://verfassungsblog.de/year-one-reflections-on-turkeys-legal-responses-to-the-COVID-19-pandemic/> (citing Law on Public Health No. 1593 available <https://perma.cc/S8UH-ZAR5> (Turkish original) and Law on Public Health No. 5442 available <https://perma.cc/7Q6V-N6GR> (Turkish original))

Daily Sabah, “Erdoğan reveals stricter COVID-19 measures in Turkey during Ramadan”, 13 April 2021, <https://www.dailysabah.com/turkey/erdogan-reveals-stricter-COVID-19-measures-in-turkey-during-ramadan/news>

Arwa Damon, “With weekend lockdowns and age-specific restrictions, Turkey takes a different coronavirus approach”, 17 April 2020, <https://edition.cnn.com/2020/04/17/europe/turkey-coronavirus-lockdown-response-intl/index.html>

Duvar English, “Diyarbakır village quarantined after coronavirus mutation diagnosis”, 25 January 2021, <https://www.duvarenglish.com/diyarbakir-village-quarantined-after-coronavirus-mutation-diagnosis-news-55985>

Mehmet Ilkin Naharci, et al. “Coronavirus 2019 (COVID-19) outbreak and geropsychiatric care for older adults: a view from Turkey”, International Psychogeriatrics, 11 June 2020, <https://doi.org/10.1017/S1041610220001167>

Müjde Koca-Atabey, “Disability and old age: the COVID-19 pandemic in Turkey”, 16 July 2020, <https://doi.org/10.1080/09687599.2021.1907550>

United Nations High Commissioner for Refugees, “18 May 2021: New curfew measures”, <https://help.unhcr.org/turkiye/coronavirus/announcements/>

Serdar Ünver “Fighting COVID-19 – Legal Powers, Risks and the Rule of Law: Turkey”, 15 April 2020, <https://verfassungsblog.de/fighting-COVID-19-legal-powers-risks-and-the-rule-of-law-turkey/>