Compulsory exercise

Exercise 1 - Article 15 ECHR

**The legal questions and requirements:**

The main rule is that a European country has to follow the European Convention of Human Rights (ECHR). However, there is an exception in ECHR Article 15. Article 15 states that when certain requirements are met, any High Contracting Party of a country can take measures derogating from its obligations under ECHR. When a European country wants to take measures derogating from the obligations under ECHR and the requirements in Article 15 are met, the Secretary General of the Council of Europe, needs to be informed. The Secretary General of the Council of Europe also needs to be informed when the these measures cease to operate.

The question in this exercise is whether a lockdown is an emergency under Article 15, in which case the Ministry of Health in a European country needs to notify the Secretary General of the Council of Europe.

Based on my understanding, these are the requirements in Article 15 that are relevant for a lockdown and which I will use in my program:

1. There needs to be a public emergency
   * I understand the exercise so that the program is just supposed to be used on lockdowns, not other situations. I have therefore chosen not to include "war" as an alternative requirement to "public emergency", even though it is mentioned in the first paragraph of Article 15. The same goes for paragraph 2 in Article 15, where it is written that there can be derogations from Article 2 when the deaths are the result of lawful acts of war; I have chosen to say that derogation from Article 2 is not permitted.
2. The public emergency needs to be threatening the life of the nation
3. The lockdown needs to be strictly required by the exigencies of the situation
4. The lockdown needs to be consistent with the country's obligations under international law
   * In the article the words used are "not inconsistent with". This might have a slightly different meaning than "consistent with", but since this is a simple programming exercise and "consistent with" is easier to implement, I have chosen to do this.
5. The lockdown needs to be consistent with ECHR Article 2, Article 3, Article 4 paragraph 1 and Article 7.

It also says in paragraph 1 in Article 15, that the measures needs to be taken by a "High Contracting Party". I assume here that the user of my program is a person fulfilling this requirement; I assume that the user is a person in the Ministry of Health in a European country.

**The program:**

I have written a function-based program in Python. The program runs in *main()* where I call the function *run\_program().* The function *run\_program()* starts by printing out a description of how the program works, to the terminal. The user can then type in whether he/she wants to start or end a lockdown. If the user wants to end a lockdown, the program goes to the function *end\_lockdown(),* and from there it goes directly to the function *notice()*, which just prints out that the user needs to notify the Council of Europe. If the user wants to start a lockdown, the program goes to a function called *start\_lockdown()*. In this function, the user are asked if the requirements mentioned above (1., 2., 3., 4. and 5.) are fulfilled. The user needs to answer "yes" or "no". I have stored the questions that get printed, in a dictionary, so that the function *question()* can be used for all yes/no-questions. If the user answers "yes" to a question, the next question comes up, until all the questions are answered and the program goes to the function *notice()*. If the user answers "no" to a question, the program goes to the function *no\_notice(),* which just prints out that the requirements in Article 15 in ECHR are not met, and it is therefore not necessary to notify the Council of Europe.

In all steps I have included an error message for the situation where the user writes in something other than what is supposed to be written. The program then terminates, and the user are asked to try running the program again.

In reality the questions asked in this program are not simple yes/no-questions, but questions that needs to be discussed based on legal sources. However, this program is just a simple expert system, and it does not address the issue of legal discretion.