



No lockdown for fundamental rights during the COVID-19 crisis!

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Statement by

The response to the COVID-19 crisis has had a negative impact on a number of fundamental rights. The unavoidable lockdowns have restricted our freedom of movement and cross-border travel. Freedom of association and assembly have been cut, so have privacy rights through data tracking systems.

At the same time, we cannot but notice that the Coronavirus pandemic has reinforced existing inequalities, vulnerabilities and discriminations. This is the case for economically weaker segments of the population, people with disabilities and illnesses, cultural minorities, Roma, migrants, and women. Civil and political rights as well as economic and social rights are all affected.

It is clear that the European Union is facing an unprecedented challenge, which must be tackled without jeopardising our democracies and fundamental rights.

Our common European history has taught us that we cannot tolerate the erosion of the rule of law and fundamental rights on our continent. We should never forget that the European Union was built as a bulwark against authoritarianism and totalitarianism, via a democratic Union, which aims to promote peace, its values and the well-being of its peoples (Art. 3 TEU).

What has been put in place as a temporary measure cannot be instrumentalised to revert decades-long fights for freedoms and equality. We must get out of this crisis with our democracies – and our European Union – intact.

The European Economic and Social Committee and its Group on Fundamental Rights and the Rule of Law will thus remain vigilant against any attempts to permanently alter the principles of law, democracy and fundamental rights.

In this unprecedented health emergency, we understand that extraordinary measures are taken and derogations are granted by both the International Human Rights Law and the European Law.

However, it is imperative that the crisis does not lead to unnecessary or excessive limitation of rights. Emergency powers must be exercised under the direct control of Parliament, while respecting the rule of law, and should not be extended beyond the duration of the crisis. Maintaining control mechanisms and checks and balances is absolutely crucial, in order to avoid sliding from an urgency response situation into a permanent state of demise of the rule of law.

There are legitimate worries that some governments may be drawing benefit from the fragile and unprecedented situation to consolidate their power and extend their influence among populist, nationalist and anti-European movements.

We are already seeing some governments trying to introduce non-necessary measures during the state of emergency, change the constitution or stage a crackdown on social dialogue. It is in this perspective that the EESC has issued a statement calling for the safeguard of social dialogue in Poland, and that Hungary has been accused of introducing a state of emergency lacking essential safeguards. Both the European Commission and the European Parliament have expressed concern that Hungary has adopted measures that could lead to up to five years of prison against persons found disseminating "any untrue fact or any misrepresented true fact". Yet although International Human Rights Law authorises a certain limitation of freedom of expression for the protection of health, this does not suspend the right to information of the population. Clearly, transparent governments are better placed to deal with this crisis than non-transparent ones.

Freedom of expression and media freedom are particularly important in the time of crisis, as independent

media constitute a much-needed watchdog to maintain trust and confidence within society, and to fight against disinformation.

We must therefore remain vigilant, and not complacently look the other way when power is abused and the rule of law, democracy and fundamental rights weakened.

This trust in government, and in the European Union, is undermined if we accept a weakening of the principle of the rule of law. Trust is key to make citizens accept self-discipline, based also on transparency and factual information.

We thus fully support the European Commission initiative to monitor the emergency measures and their application, verifying as well whether new laws are conform to our Treaties. Furthermore, we should dare draw decisive consequences from infringements, using all legal and financial instruments at our disposal if necessary.

The EESC Group on Fundamental Right and the Rule of Law will continue monitoring the situation, concerned that the Covid-19 responses remain necessary, proportionate and temporary in nature and do not exacerbate already existing challenges to fundamental rights and the rule of law in the EU. This is not the time for complacency. This is a time for solidarity and for the mutual support of our joint efforts.

There will come a time when we will be able to return to a new normality. We will need all our creativity and courage to jointly rebuild our societies, our economies, and integrate the lessons learned to build a genuine rEUnaissance, a truly sustainable and just future for Europe. Or that, we need trust of citizens in European and national institutions, which protect the rule of law and our fundamental rights, without creating first, second or third class Europeans.

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