



COVID-19: Mitigating Impact and Overcoming the Crisis – Fundamental Rights and Rule of Law Aspects

10 December 2020 | 14:30-16:30 | EESC

Programme

As the first wave of COVID-19 began ebbing away in May 2020, the European Commission proposed a massive recovery plan to address the consequences of the crisis. The 'Next Generation EU' package would be coupled with the 2021-2027 Multiannual Financial Framework (MFF) to reach a proposed total of EUR 1.85 trillion.

The second wave that has since been hitting Europe has come as a reminder that recovery first depends on mitigating the ongoing impact and on building an exit strategy from the crisis. Part of this strategy relies on finding adequate and proportionate measures for de-confinement, including regional and local solutions without leading to discrimination. The pandemic has not only strained our societies and economies – it has also put an important pressure on our institutions. More than ever, fundamental rights, democracy and the rule of law must be considered as part of the solution and civil society, including social partners, must play a central role.

On the occasion of **#HumanRightsDay** and of the first meeting of the EESC Fundamental Rights and Rule of Law (FRRL) Group under the new term of office, the hearing will gather stakeholders and members to discuss these questions.

A **first session** will cover the ongoing impact of the COVID-19 crisis. Employers (in particular SMEs), workers and the diverse civil society organisations that form the economic and social fabric of EU Member States all have suffered from the tremendous pressure created by the pandemic. Understanding their respective situations in light of the EU Charter of Fundamental Rights as well as their needs, including in terms of social dialogue and participation, is more than ever central to be able to mitigate the effects of the crisis and lay down steps towards a way out.

The **second session** will address how fundamental rights, democracy and rule of law can play a role in paving a way out of the crisis. Participants will discuss how EU tools can be integrated into an exit strategy. They will notably discuss the way rule of law conditionality can prevent a misuse of the funds of the EU budget and the 'Next Generation EU' programme. They will also discuss the particular caution that needs to be brought to institutional aspects, to ensure that democratic processes do not suffer from irremediable losses after a phase of urgent and derogatory practices.

14:30 Introduction by Cristian Pîrvulescu, FRRL Group President (G III)

14:35 Session 1: Mitigating impact during the crisis

Moderation: Ozlem Yildirim, FRRL Group Vice-President (G II)

- **Emergency measures: what impact for employers?**

How has "Freedom to conduct a business" (Article 16 of the Charter of Fundamental Rights) been affected by the crisis itself and by decisions to mitigate it like lockdown and decisions on de-confinement? Has decision-making affecting employers been transparent and proportionate? Has there been adequate consultation and information? Have adequate measures been taken to ensure the continuity of employers' freedom to conduct a business?

Javier González López, Social Affairs Department, CEPYME (Spanish Confederation of SMEs)

- **Emergency measures: what impact for workers?**

How have "Freedom of assembly and of association" (Article 12 of the Charter), "Freedom to choose an occupation and right to engage in work" (Article 15), the "Right of collective bargaining and action" (Article 28), and "Fair and just working conditions" (Article 31) been affected by the crisis and by measures to mitigate it like lockdown and confinement? Has decision-making affecting workers been transparent and has consultation been adequate? Have adequate measures been taken to protect worker's health and safety and their right to work?

Nicola Countouris, Director of Research Department, European Trade Union Institute (ETUI)

- **Emergency measures: what impact for Civil Society Organisations?**

How have "Freedom of assembly and of association" (Article 12 of the Charter), "Freedom of expression and information" (Article 11 of the Charter) as well as the rule of law been affected by the crisis and actions to mitigate it like lockdown and confinement? Has decision-making affecting CSOs been transparent and proportionate and has consultation been adequate? Have adequate measures been taken to ensure the resilience of CSOs in view of the impact of the crisis?

Alexis Deswaef, Vice-President of FIDH (International Federation for Human Rights)

- **Discussion**

15:30 Session 2: Overcoming the crisis

Moderation: Helena De Felipe Lehtonen, FRRL Group Vice-President (G I)

- **The institutional response**

In the past years, the European Commission has reinforced its action in defence of EU values as defined by Article 2 of the Treaty of the EU. The EU now has at its disposal multiple tools to act in the areas of the rule of law, fundamental rights and democracy. How can these tools help mitigate the impacts of the COVID crisis, in particular on institutions, rights and democracy? What role can they play in the overcoming the crisis and pave the way for a recovery phase?

Alvaro De Elera, Member of the private office of Věra Jourová, Commissioner for Values and Transparency

- **The question of rule of law conditionality**

The principle of rule of law conditionality could be part of the next Multiannual Financial Framework and the "Next Generation EU" package. The modalities for such protection of the Union's budget in cases of generalised deficiencies are important, to ensure that civil society, including social partners, do not indirectly suffer from conditionality. How to ensure the efficiency of the rule of law conditionality in the crisis-recovery context? What are the best modalities and criteria to ensure the proper management of EU funds at national level?

Terry Reintke, Member of the European Parliament, Committee on Civil Liberties, Justice and Home Affairs (LIBE)

- **Exit strategies from urgency frameworks through the rule of law**

Most Member States have adopted emergency measures to tackle the COVID-19 crisis, including through states of emergencies. Temporary restrictions on human rights are possible under international law as long as they are necessary, proportionate, non-discriminatory and prescribed by law. In any case, the rule of law should continue to prevail and the maintaining of control mechanisms and checks and balances is absolutely central in order to avoid sliding from an urgency response situation into a permanent state of demise of the rule of law. What is the state of play with regards to transitions out of emergency frameworks? Could democratic processes like consultation and participation suffer from lasting after-effects?

Dr Joelle Grogan, Middlesex University London, member of the RECONNECT H2020 Project

- **Discussion**

16:25 Conclusion by Cristian Pîrvulescu, FRRL Group President (G III)

16:30 End