## Basic information

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| **2020/2790(RSP)**<br><br>RSP - Resolutions on topical subjects | Procedure completed |
| Resolution on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights<br><br>**Subject**<br><br>4.20.01 Medicine, diseases<br>6.10.08 Fundamental freedoms, human rights, democracy in general<br><br>**Legislative priorities**<br><br>The EU's response to the Covid-19 pandemic | |

## Key players

European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| LIBE Civil Liberties, Justice and Home Affairs | LÓPEZ AGUILAR Juan Fernando (S&D) | 24/09/2020 |
| | Shadow rapporteur<br><br>BILČÍK Vladimír (EPP)<br><br>IN 'T VELD Sophia (Renew)<br><br>BUXADÉ VILLALBA Jorge (ECR) | |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 12/11/2020 | Debate in Parliament | | |
| 13/11/2020 | Decision by Parliament | T9-0307/2020 | Summary |
| 13/11/2020 | Results of vote in Parliament | | |
| 13/11/2020 | End of procedure in Parliament | | |

## Technical information

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| **Procedure reference** | 2020/2790(RSP) |
| **Procedure type** | RSP - Resolutions on topical subjects |
| **Procedure subtype** | Debate or resolution on oral question/interpellation |
| **Legal basis** | Rules of Procedure EP 142-p5 |

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| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | LIBE/9/04103 |

| Documentation gateway | | | | |
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| **European Parliament** | | | | |
| **Document type** | **Committee** | **Reference** | **Date** | **Summary** |
| Motion for a resolution | | B9-0343/2020 | 13/11/2020 | |
| Text adopted by Parliament, single reading | | T9-0307/2020 | 13/11/2020 | Summary |
| **European Commission** | | | | |
| **Document type** | | **Reference** | **Date** | **Summary** |
| Commission response to text adopted in plenary | | SP(2021)32 | 22/03/2021 | |

# Resolution on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights

2020/2790(RSP) - 13/11/2020 - Text adopted by Parliament, single reading

The European Parliament adopted by 496 votes to 138, with 49 abstention, a resolution on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights.

The COVID-19 pandemic has created distress across the entire EU and has deeply affected the population. It is a stress test for democracies and the resilience of national safeguards for the rule of law and fundamental rights.

Freedom of movement, assembly and association are important cornerstones of democracy. However, the ability to exercise these rights has been restricted due to the necessary social distancing rules and public health precautions in the majority of Member States.

The resolution called on the Member States to ensure that, when measures that could restrict the functioning of democratic institutions, the rule of law or fundamental rights are adopted, assessed or reviewed, those measures observe the recommendations of international bodies such as the UN and the Council of Europe, including the Venice Commission. It also stressed that Member States should not abuse emergency powers to pass legislation unrelated to the COVID-19 health emergency objectives to surpass parliamentary oversight.

Against this background, Member States were called upon to:

- consider exiting the state of emergency or otherwise limiting their impact on democracy, the rule of law and fundamental rights;

- ensure transparency when adopting measures and to provide their citizens with comprehensive, up-to-date, precise and objective information and data concerning the public health situation;

- evaluate the measures they have implemented which have restricted freedom of movement and to exercise the utmost restraint and ensure full respect for EU law, in particular the Schengen Borders Code and the Free Movement Directive, when considering imposing new restrictions on freedom of movement;

- respect the right to family life, in particular of families living and working across different Member States and beyond, and only to allow for restrictions where strictly necessary and proportionate;

- allow for the reunification of couples and families separated by COVID-19 related measures, regardless of their marital status, and to refrain from imposing unnecessarily high standards of proof of the relationship;

- restrict the freedom of assembly only where strictly necessary and justifiable in the light of the local epidemiological situation;

- take measures aimed at ensuring the right to education during this pandemic;

- respect the right to privacy and data protection and to make sure that all new surveillance or tracking measures, adopted in full consultation with data protection authorities, are strictly necessary and proportionate, have a solid legal basis, and are of a temporary nature;

- continue their efforts to combat all types of discrimination which has been exacerbated by the pandemic and guarantee safe and timely access to sexual and reproductive health and rights (SRHR) and the necessary healthcare services for all women and girls during the COVID-19 pandemic, especially access to contraception, including emergency contraception, and to abortion care.

The resolution called on the Commission to urgently commission an independent and comprehensive evaluation of the measures taken during the 'first wave' of the COVID-19 pandemic in order to generate lessons learned, share best practice and enhance cooperation, and to ensure that measures taken during subsequent waves of the pandemic are effective.

Lastly, the Commission and the Council are urged to engage in the negotiation of an interinstitutional agreement on an effective monitoring mechanism on rule of law, democracy and fundamental rights, as called for in its resolution of 7 October 2020 on the establishment of an EU Mechanism on Democracy, the Rule of Law and Fundamental Rights, which would assess the situation in all Member States diligently and fairly, as well as contribute to the better protection of the rule of law and the Union's values during extraordinary situations such as the ongoing pandemic.