

Restoring fundamental rights and freedoms in light of the pandemic

The Congress of the Alliance of Liberals and Democrats for Europe (ALDE) Party convening virtually on 11-12 June 2021:

Noting that:

- the corona pandemic is not only a threat to our health and economies, but also to liberal democracy itself;
- the trend of declining democracy in and outside of Europe is only growing. The Covid-19 pandemic exacerbates this decline and there is a risk that European democracy takes steps backwards and democratic gains are reversed globally;
- the Covid-19 pandemic has become a litmus test for most democracies, prompting societies to discuss their fundamental rights concerns;
- the pandemic has shown weaknesses in governments' abilities to safeguard fundamental rights, freedoms and the rule of law in the face of the pandemic;
- the health crisis has forced inevitable trade-off between public health imperatives and human rights considerations in even the most advanced democracies;
- some governments have used the public health crisis to limit fundamental rights and damage democracy. Countries with stronger democratic traditions have shown some worrying signs, and those who showed authoritarian trends already before have used the Covid-19 pandemic as an excuse to clamp down on opposition and roll back democracy.

Keeps in mind that:

- the UN International Covenant on Civil and Political Rights (ICCPR) requires that restrictions on rights for public health reasons or at a time of national emergency be lawful, necessary, and proportionate;
- fundamental rights such as freedom of speech, association and access to information is crucial to give people the tools to ensure governments act in their best interests, particularly when navigating a public health crisis.

Notes with concern that:

- more than half of EU governments have failed to safeguard people's right to peaceful assembly, according to one study;
- a number of European governments have curtailed public access to information, making it more difficult to scrutinise how authorities have been using their reinforced executive powers;

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- governments also restricted the freedom of expression, punishing activists and journalists for questioning and criticizing government information regarding the spread of the virus;
- expedited law making and changes to parliamentary procedures in some European States have severely limited opportunities for citizens, activists and civil society organisations to have their say on governments' actions;
- surveillance has greatly increased during the pandemic, and broad monitoring runs the risk of becoming excessive and intimidating;
- in some European States, governments took advantage of the state of emergency to further weaken environmental and social standards;
- seven EU Member States have been summoned by the European Commission to lift restrictions to non-essential travel abroad, which disrupted free movement and supply chains in response to the Covid-19 pandemic, and several have continued to impose internal border checks and unilaterally close borders, in spite of the European Commission's recommendations based on the colour codes assigned by the ECDC. The European Commission has developed and will activate in July 2021 a Digital Covid Certificate to facilitate the safe free movement of citizens within the EU during the Covid-19 pandemic. It contains necessary key information, which cannot be retained by visited countries. However, some Member States claim to retain data collected for purposes beyond free movement;
- many cases of scapegoating the Roma and ethnicisation of the Covid-19 crisis were reported across European countries;
- reports from several countries point to higher rates of Covid-19 infections among migrants, asylum seekers and refugees, as well as poor hygiene conditions and limited access to medical services in reception facilities.

Recalls that:

- the ALDE Party Resolution of 18 November 2020 on 'Lessons learned from Covid-19 pandemic' (the 'Bureau Resolution') called for greater coordination role for the EU in the area of public health;
- the Bureau Resolution recommended that the role of the public health agencies such as the ECDC and the European Medicines Agency (EMA) be strengthened to enable monitoring, surveillance, testing and tracing of future diseases;
- the Bureau Resolution stressed that tracking and tracing facilities should never become a threat to our fundamental freedoms and privacy, and condemned the governments ('corona dictators') who used the pandemic as an opportunity to expand their powers, calling for the establishment of mechanisms to monitor for abuses of power and the rule of law;

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- the Bureau Resolution called for even greater cooperation amongst EU Member States;
- EU Member States should keep a coordinated approach when introducing Covid-19-related restrictive measures to fundamental freedoms and rights.

Calls on:

- the Commission to act as the Guardian of the Treaties and protect fundamental rights and freedoms by calling out EU governments that impose excessive restrictions on our democratic rights and by restricting access to EU funding, using the Rule of Law Mechanism;
- all European States to adhere to the ICCPR when putting in place measures to tackle this and any future public health crises, making sure measures are lawful, necessary and proportionate;
- all member parties of ALDE Party, Renew Europe Group members of the European Parliament and Commissioners, and liberal members of national governments to make sure that restrictions made on individual rights and freedoms during the pandemic can and will be walked back as we transition out of the public health crisis, and to ensure the freedom of movement and the function of the internal market are restored as soon as possible;
- all member parties of ALDE Party to monitor and ensure, in their respective Member States, that the EU Digital Covid Certificate is not used for other purposes than it was created or in breach of fundamental freedoms and privacy rights.

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