

Studies with a 'Covid 19 angle'



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Abstract

When the pandemic loomed over us in spring 2020, we asked experts to analyze whether it was possible to introduce a Covid angle into their studies. In many cases, it seemed *prima facie* a bit far-fetched. However, it soon became apparent that even in our area of work there were interesting aspects to investigate. This publication groups together the most relevant parts of the studies published so far and in which a Covid 19 angle has been presented and discussed.

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Original: EN

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Manuscript completed in June 2021

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1. Possible avenues for further political integration in Europe - A political compact for a more democratic and effective union? (Published in May 2020)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the AFCO Committee, analyses possible avenues for further political integration in the EU after Brexit. The study maps the multiple crises that the EU has weathered in the past decade and explains how these crises, including the recent Covid-19 pandemic, reveal several substantive and institutional weaknesses in the current EU system of governance. The study considers the potentials of the nascent Conference on the Future of Europe to renew the EU and examines the obstacles and opportunities for EU treaty reforms, considering the option of channelling the Conference's outcome into a new Political Compact, subject to new, less-than-unanimous ratification rules.

The parts of the study discussing Covid 19 impact can be found below:

"Covid-19 (page 17)

The EU was just adjusting to the UK withdrawal, when "a human tragedy of potentially biblical proportions"¹ fell upon it: the Covid-19 pandemic. As the virus started spreading rapidly across Europe, and indeed the world, EU Member States' governments rushed in February and March 2020 to take unprecedented public policy measures. In particular with death tolls spiking to shocking numbers, notably in Italy, Spain and France, authorities imposed war-like lock-downs, closing schools, factories, and public facilities, banning the movement of persons, prohibiting public gatherings and requisitioning properties essential to address the health crisis. The immediate action by the EU Member States revealed a remarkable lack of coordination, with some countries unilaterally suspending the intra-EU export of medical devices, or introducing intra-EU border checks, also on goods – in blatant disregard of EU law. In fact, Hungary even abused Covid-19 to adopt emergency legislation which allowed the government to rule indefinitely by decree – effectively codifying authoritarian governance into law.²

Eventually, a more European response to Covid-19 started to take place – especially in tackling the socio-economic consequences of the pandemic. In particular, after some hesitation, the EU supranational institutions mobilised to support Member States worst hit by the health crisis. The European Investment Bank (EIB) developed a special Covid-19 investment scheme to support small and medium size enterprises (SMEs).³ The ECB launched a new pandemic emergency purchase program, committing to buy public bonds and commercial paper in the financial markets.⁴ And the Commission suspended the application of state aid rules;⁵ called on the Council to trigger the SGP general escape clause putting fiscal rules on temporary hold;⁶ activated the EU Solidarity Fund;⁷ put forward a

¹ See former ECB President Mario Draghi, "We Face a War Against Coronavirus and Must Mobilize Accordingly", Op-Ed, *Financial Times*, 26 March 2020.

² See Act XII of 30 March 2020 on protecting against coronavirus (Hu.).

³ See EIB Press Release, "EIB Group Will Rapidly Mobilize up to €40 billion to Fight Crisis Caused by Covid-19", 16 March 2020.

⁴ See ECB Press Release, "ECB Announces €750 billion Pandemic Emergency Purchase Programme", 18 March 2020.

⁵ See European Commission Communication "Temporary Framework for State aid measures to support the economy in the current Covid-19 outbreak", 20 March 2020, 2020/C 91 I/01.

⁶ See Council of the EU, statement, 23 March 2020 (agreeing with the assessment of the Commission that the conditions to suspend the SPG were fulfilled).

⁷ See Regulation (EU) 2020/461 of the European Parliament and of the Council of 30 March 2020 amending Council Regulation (EC) No 2012/2002 in order to provide financial assistance to Member States and to countries negotiating their accession to the Union that are seriously affected by a major public health emergency, OJ 2020 L 99/9.

coronavirus response investment initiative to mobilize €37bn of available cash reserves in the EU Structural and Investment Funds;⁸ and also proposed the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) – a re-insurance system designed to support the heavily pressured national unemployment insurance regimes through loans backed-up by Member States' guarantees.⁹

However, joint action by the EU intergovernmental institutions was much less forthcoming.¹⁰ In fact, the EU Member States split heavily on what new measures to put in place to sustain the economy during the pandemic and relaunch it afterwards. In particular, on 25 March 2020 a group of nine Eurozone states – France, Italy, Spain, Portugal, Greece, Slovenia, Belgium, Luxembourg and Ireland – requested in a letter to the European Council President that the EU start “working on a common debt instrument issued by a European institution to raise funds on the market on the same basis and to the benefit of all Member States.”¹¹ Yet, this proposal was fiercely rejected as an unacceptable effort of debt mutualisation by the Netherlands and Germany – which called instead for the use of the ESM as a crisis response tool.¹² In this context, the European Council, meeting by video-conference for the third time in two weeks, failed to reach a deal¹³ – and hence kicked the can to the Eurogroup. But the Eurogroup, meeting in an inclusive format (open to non-Eurozone states), did not have an easier time either: after three days of negotiation, on 9 April 2020, it came up with a half-baked compromise, which envisioned tackling Covid-19 with both the ESM and a new Recovery Fund.¹⁴ However, details on the latter were scant at best, suggesting that tough talks lie ahead if the EU is to find a consensual way out of the Covid-19 crisis.¹⁵

Potentials of the Conference of Europe (page 32)

The Conference on the Future of Europe represents potentially a major initiative to relaunch the project of European integration and reform the EU. To achieve its ambitious objectives, however, the Conference must be directed also towards treaty change as this is the main way to address the shortcomings that have emerged in the context of Europe's multiple crises, culminating with Covid-19. In fact, Covid-19 has had an impact on the Conference itself, because the explosion of a global pandemic delayed the adoption of a joint resolution by the three main EU institutions aimed at outlining the Conference's mission. As a result, the originally envisioned schedule to launch the Conference on the Future of Europe on Europe Day, 9 May 2020 (the 70th anniversary of the Schuman Declaration), in Dubrovnik, Croatia was derailed, with the new time-frame for the initiative still unknown.

⁸ See Regulation (EU) 2020/460 of the European Parliament and of the Council of 30 March 2020 amending Regulations (EU) No 1301/2013, (EU) No 1303/2013 and (EU) No 508/2014 as regards specific measures to mobilise investments in the healthcare systems of Member States and in other sectors of their economies in response to the COVID-19 outbreak (Coronavirus Response Investment Initiative), OJ 2020 L 99/5.

⁹ See European Commission Proposal for a Council Regulation on the establishment of a European instrument for temporary support to mitigate unemployment risks in an emergency (SURE) following the Covid-19 outbreak, 2 April 2020, COM(2020)139 final.

¹⁰ See also Italian President Sergio Mattarella, statement, 27 March 2020.

¹¹ See Joint letter by Belgium, France, Greece, Ireland, Italy, Luxembourg, Portugal, Slovenia and Spain to European Council President Charles Michel, 25 March 2020.

¹² See Dutch Finance Minister Wopke Hoekstra, statement at the Tweede Kamer, 7 April 2020, available at: <https://debatgemist.tweedekamer.nl/debatten/eurogroep>.

¹³ See Joint statement of the Members of the European Council, 26 March 2020.

¹⁴ See Council of the EU, Report on the comprehensive economic policy responses to the Covid-19 pandemic, 9 April 2020.

¹⁵ See also Sebastian Grund et al, “Sharing the Fiscal Burden of the Crisis”, Hertie School Jacques Delors Centre Policy Paper, 7 April 2020.

Nevertheless, Covid-19 has actually made the need for the Conference on the Future of Europe more pressing than ever. As Parliament underlined on 17 April 2020 in a broad resolution outlining its position on the action needed at EU level to combat Covid-19 and its consequences, "the pandemic has shown the limits of the Union's capacity to act decisively and exposed the lack of the Commission's executive and budgetary powers."¹⁶ As a result, Parliament suggested "proposing greater powers for the Union to act in the case of cross-border health threats,"¹⁷ it called for completing EMU, and for activating "the general *passerelle* clause to ease decision-making process in all matters which could help to cope with the challenges of the current health crisis."¹⁸ More crucially, however, Parliament stressed that "the Union must be prepared to start an in-depth reflection on how to become more effective and democratic and that the current crisis only heightens the urgency thereof; believes that the planned Conference on the Future of Europe is the appropriate forum to do this; is therefore of the opinion that the Conference needs to be convened as soon as possible and that it has to come forward with clear proposals, including by engaging directly with citizens, to bring about a profound reform of the Union, making it more effective, united, democratic, sovereign and resilient."¹⁹

Parliament's call for a prompt installation of the Conference on the Future of Europe as part of the institutional responses to Covid-19 found echoes in recent statements by other leading policy makers. For example, French President Emmanuel Macron once again threw his weight behind constitutional reforms in the EU, underlying how the pandemic should break any hesitation towards an in-depth rethinking of the EU.²⁰ At the same time, speaking in the Bundestag ahead of a crucial European Council meeting, German Chancellor Angela Merkel emphasized the need to be open towards the option of EU treaty change.²¹ And France and Germany jointly re-called the opportunity offered by the Conference "to open a large democratic debate on the European project [and] its reforms" in their proposal for a European Recovery from the Covid-19 crisis.²² Moreover, EU leaders celebrated Europe's Day on 9 May 2020 reaffirming their conviction that the Conference on the Future of Europe, which "was only delayed due to the pandemic, will be essential in developing" ideas to make the EU more transparent and more democratic.²³ From this point of view, therefore, the Conference on the Future of Europe represents potentially a ground-breaking initiative to start a constitutional reform process in the EU – along the models of the Conference of Messina and the Convention on the Future of Europe.

Conclusions (page 44)

In the last decade, the EU has faced a plurality of crises which have exposed the shortcomings of the current EU system of governance. These call for urgent and needed reforms to relaunch integration among the 27 EU Member States. In fact, on 31st January 2020, the UK left the EU, in an unprecedented process of withdrawal that should remove any complacency regarding the weak state of the union. It is also in response to these challenges that leading statesman pushed recently for the establishment of a Conference on the Future of Europe designed to renew the EU and restart integration. The

¹⁶ European Parliament resolution of 17 April 2020 on EU coordinated action to combat the Covid-19 pandemic and its consequences, (2020/2616(RSP)), P9_TA(2020)0054. Available at: [http://www.europarl.europa.eu/RegData/seance_pleniere/textes_adoptes/definitif/2020/04-17/0054/P9_TA\(2020\)0054_EN.pdf](http://www.europarl.europa.eu/RegData/seance_pleniere/textes_adoptes/definitif/2020/04-17/0054/P9_TA(2020)0054_EN.pdf), para. 69.

¹⁷ Ibid. para. 67

¹⁸ Ibid. para. 69

¹⁹ Ibid. para. 72

²⁰ See French President Emmanuel Macron interview "We Need to Invent Something New", *The Financial Times*, 17 April 2020.

²¹ See German Chancellor Angela Merkel, speech Bundestag, 23 April 2020.

²² See French-German Initiative for the European Recovery from the Coronavirus Crisis, 18 May 2020.

²³ See European Parliament President David Sassoli, European Council President Charles Michel and European Commission President Ursula von der Leyen, Joint Op-ed, 9 May 2020.

explosion of the Covid-19 pandemic has delayed the launch of the Conference. Nevertheless, the difficulties of the EU in responding to a dramatic health crisis, with its unprecedented social, political and economic ramifications, has made the convening of the Conference more necessary than ever to tackle the institutional and substantive weaknesses of the current EU constitutional architecture."

2. Europeanising European public spheres (Published in June 2020)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the AFCO Committee, provides a brief overview of the academic debates on Europeanisation as well as contestation and politicisation of the EU and European integration. Against this background, it focuses on the European public sphere(s), in particular those based on the media and parliaments. The study further discusses current reform proposals aiming to europeanise the European elections and concludes with recommendations on increasing the legitimacy of the European Union.

The parts of the study discussing Covid 19 impact can be found below:

"Europeanisation as Growing Salience and Contestation" (page 22)

It will remain to be seen to what extent the Covid-19 pandemic in 2020 will contribute to [developments in the field of Euroscepticism]. As the meta analyses of national polls published by the European Parliament's Public Opinion Monitoring Unit²⁴ demonstrate, the pandemic mainly led to a surge of support for national governments and leaders in most EU member states.²⁵ By contrast, a survey conducted by Eurofund in early April 2020²⁶ found that trust in the EU was on average lower than trust in national governments, with respondents from Finland, Ireland and Denmark trusting the EU the most and those from France, Czechia and Greece the least. It is indeed 'unusual that a survey measures trust in the EU lower than average trust in the government'²⁷, yet a strong increase in support for the government in a crisis, the so-called 'rally around the flag effect'²⁸, is by no means uncommon.

*'There seem to be certain "truths" in politics, including one long-established one: at times of crisis, people turn to their governments. And with [the] coronavirus pandemic, it seems no different. Many of our politicians have never been so popular. [...] at times of crisis, when people are frightened and face an uncertain future, they hold on to what they know. And they know their leaders. Most believe those same leaders are trying to do the best they can.'*²⁹

Indeed, a survey conducted by Kantar at the request of Parliament in 21 EU member states³⁰ suggests that only a minority of European citizens knows how the EU is involved in managing the Covid-19 crisis. Close to three quarters (74 per cent) stated to have heard of, seen or read about measures or actions initiated by the EU to respond to the pandemic – yet only 33 per cent also claimed to know what they

²⁴ European Parliament, 'Public Opinion in the time of Covid-19', Newsletter published by the Public Opinion Monitoring Unit of the European Parliament's DG communication, 2020, available at:

<https://www.europarl.europa.eu/at-your-service/en/be-heard/eurobarometer/public-opinion-in-the-time-of-covid-19>.

²⁵ See also the overview of various national polls in Euronews, available at:

<https://www.euronews.com/2020/05/21/coronavirus-why-did-european-leaders-approval-ratings-rise-during-lockdown>.

²⁶ Eurofund, Living, working and COVID-19, First findings – April 2020, Publications Office of the European Union, Brussels, 2020, available at:

https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef20058en.pdf.

²⁷ Eurofund, Living, working and COVID-19, First findings – April 2020, Publications Office of the European Union, Brussels, 2020, available at:

https://www.eurofound.europa.eu/sites/default/files/ef_publication/field_ef_document/ef20058en.pdf, here p. 3. See also

European Commission, Eurobarometer 92, Autumn 2019, First Results, European Union, Brussels, 2019, here p. 5.

²⁸ On the original development of the 'rally around the flag effect' see Mueller, J. E., 'Presidential Popularity from Truman to Johnson', *American Political Science Review*, Vol. 64, No 1, 1970, pp. 18-34.

²⁹ McCaffey, D., 'Analysis: Why are our politicians so popular during COVID-19 crisis?', Euronews, 22.04.2020, available at: <https://www.euronews.com/2020/04/16/analysis-why-are-our-politicians-so-popular-during-covid-19-crisis>.

³⁰ European Parliament, Public Opinion in the EU in Time of Coronavirus Crisis, survey conducted by Kantar, 2020, available at: <https://www.europarl.europa.eu/resources/library/media/20200527RES79925/20200527RES79925.pdf>.

are³¹. Importantly, a little less than 70 per cent of respondents across the EU declared that they did not really know what the EU was doing to combat the pandemic and its consequences.

Still, more than two thirds of the respondents agreed that the EU should have more competencies to deal with such crises (69 per cent). The level of agreement varied across member states, yet there were only two member states in which respondents in favour of greater EU competencies were not in the majority, Sweden (48 per cent) and the Czech Republic (43 per cent). The most often named competencies the EU ought to have in the eyes of respondents were ensuring the provision of medical supplies for all member states (55 per cent), the allocation of research funds for the development of a vaccine (38 per cent) and the provision of direct financial support to the EU member states (33 per cent).

This support for more engagement by the EU was also mirrored in the respondents' level of satisfaction with the solidarity between EU member states in fighting the virus. While satisfaction is, unsurprisingly, lowest in countries hit hardest by the virus, such as Italy (16 per cent) or Spain (21 per cent) the share of respondents satisfied with member state solidarity only reached an absolute majority in Ireland (59 per cent). When it comes to the satisfaction with the EU measures taken so far³², the pattern of responses was similar to the levels of satisfaction with the solidarity between EU member states. Despite great variation between the responses across member states, and despite the general lack of knowledge regarding the EU's activities regarding the pandemic, the overall impression from the survey is that EU citizens on the whole expected more from both the EU and the member states.

Europeanised Media Coverage of the Covid-19 Pandemic (page 47)

Here, the 2020 Covid-19 pandemic will be an interesting subject for future media analyses. On the one hand, the pandemic had not just an EU-wide but global impact; it has also, this is at least our perception, led to a rather strong linkage between national public discourses. Although much of the media coverage was focused on the domestic handling of the crisis, the media updated the national public not only daily on the number of infections or new political measures at home, but also, albeit selectively, on developments in other EU member states and beyond. The terrible plight of the quarantined Italian northern regions made the headlines everywhere in the EU; media outlets widely reported on the initial so-called 'herd immunity approach' by the UK government or discussed the possible advantages and disadvantages of the 'Swedish model', to give just some examples. Without having conducted a media content analysis, it is difficult to draw conclusions about the intensity and scope of such horizontal linkages between the national public spheres, but there seems little doubt that the pandemic constitutes a genuine issue on which we can observe a horizontal trans-nationalisation of media coverage in the sense that many related issues were discussed at the same time, with similar intensity and with fairly frequent references to actors outside the domestic arena.

At the same time, this trans-nationalisation was not necessarily a *Europeanisation* in the sense that EU issues were highly visible, at least not during the earlier stage of the pandemic. Unsurprisingly, pressing EU issues, such as the negotiations on the future relationship of the EU with the UK following Brexit or the negotiations on the new Multiannual Financial Framework vanished almost completely from the headlines, at least for some time. Yet early EU initiatives and actions, such as the joint procurement of

³¹ There is no data on any follow-up questions, so it remains unclear, whether and to what extent this self-assessment is true and which EU measures these 33 per cent actually know.

³² It is, unfortunately, unclear from the data provided by Kantar whether the question was posed to all respondents who were at least aware of EU measures or only those who also claimed to know what the measures were. The press release by the EP words this as 'those who know about EU action in this crisis', see <https://www.europarl.europa.eu/news/en/press-room/20200525IPR79717/eu-citizens-want-more-competences-for-the-eu-to-deal-with-crises-like-covid-19>.

personal protective equipment, increased funding for vaccine research, the establishment of 'green lanes' to ensure the free circulation of goods across member states' closed borders, the proposal for the Coronavirus Response Investment Initiative (CRII) to be funded by unused financial resources of the Cohesion Fund or the European Central Bank's Pandemic Emergency Purchase Programme also received, in our impression, relatively little national media coverage. Instead, if the EU was subject of media and public discourses at all, common frames seemed to have been the lack of European solidarity and that the EU's response had been too little, too late.³³

*'In the media debate, the EU either seemed to take a back seat or to be seen as unsound and dysfunctional. The media reported extensively on aid offers from China, Cuba or Russia, while at the same time complaining about the lack of European solidarity.'*³⁴

In part, this did, of course, mirror the how the EU was framed by national leaders in their discourses. In the Czech Republic, for example, President Zeman openly condemned the 'inaction' of the Ursula von der Leyen Commission³⁵; in Hungary, prime minister Victor Orban, criticised that the 'coronavirus crisis has exposed the EU's "weaknesses" and failure to help in times of need'³⁶; in Austria, Chancellor Sebastian Kurz warned that the 'EU will have to face a critical discussion and debate once the Corona crisis is over'³⁷ and in Estonia the 'EU received little attention [...] in the early phase of the Covid-19 crisis. If the Union was talked about at all, the focus was on its failures and fragmentation.'³⁸

Other member states' governments, by contrast, did not openly criticise the EU, they simply did not mention it:

*'Perhaps the most notable EU story to emerge from the early tackling of the COVID-19 crisis in Denmark is the absence of EU-related commentary from the national authorities. Since crisis response efforts gathered speed in early March, the focus of the social democratic government has been almost exclusively national. For instance, there has been virtually no reference to EU-cooperation in the many official press conferences held in recent weeks.'*³⁹

*The [Swedish] government's public health measures are nationally framed, and discussions or allusions to common EU responses to the challenges are absent from public debate.'*⁴⁰

This is partly mirrored in the results of the Kantar survey for Parliament⁴¹ mentioned above, according to which only a minority of European citizens knew in late April 2020 how the EU was involved in

³³ Russak, S. and Blockmans, S., 'How is EU cooperation in tackling the Covid-19 crisis perceived in member states?', in S. Russak (ed.), EU crisis response in tackling Covid-19 - Views from the member states, EPIN Report, 20 April 2020, p. 1-3, here p. 2.

³⁴ Pausch, M., Europa in und nach der Corona-Krise, *OGfE Policy Brief* 10, 16. April 2020, translation from German by the authors.

³⁵ Lassen, C. K. and Kovář, J., 'Czech Republic: political elites and citizens view EU cooperation with scepticism' in S. Russak (ed.), EU crisis response in tackling Covid-19 - Views from the member states, EPIN Report, 20 April 2020, p. 5.

³⁶ Bayer, L., 'Viktor Orbán criticizes EU's coronavirus crisis response', Politico Europe, 27.03.2020, available at: <https://www.politico.eu/article/coronavirus-viktor-orban-criticizes-eu-crisis-response/>

³⁷ Graf, E., 'Krisenmanager Kurz: „Es war ein Kraftakt“', Kronen Zeitung, 29.03.2020, available at: <https://www.krone.at/2126254>, translation from German by the authors.

³⁸ Raik, K., 'For Estonia, the EU is fragile but indispensable', in S. Russak (ed.), EU crisis response in tackling Covid-19: Views from the member states, EPIN Report, 20 April 2020, p. 6-7.

³⁹ Sørensen, C., Success or failure? For Denmark, the jury is still out on the EU's handling of Covid-19', in S. Russak (ed.), EU crisis response in tackling Covid-19 - Views from the member states, EPIN Report, 20 April 2020, p. 6.

⁴⁰ Lewander, J., 'The case of Sweden – keep calm and trust the system', in S. Russak (ed.), EU crisis response in tackling Covid-19: Views from the member states, EPIN Report, 20 April 2020, p. 14

⁴¹ European Parliament, Public Opinion in the EU in Time of Coronavirus Crisis, survey conducted by Kantar, 2020, available at: <https://www.europarl.europa.eu/resources/library/media/20200527RES79925/20200527RES79925.pdf>.

managing the Covid-19 crisis. While close to three quarters (74 per cent) stated to have heard of, seen or read about measures or actions initiated by the EU in response to the pandemic, a similar share of respondents (67 per cent) across the EU declared that they did not really know what any of these measures were.

Media attention increased substantially, however, over the debate between the member states regarding different options to finance the Union's economic recovery, and the so-called 'corona bonds', in particular. The media framing was, according to our impression, still often national, and attention concentrated mostly on a relatively small number of individual heads of governments on both sides of the debate, namely on the heads of governments of Spain or Italy, of the so-called 'frugal four' (Austria, Denmark, Sweden and the Netherlands) as well as of Germany and France. The EU Institutions, and Parliament in particular (see also section 3.6.2 below), continued to play a more minor role. One notable exception here was the 'Commission's embarrassing U-turn' after it 'was forced by angry EU governments [...] to drop plans to present a "roadmap" for ending the coronavirus lockdowns'⁴² in early April. Again, a proper media analysis is needed to draw more comprehensive and empirically sound conclusions. Yet overall, our impression is that the media coverage around the pandemic mirrors findings from the academic literature so far, namely that important EU issues or events do get fairly broad coverage, both in terms of vertical and, albeit limited, horizontal Europeanisation, but that it is especially conflicts or battles between political actors that make for 'good', and thus often negative news.

News Coverage of the European Parliament (page 55)

[On media coverage of Parliament during the Covid-19 pandemic:] Again, we are unable to draw any generalised conclusions without an extensive media analysis. We did, however, conduct a short analysis of the Politico Europe coverage of Parliament between 1 March and 25 May 2020.⁴³ Most of the Politico Europe articles covering Parliament specifically focused on technical or organisational changes made due to the pandemic, such as the suspension of events⁴⁴, changes to the plenary sessions⁴⁵ and their eventual move to Brussels⁴⁶, the move to e-voting⁴⁷, work from home measures⁴⁸ and the introduction of mandatory face masks⁴⁹; on more personal stories such as President Sassoli's

⁴² Bayer, L., 'Brussels drops lockdown exit plan after anger from capitals', Politico Europe, 08.04.2020, available at: <https://www.politico.eu/article/commission-to-unveil-exit-strategy-as-countries-push-to-lift-corona-measures/>.

⁴³ We searched for the key term 'European Parliament' using politico.eu's own search engine with results listed by relevance. This allowed us to identify – roughly – the articles that focused on the EP or MEPs as the main topic.

⁴⁴ De La Baume, M., 'EU Parliament cancels events over coronavirus, but Strasbourg trip goes ahead', PoliticoEurope, 2.3.2020, available at: <https://www.politico.eu/article/eu-parliament-cancels-events-over-coronavirus-but-strasbourg-trip-goes-ahead/>.

⁴⁵ De La Baume, M., 'EU Parliament cuts length of plenary and scraps votes due to coronavirus', Politico Europe, 9.3.2020, available at: <https://www.politico.eu/article/coronavirus-eu-parliament-cuts-length-of-plenary-and-scraps-votes/>.

⁴⁶ De La Baume, M., 'European Parliament to switch plenaries to Brussels due to coronavirus', Politico Europe, 19.3.2020, available at: <https://www.politico.eu/article/coronavirus-european-parliament-limited-session/>.

⁴⁷ De La Baume, M., 'Corona-era European Parliament: Empty chamber and e-voting', Politico Europe, 26.3.2020, available at: <https://www.politico.eu/article/corona-era-european-parliament-empty-chamber-and-e-voting/>.

⁴⁸ Cerulus, L., 'EU Parliament's work from home measures are flawed, says vice president', Politico Europe, 10.4.2020, available at: <https://www.politico.eu/article/coronavirus-eu-parliament-work-from-home-measures-expose-meps-to-manipulation-risks-says-vice-president/>.

⁴⁹ De la Baume, M., 'European Parliament to make wearing of face masks mandatory', Politico Europe, 28.4.2020, available at: <https://www.politico.eu/article/european-parliament-to-make-wearing-of-face-masks-mandatory/>.

self-isolation⁵⁰ and MEPs who had - actually or possibly - contracted the virus⁵¹; as well as the conflicts that arose over the participation of climate activist Greta Thunberg in a meeting of the environment committee in early March⁵². As the short overview illustrates, Politico Europe did keep EU citizens rather systematically updated on developments in their Parliament. Articles covering political positions, debates or decisions of and within the EP, by contrast, were far rarer. Here, Politico Europe covered Parliament's vote on the amendments necessary for the Commission's Coronavirus Response Investment Initiative⁵³, Parliament's resolution on the new multiannual financial framework, own resources and the recovery plan⁵⁴, and published excerpts of an interview with President Sassoli⁵⁵ on the role of Parliament in the Union's recovery plan. Yet overall, the impression from the Politico Europe coverage is that the Parliament did not play a significant role during the pandemic. One of the articles, in early April, even explicitly addressed the struggle for influence during the crisis, reporting on MEPs feeling that Parliament had 'pressed the mute button'⁵⁶. "

⁵⁰ De la Baume, M., 'European Parliament's Sassoli to work from home as coronavirus precaution', Politico Europe, 10.3.2020, available at:

<https://www.politico.eu/article/european-parliaments-sassoli-to-work-from-home-as-coronavirus-precaution/>.

⁵¹ Wanat, Z. and De la Baume, M., 'Polish MEP Tests positive for coronavirus', Politico Europe, 20.3.2020, available at: <https://www.politico.eu/article/polish-mep-tests-positive-for-coronavirus/>; De la Baume, M., 'Weber's absence from European Parliament raises questions', Politico Europe, 28.4.2020, available at: <https://www.politico.eu/article/manfred-weber-absence-from-european-parliament-prompts-questions/>; Von der Burchard, H., 'Manfred Weber back in Parliament after health-related absence', Politico Europe, 5.5.2020, available at: <https://www.politico.eu/article/manfred-weber-back-in-european-parliament-after-health-related-absence/>.

⁵² De La Baume, M. and Smith- Meyer, B., 'MEPs ask: Does coronavirus not apply to Greta?', Politico Europe, 3.3.2020, available at: <https://www.politico.eu/article/meps-ask-does-coronavirus-not-apply-to-greta-thunberg/>.

⁵³ Bayer, L., 'European Parliament greenlights coronavirus funding plan', Politico Europe, 26.3.2020, available at: <https://www.politico.eu/article/european-parliament-greenlights-coronavirus-funding-plan/>.

⁵⁴ De La Baume, M., 'MEPs back €2T coronavirus recovery plan', Politico Europe, 15.5.2020, available at: <https://www.politico.eu/article/meps-back-2-trillion-euros-coronavirus-recovery-plan-funding/>.

⁵⁵ De La Baume, M., 'Sassoli demands bigger European Parliament role in recovery plan', Politico Europe, 8.5.2020, available at: <https://www.politico.eu/article/david-sassoli-demands-bigger-european-parliament-role-coronavirus-economic-recovery-plan/>.

⁵⁶ De la Baume, M. and Manancourt, V., 'EU Parliament struggles for influence due to coronavirus', Politico Europe, 16.4.2020, available at: <https://www.politico.eu/article/eu-parliament-struggles-for-influence-due-to-coronavirus/>.

3. Institutions and foreign interferences (Published in July 2020)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the AFCO Committee, assesses the EU responses to counter foreign interferences. It examines in particular the effectiveness of the EU action against foreign interferences in the 2019 European Parliament elections, the COVID-19 crisis and the issue of foreign donations to European political parties. The study concludes with specific policy recommendations to enhance the EU's responses.

The parts of the study discussing Covid 19 impact can be found below:

["Covid-19 angle \(pages 9-10, 48-59, and 76-77\)](#)

Amidst the COVID-19 crisis, disinformation has been rapidly spreading from Russia, China, and has constituted a problem of foreign interferences in the EU. Disinformation entails false health advices, conspiracy theories and narratives about the EU and US failures in the handling of the crisis. It is aimed at sowing confusion and misperceptions within the public and undermining the effectiveness and credibility of Western institutions. Russian disinformation comes from state-backed media outlets and European proxies and it is amplified through social media. Chinese disinformation echoes the Russian playbook, adding more overt diplomatic efforts and covert social media campaigns to deflect any criticism for the pandemic.

The EU response is articulated. It has enhanced the activity of the East StratCom Task Force to track and expose disinformation, enforced the Code of Practice on Disinformation to push tech companies and platforms to enact self-regulation policies, and activated the Rapid Alert System. Foreign disinformation around the Covid-19 crisis raises concerns about the resilience of the EU and calls for integrated responses with NATO and the UN.

In the context of the COVID-19 crisis, different disinformation strategies can be observed. Fully fledged disinformation was accompanied by subtler misinformation tactics according to the strategic interests of external actors. Fake news can also spread through individual media users, who unintentionally act as channels of dissemination of false or misleading content that originated elsewhere. The crisis revealed how blurred the line is between illegal informational content and legal content that can intentionally cause public harm, and between legitimate public diplomacy operations and manipulative foreign influence. This section provides an assessment of the wave of disinformation circulation in relation to the COVID-19 crisis, with a specific focus on foreign interferences and their implications for public action."

4. Safety of journalists and the fighting of corruption in the EU (Published in July 2020)

Journalism and journalists face a growing range of threats, including violence and harassment; the misuse of defamation and other laws against them, and restrictive measures on freedom of information and expression adopted in response to the Covid-19 crisis. States must ensure a safe and favourable environment for journalists to perform their public watchdog function. The Covid-19 pandemic and subsequent governmental measures to contain the spread of the virus have had a roundly negative impact on freedom of expression and journalistic and media freedoms. The study examines the scale and details of how adopted measures – sometimes in the form of emergency measures – have led to interferences with and/or violations of the right to freedom of expression. Countervailing initiatives by civil society organisations are also examined, as well as 'best practices' for journalism and financial and support measures that aimed to throw lifelines to threatened media and journalists.

The study, commissioned at the request of the LIBE Committee, examines the overall chilling effect of crimes and threats against journalists and explores various regulatory and other measures to counter them.

The parts of the study discussing Covid 19 impact can be found below:

“COVID related considerations (page 88):

The Covid-19 crisis has brought a wave of measures threatening access to information and media freedom. This underscores the need for robust protection for journalists, the media and other actors to enable them to carry out their public watchdog tasks and to produce quality, independent and critical journalism. Such protection necessarily involves sustainable funding at national and European levels, especially in light of the financial impact of the Covid-19 crisis on already precarious sectors of journalism, media and culture.

The outbreak of the Covid-19 pandemic has intensified existing issues and challenges faced by journalists across Europe. Within a relatively short amount of time, several European states introduced emergency measures which restrict the capabilities of journalists to inform the public on the pandemic. While this unprecedented public health crisis necessitates serious responses, it is alarming when emergency measures are exploited to legitimise excessive restrictions on press freedom. Disproportionate restrictions on disinformation, curbs on access to information and expansive surveillance measures which ostensibly contribute to the containment of the virus can have devastating long-term effects on media freedom. The need for the public to receive trustworthy information is all the more pressing during a global health crisis such as Covid-19. Access to quality news is imperative in order to mitigate the impacts of the pandemic, ensure accountability for measures taken to slow down the spread of the virus, and challenge the corrosive misinformation that sustains the pandemic. But precisely when quality reporting is needed the most, the work of journalists is hampered by disproportionate emergency measures, a new wave of verbal and physical attacks and the lack of sufficient funding.

Monitoring restrictions on media freedom

Several organisations have set up special monitoring mechanisms to provide clarity about restrictions on press freedom during the pandemic. These extensive monitoring activities have revealed an appalling image of the impact of Covid-19 on media freedom. While most of the measures are temporary in nature, they will potentially have long-lasting effects on the state of media freedom in Europe.

Restrictions on disinformation. Under the pretext of the coronavirus crisis, some EU member states have moved to restrict the dissemination of disinformation relating to Covid-19. While best efforts have been made in order to identify whether the measures described here are still in place, it is possible that some of the measures have already been withdrawn. Disinformation may disrupt efforts to contain the spread of the pandemic, vague and repressive disinformation laws afford state authorities with an overly broad discretion in relation to the types of information they deem fit to restrict. It is concerning when disinformation laws trigger disproportionate sanctions, including imprisonment, which induce severe chilling effects on communication.

Extension of deadlines for freedom of information requests. As a response to the pandemic, access to information held by public authorities has been curbed. As Article 19 asserted in its report on ensuring the public's right to know, these measures are counterproductive to the efforts of containing the pandemic. There is a risk that such measures are introduced in order to limit scrutiny of the government's actions addressing the pandemic or conceal corruption and human rights abuses.

Restrictions on press conferences. The ability of journalists to gather information has also been curbed by restrictions on official press conferences. Such restrictions prevent journalists from holding those in power accountable, and undermine transparency about the actions taken by the government to halt Covid-19.

Expansive surveillance measures. The pandemic has also seen the expansion of digital surveillance measures. Mobile phone location data is increasingly demanded by governments in order to trace recent contacts of those infected with Covid-19 and track the spread of the pandemic. Excessive surveillance measures have inspired concerns about privacy, freedom of expression and the protection and anonymity of journalistic sources.

Verbal and physical abuse. During the pandemic, journalists face a fresh storm of verbal and physical abuse. The coronavirus crisis is exploited by various actors, alarmingly also state authorities, to intimidate journalists into self-censorship.

Civil society organizations have repeatedly called on those in power to uphold fundamental rights, including freedom of expression, in their efforts to contain the pandemic.

Financial and other support measures (page 99)

The coronavirus crisis has had a devastating economic impact on the media sector. Thousands of people working in the media sector have lost their jobs or have experienced significant pay cuts. Freelance and self-employed journalists face heightened economic risks as they often have no available social benefit to fall back on. Without financial stability, journalists are struggling to fulfil their much-needed public watchdog role during the pandemic. While fears over the economic sustainability of media have long been voiced, the coronavirus crisis has amplified the financial vulnerability of the news industry. Financial and other support measures are vital in order to sustain the media sector during the crisis.

Conclusions and Recommendations (page 100)

Ongoing monitoring exercises reveal that long-standing threats to the safety of journalists are persisting: threats and acts of violence against journalists; impunity for crimes against journalists and the vexatious use of litigation against them, especially on the basis of defamation laws. In addition, other threats are emerging or are starting to receive more attention than in the past: gender-related threats, especially online; Strategic Lawsuits Against Public Participation (SLAPPs); restrictions on media freedom and (access to) information in the context of Covid-19 measures. The urgency of these

threats to journalism, journalists and other actors demands explicit prioritization in ongoing and forthcoming law- and policy-making initiatives, as well as in relevant funding schemes, at the national and European levels.

Hate speech and hate crime in the EU and the evaluation of online content regulation approaches.

The Covid-19 crisis has underscored the need for quality, reliable information and commentary on matters of importance to society and the need to protect all individuals and organisations seeking to provide such information and commentary and/or otherwise serve as public watchdogs. The crisis has also provided a pretext for some governments to adopt emergency measures with a restrictive impact on access to information and media freedom. Member States are called upon to strictly adhere to their obligations under European human rights law, in particular in the context of emergency measures, and to at all times uphold their positive obligation to ensure a favourable environment for everyone to participate in public debate. The

Covid-19 crisis has had a profound economic impact on the already precarious journalism, media and cultural sectors: EU Member States and the Commission are called upon to invest heavily in these sectors in national and European support and recovery packages. This should be seen as an opportunity to contribute to the sustainability of quality journalism in an increasingly digitalized age - a vital public good. These support and recovery packages should be developed in close consultation with representative bodies of these sectors, in order to ascertain as accurately as possible the precise needs of the range of actors implicated, including gender-specific needs and perspectives. There is a need, as the Parliament has already pointed out, for the creation of a permanent European fund for journalists in the framework of the next Multiannual Financial Framework (MFF) (2021-2027), as redrafted following the Covid-19 crisis, offering direct financial support for independent journalists and media outlets, freelancers and self-employed media workers."

5. Overview on the impact of Member States' Covid measures on Democracy, the Rule of law and Fundamental Rights (Published in March 2020)

This “rolling” document, drafted by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs at the request of the Monitoring Group on Democracy, Rule of Law and Fundamental Rights of the LIBE Committee, aims at monitoring and providing an overview the measures adopted by EU Member States in the fight against the spreading of the Covid-19 virus and their impact on DRF. The research is based on open sources such as press articles, reports of national, European and international bodies, etc, in a rapidly changing situation.

The “rolling Study” is an innovative product produced by our Policy Department to support the work of the Committee on Civil Liberties, Justice and Home Affairs, and notably its Monitoring Group on Democracy, the Rule of Law and Fundamental Rights. It was and still is updated regularly, every week / two weeks, depending on the meeting schedule of the Monitoring Group. It served as a basis for a public Briefing on the same matter (see point 10 in this paper), as well as to the Chair of the DRFMG to report back to LIBE on the activities of the DRFMG on Covid measures and their impact of DRF. It also was used by the DRFMG to draft a Working Document and on this basis, an Oral question and a resolution on Covid 19 and the impact on DRF. Since the document is its entirety about Covid 19, it cannot be reproduced here, but the update nr 24 of 17 March 2021 can be found online

Part 1:

<https://www.europarl.europa.eu/cmsdata/231907/Overview%20Covid%20Measures%20DRF%2024%20LIBE.pdf>

Part 2

<https://www.europarl.europa.eu/cmsdata/234903/Overview%20Covid%20Measures%20DRF%2027%20LIBE.pdf>

6. The impact of covid-19 measures on democracy, the rule of Law and Fundamental Rights in the EU (Published in April 2020)

This Briefing was prepared by the Policy Department for Citizens' Rights and Constitutional Affairs upon request of the LIBE committee Monitoring Group on Democracy, Rule of Law and Fundamental Rights. It focuses on the impact of the measures adopted to fight Covid-19 by EU Member States on democracy, the rule of law and fundamental rights in the EU. The Policy Department has monitored such measures - through the production and update of an internal overview based on open sources and covering the 27 EU Member States, the UK and international and EU institutions - and examined their impact, from an institutional/constitutional and fundamental rights and freedoms point of view, on the following areas of relevance: state of emergency and exceptional powers, the functioning of national parliaments and of the judiciary; freedom of movement; freedom of expression and of the media; freedom of assembly; privacy and data protection; asylum; prisons; discrimination and vulnerable groups; other issues of relevance for Art. 2 TEU. The monitoring exercise reveals a series of areas of possible concern for the EU and the European Parliament, notably in relation to the protection of the European values enshrined in Article 2 TEU, the Article 7 TEU procedures, and more in general the application of EU law. The outcome of this work is furthermore particularly worthwhile as the EP prepares for the first annual inter-institutional monitoring exercise in the framework of the new European mechanism on the Rule of Law.

The Briefing published on 23 April 2020 was the first research produced by EP services on Covid measures and their impact. It was used by the Chair of the LIBE Monitoring Group on Democracy, Rule of Law and Fundamental Rights to report back to the full committee on the activities of the DRFMG in monitoring Covid measures and their impact of DRF, as well as to draft a Working Document, a LIBE Oral question and resolution on Covid 19 and the impact on Democracy, Rule of Law and Fundamental Rights. Since the whole document is about Covid 19 and its impact, it cannot be reproduced here in its entirety but can be read online at the link above.

7. Hate speech and hate crime in the EU and the evaluation of online content regulation approaches (Published in July 2020)

This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee. The study argues that hate speech and hate crimes poison societies by threatening individual rights, human dignity and equality, reinforcing tensions between social groups, disturbing public peace and public order, and jeopardising peaceful coexistence. The lack of adequate means of prevention and response violates values enshrined in Article 2 of the TEU. Member States have diverging rules, and national public administrations are torn by disagreement in values. Therefore, EU regulation is needed to reinforce the existing standards and take measures to counter hate speech and counter-act against hate speech and hate crime. The study – on the basis of a cross-country comparison conducted – proposes concrete, enforceable and systematic soft and hard law measures to counter hate speech and hate crimes EU-wide efficiently.

The parts of the study discussing Covid 19 impact can be found below:

["Covid-19 and the spread of hatred \(page 19\)](#)

States derogated from constitutional checks, and limited rights and freedoms of their citizens, residents and foreigners. In this climate hostile towards democracy, dangerous with respect to the rule of law, human rights are also more prone to be infringed. A pandemic does not turn state agents and societies into human rights violators, but it shows more clearly their true colours, i.e. pre-existing problems and social tensions. Covid-19 exacerbated hatred, which spread globally. It gave rise to fantastic conspiracy theories about the responsibility of Jewish, Chinese, or American elites, and created new scapegoats such as the elderly or the sick. Ethnic hatred also rose high in the face of Covid-19. The LGBT+ community was also disproportionately affected by the pandemic. Beyond many other non-hate speech or hate crime related problems, there is an increased likelihood for them to be harassed and assaulted. Minorities anyway suffering more from the pandemics than the average person, due to poverty, overcrowded accommodation, the lack of hygienic conditions, lack of equipment for distance learning, or domestic violence – such as ethnic minorities, prisoners, migrants, refugees, and also women – were further victimised by hate speech and crimes.

[COVID-related hate speech in Hungary \(page 79\)](#)

During the COVID-19 lockdown, hate speech, especially anti-Semitic speech, became prevalent in the online fora. The attacks also targeted at, and blamed foreigners for importing the virus, the elderly for the safety measures, and urban inhabitants of the capital for spreading the virus in the countryside. The state, rather than apply counter-speech, contributed to blaming the foreigners, accusing illegal migration as a cause of importing the virus to Hungary, and the urban population of Budapest for being a hotspot for the virus. Like in many other states globally, this rhetoric was exploited by the government to pursue their anti-immigration agenda.

[Recommendations \(page 117\)](#)

The European Union as a community based on values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities (Article 2 TEU) needs to speak against hate speech and also to act against hate speech and hate crime. The fight against bias motivated acts can be grouped respectively in two categories: counter-speech and counteraction. Both take note of the fact that hate speech and hate crime are social phenomena and that legal regulation and law enforcement touches only the tip of the iceberg. For long-term and solid improvement, the underlying factors need to be adjusted, which are:

- - social insecurity, inequality and poverty;
- - various fears in our risk-based society;
- - unequal education;
- - weakness of the law enforcement system;
- - populist political communication.

8. Artificial intelligence and law enforcement - impact on fundamental rights (Published in July 2020)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, examines the impact on fundamental rights of Artificial Intelligence in the field of law enforcement and criminal justice, from a European Union perspective. It presents the applicable legal framework (notably in relation to data protection), and analyses major trends and key policy discussions. The study also considers developments following the Covid-19 outbreak. It argues that the seriousness and scale of challenges may require intervention at EU level, based on the acknowledgement of the area's specificities.

The parts of the study discussing Covid 19 impact can be found below:

["Covid-19 angle \(pages 9-10, 61-66 and 69\)](#)

The COVID-19 outbreak has had dramatic effects all over the world, and the responses to the crisis have triggered, at least potentially, a variety of fundamental rights implications. This section highlights some of the issues that appear as particularly relevant for a reflection on the impact on EU fundamental rights of AI in the field of law enforcement and criminal justice. The section focuses on two main themes: first, data-driven responses which have a major impact on the collection and processing - and potentially, availability - of data about individuals, and, second, initiatives undertaken directly by law enforcement authorities.

The study cautions that responses to the Covid-19 outbreak have led to the rapid proliferation of technological measures and data-driven initiatives, including initiatives which have the ambition of sustaining an unprecedented widespread generalised collection of data about individuals (contact tracing apps), and initiatives that build on the fragile distinction between 'personal' and 'anonymised' data to facilitate extensive data processing.

In response to the Covid-19 outbreak, a variety of data-based and technology-driven solutions have been embraced, not necessarily immediately accompanied by the pertinent technical and legal safeguards. This can potentially lead to a situation of increased vulnerability in front of cybersecurity attacks, including threats targeting sensitive data. It can also lead to situations of increased vulnerability due to risks of misuse of power. Even if many of the endorsed initiatives do not explicitly have a law enforcement dimension, they nevertheless enable the processing of data that might be made available for law enforcement purposes, thus creating special risks for individuals' fundamental rights. Moreover, due to the virus outbreak and the subsequent management of the crisis, fundamental rights have sometimes been restricted in serious ways. This obliges to be particularly vigilant, in order to prevent weakened fundamental rights from being irreparably damaged by the crisis, but also by its responses."

9. In the name of Covid-19: an assessment of the Schengen border controls and travel restrictions in the EU (Published in September 2020)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, assesses the mobility restrictive measures adopted by the EU and its Member States in the fight against COVID-19. It examines the reintroduction of Schengen internal border controls and intra- and extra-EU travel restrictions. It assesses their compatibility with the Schengen Borders Code, including proportionality, non-discrimination, privacy and free movement. The research demonstrates that policy priorities have moved from a logic of containment to one characterized by a policing approach on intra-EU mobility giving priority to the use of police identity/health checks, interoperable databases and the electronic surveillance of every traveller. It concludes that Schengen is not in 'crisis'. Instead, there has been an 'EU enforcement and evaluation gap' of Member States compliance with EU rules in areas falling under EU competence.

In the 80 pages annex the hundreds of temporary reintroduction, prolongation, and lifting of internal border controls of Schengen (Member) States as contained in the notifications issued by States under the Schengen Borders Code are set out. This extensive overview is updated to notifications prior to 24 August 2020.

This study is fully devoted to border controls and travel restrictions during the first months of the pandemic in the EU.

Considerations, comments or policy recommendations regarding Covid 19:

The research demonstrates that policy priorities have moved from a logic of containment to one characterized by a policing approach on intra-EU mobility giving priority to the use of police identity/health checks, interoperable databases and the electronic surveillance of every traveller. It concludes that Schengen is not in 'crisis', instead there has been an 'EU enforcement and evaluation gap' of Member States compliance with EU rules in areas falling under EU competence.

A first policy priority for policymakers should be the effective and timely enforcement of existing EU Schengen standards to all EU Member States that have reintroduced internal border controls and other travel restrictions in the name of COVID-19. As most EU Member States now comply with the SBC rules and have lifted internal border checks, the need for legislative reform is therefore not substantiated. Any temptations to 'legalise' these malpractices and unlawful activities and lower existing standards envisaged in EU law should be prevented without question:

1. Guaranteeing a stricter application of the deadlines and time periods foreseen by the SBC. EU Member States should be prevented from continuing to make an instrumental use of SBC legal basis. The European Commission should ensure effective legal and judicial enforcement of EU standards and put an end to the current situation of impunity. It should also fulfil and enhance its reporting obligations towards the Parliament.
2. Ensuring that all relevant EU Member States comply with their obligation to EU-level coordination and loyal cooperation which does not permit unilateral and ad hoc decisions. They should also fulfil their duty to cooperate and carry out an incremental burden of proof – as time passes – regarding the provision of evidence about necessity, proportionality and fundamental rights compliance of their national policies. The proportionality test of border and travel measures related to COVID-19 should be evidence-based and put in the hands of health professionals, not ministries of interior or security professionals. Common EU criteria backing up any national travel restrictions should be developed and

coordinated at EU level and should be based solely on robust health and epidemiological grounds and avoid any unilateral Member States' actions.

This should go hand in hand with guaranteeing that EU Member States do not use the notions of public policy and internal security in a generalised preventive way to derogate or restrict border control-free intra-EU mobility on health-related grounds, or – in the scope of the EU travel ban – to define additional categories as 'priority travellers' or 'risky travellers' in Schengen visa applications. Any measures prohibiting or conditioning entry must be founded on an individual case-by-case assessment – of specific, consistent, and objective evidence or facts. Furthermore, any potential classification of SEM information should not prevent compliance with the Member States' and European Commission's obligation to keep the European Parliament fully informed about it.

3. Declaring the incompatibility of intra-EU travel bans with the SBC and EU law. This should accompany a detailed, independent evaluation of the extent to which certain travel restrictions and advice by relevant EU Member States present equivalent effects to internal border checks. This particularly applies to those based on the use of systematic or scattered policing and surveillance checks and whose compliance may lead to non-entry, expulsion and/or criminal and administrative sanctions. The uses and potential misuses (and impacts on individuals) by EU Member States' police and border authorities of tools such as the EU Passenger Name Record (PNR) and vehicle surveillance technologies at land internal borders, as well as their compatibility with the SBC and EU privacy and data protection legal standards, should be included.

The second priority should be upholding and enhancing the EU rights and freedoms of mobile EU citizens and their families, third-country nationals with rights under EU migration and free movement laws, and asylum seekers and refugees. EU enforcement measures should therefore pay particular attention to the impacts that formalised internal border checks or policed travel restrictions have on individuals in the light of European citizenship rights, the EU principles of free movement and non-discrimination, effective remedies and EU data protection and privacy law.

In particular, the following two measures should be implemented:

1. Particular attention should be paid to the national legal frameworks and instruments applicable to police border checks inside the Schengen area within the scope of travel restrictions. The assessment should cover the extent to which the various intra-EU mobility restricting travel measures are laid down in strict, clear and precise national law. The scope, limits/conditions and selective criteria in the hands of police or border police authorities, as well as the rights and access to justice of people subject to or affected by these restrictive measures should be specified.

2. Increasing accountability by ensuring that national police and border authorities have an obligation to register the number of individual checks carried out, the main reasons for selection, including any information related to the ethnic, racial or national background and nationality of the person involved and the existence of any incident or use of force by authorities in national and EU databases (e.g. Schengen Information System, SIS II). Any use, processing or transfer of (personalised or depersonalised) data should be based on specific, reliable and non-discriminatory criteria and require the informed, free and unambiguous consent of individuals, fully respecting the principle of purpose limitation. This should be accompanied by the creation of an independent complaint mechanism for individuals subject to police and surveillance travel measures. If national authorities use EU databases, those individuals should be able to complain to national and EU ombudspersons and national data protection authorities (NDPAs).

The third policy priority should concern the evaluation of Member States' compliance with EU standards in relation to internal border controls and travel restrictions introduced "in the name of

COVID-19". The 2013 Schengen Evaluation Mechanism (SEM) envisages a common EU evaluation model where both the Council and the European Commission are now in the driving seat. The Commission is, however, the main actor responsible for the overall coordination of setting up the annual multi-annual evaluation programmes, the drafting of questionnaires and the scheduling/conducting of visits. While the main focus of the SEM is on external borders, the SEM Regulation also envisages the possibility of implementing EU scrutiny and evaluation of internal border checks, as well as the absence of controls at the internal borders, including unannounced visits. In compliance with the implementation of the EU principle of inter-institutional balance, the content and results of these evaluations should be shared with the European Parliament, which must remain 'fully informed'.

It is crucial to address the justice and data protection fragmentation resulting from the multiplicity of EU databases and their future interoperable functionalities. National Data Protection Authorities perform a crucial role but many are currently understaffed and too overburdened to effectively perform their functions. They need significant financial resources and staff and guaranteed independence from governments.

Effective EU-level oversight and access to justice mechanisms are required. This is not only to ensure that border control and border surveillance policies and actions effectively comply with the Schengen acquis, but also for cases of fundamental rights violations in the context of both internal and external border checks and in-territory police controls. Safeguarding EU rule of law and fundamental principles constitutes preconditions for 'merited or deserving trust' in Schengen cooperation and the EU principle of mutual recognition that applies in several policy areas in the scope of the EU Area of Freedom, Security and Justice (AFSJ).

10. Protecting civil society space: strengthening freedom of association, assembly and expression and the right to defend rights in the EU (europa.eu) (Published in October 2020)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, covers the challenges facing the civil society space. Watchdog NGOs and other human rights defenders have been under pressure during the humanitarian and rule of law 'crises'. Several EU Member States have passed laws that fall short of international, regional and EU freedom of association standards. Some governments have used the COVID-19 pandemic to further restrict the civic space. The study explores how the EU could protect civil society from unjust state interference by strengthening freedom of association, assembly and expression, as well as the right to defend human rights. The study elaborates on four policy options: introducing a European association statute; establishing internal guidelines to respect and protect human rights defenders; developing a civil society stability index; and creating a network of focal contact points for civil society at EU institutions. It recommends strengthening the independence of critical civil society actors and increasing funding for activities such as strategic litigation to uphold EU laws and values.

The parts of the study discussing Covid 19 impact can be found below:

["COVID-19 restrictions on operational space and rights \(page 68\)](#)

New emergency laws announced during the COVID-19 pandemic have exacerbated ongoing trends. Many LGBT+ associations, Roma, environmental activists, and anti-racist demonstrators have been under pressure to halt their activities because of public health-related restrictions. Placed in a particularly difficult situation were NGOs and volunteers assisting refugees and other migrants. For instance, in France, volunteers helping those stuck in the Calais jungle were sanctioned for violating social distancing rules. International human rights standards deem restrictions disproportionate, if the very right that government aims to defend ('the health of migrants'), is even more at stake without services provided by volunteers.

The EU institutional evidence shows that developments over the past five years have worsened conditions for civil society actors, and especially, for critical ones across the EU. The study links this trend with various 'crises', that have been declared in the areas of rule of law, asylum and, most recently, public health (COVID-19). The policymakers are limiting democratic accountability, restricting civil society space and infringing on fundamental rights. Thus, watchdog NGOs and other human rights defenders have experienced various forms of policing, ranging from suspicion and harassment to disciplining and criminalisation. The first annual rule of law report acknowledged these challenges in the EU Member States.

[Covid-19 restrictions on freedom of assembly \(page 74\)](#)

COVID-19 related emergency laws have been restricting the right to peaceful assembly in the several EU Member States. Civil society has questioned whether such prohibitions are in line with national and European laws.

[Conclusions and Recommendations \(page 101\)](#)

The COVID-19 pandemic, beginning in March 2020, has exacerbated some of the aforementioned trends. Some governments used this occasion to further restrict civic space. The UN Special Rapporteur on the rights to freedom of peaceful assembly and association, Clément Nyaletsossi Voule, expressed concerns 'about worrying trends and limitations emerging from civil society reports around the world, including on civil society's ability to support an effective COVID-19 response. The report provides

several illustrations that EU Member States were not immune to this trend either. For instance, in Hungary, a new law has been passed criminalising 'fake news' and thus creating a chilling effect on views not corresponding with those of the government."

11. The state of play of Schengen governance: an assessment of the Schengen evaluation and monitoring mechanism in its first multiannual programme (Published in November 2020)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, assesses the operation and impact of the Schengen evaluation and monitoring mechanism in its first multiannual programme (2014-19), with the aim of identifying what has worked well and developing recommendations to strengthen it. The past decade has presented multiple controversies involving the governments of Schengen states as well as EU institutions, leading to a persistent state of apparent crisis. The ongoing "Schengen crisis" is rooted in political changes and in structural shortcomings of the Schengen regime. Despite these obstacles, the resilience of the Schengen system should not be underestimated.

The parts of the study discussing Covid 19 impact can be found below:

"Considerations, comments or policy recommendations regarding Covid 19 (pages 38 and 62):

COVID is mentioned in the study as an example for the ongoing "Schengen crisis" which was once again made obvious by the COVID pandemic. Table 7 shows a country-by country record of reintroduction of Internal border controls in the Schengen area (as of July 2020). Heading into to the next 5-year cycle, the Schengen Evaluation Mechanism and, in turn, the Schengen area can be strengthened by:

1. Developing a prioritised procedure to apply when evaluation missions detect serious deficiencies (4 months for the Commission to adopt the report and send the draft recommendations to the Council; 2 months for the Council to adopt the recommendation) to ensure that Member States address them at the earliest possible time to uphold the credibility of the SEMM.
2. Introducing additional deadlines for the Commission-led phase of SEMM evaluations by amending Article 14 and 15 of the SEMM Regulation. An amendment could indicate that the Commission shall adopt the evaluation report (Article 14(5)) and submit a proposal to the Council to adopt recommendations (Article 15(2)) within 9 months of the end of the evaluation. Likewise, a modification to Article 15(3) could introduce a deadline for the Council to adopt the recommendations "within 4 months" of the submission of the Commission proposal, as this is the average time this stage took during the last evaluation cycle.
3. Discuss the opportunity of introducing a definition of "serious deficiencies" in Article 2 of the SEMM Regulation, while retaining enough flexibility to cover the range of possible scenarios.
4. Amending article 10 of the SEMM Regulation to provide the Commission with the possibility of building an expert pool for evaluation experts in the various Schengen policy areas. The expert pool should, however, be subsidiary and only be used should Member States not designate appropriate or a sufficient number of experts for an evaluation mission.
5. Specifying the meaning, scope and purpose of thematic evaluations to ensure that this tool is used appropriately and to its full potential. The scope of thematic evaluations should include both specific operational features in the application of the Schengen acquis (such as local Schengen cooperation, as was the case of the 2015 thematic evaluation); the implementation of strategic cross-cutting aspects of border management systems; and the implementation of recently adopted legislation.
6. Building more flexibility into the annual programme to allow the Commission to adapt it to respond to developments as they arise. For instance, the Commission may on its own initiative conduct an

additional number of unannounced visits annually to quickly follow up on changing migratory patterns or evolving risks under a prioritised Committee procedure of amending the annual programme.

7. Recalibrate the ratio between announced and unannounced visits in favour of conducting more unannounced SEMM visits. This would enable evaluation teams to make better use of this tool to help them get a realistic picture of the situation. • Evaluate fundamental rights across all Schengen policy fields with the support of FRA and taking into account potential findings from other monitoring systems and reputable sources such as the Council of Europe, statutory bodies and independent organisations. The SEMM covers a broad range of policy fields, which are evaluated separately. Training on the topic should also be provided regularly to ensure that evaluators are equipped to incorporate this lens into their assessment activities.

8. Suggest that the European Commission sets up a visa service to evaluate the risks of Member State visa practices, following the model of other agencies that provide risk analyses such as Frontex, Europol and FRA. Risk assessments are so far well-functioning regarding border-related issues. Other areas, particularly visas, lag behind. Alternatively, the option of extending Frontex's mandate for risk and vulnerability assessments in other areas such as consular visa services could be examined. • Increase the transparency of procedural aspects of the SEMM, including what evidence or sources are considered in the preparation of on-site missions, clarity on what constitutes serious deficiencies and how they are addressed. This would build trust in the system by internal and external stakeholders.

9. Regularly update of questionnaires (both the SEMM questionnaire and checklists used for visits) to reflect the latest legislative developments in the SEMM's thematic areas. To guarantee that the questionnaires cover the latest acquis, Article 9 of the SEMM Regulation could foresee a specific frequency (e.g. every 2 years) of which to update the questionnaire.

10. Offer more frequent training for experts, particularly in policy areas such as visas. This would help ensure that new as well as experienced experts are well prepared to conduct evaluations, including by staying up-to-date with developments in the field. Trainings should be offered regularly and might take the form of basic and advanced in-person courses as well as webinars. Possible short refresher trainings before evaluation missions start could also be developed. One potential way these could be scaled up is for Frontex to extend its training to other areas related to SEMM evaluation."

12. Violence against women psychological violence and coercive control (Published in March 2020)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee, explores whether psychological violence against women is criminalised in select EU Member States, how data is collected regarding this particular form of gender based violence and, in close relation to this, whether custody and visiting rights of perpetrators are affected.

The parts of the study discussing Covid 19 impact can be found below:

"In order to ensure that women can access help and assistance in emergency situations of intimate partner violence irrespective of the lockdowns, a number of targeted measures have been put in place in various EU Member States (pages 41-42)

The social and personal tragedies caused by the COVID 19 pandemic are countless, but the indirect consequences of the lockdown can also be detrimental. Staying at home on a mandatory basis is fertile ground for domestic violence where seclusion with the potential aggressor not only increases the risk of abuse, but also hampers access to assistance and protection services.

In France, where domestic violence cases are reported to have increased by 30%, temporary support centres have been set-up outside supermarkets. Guidelines have also been given to pharmacists to whom women come for help so enable them to advise domestic abuse victims and code words have been introduced to signal the need for help. The government has also committed itself to set-up a fund of 200,000 euros to pay for overnight stays in hotels and shelters for victims who decide to leave their partners during the lockdown period.

In Italy, ActionAid, a global NGO fighting against domestic violence has put in place a special fund '#Closed4women' to respond to the increase in the episodes of violence against women during the lockdown. The 40,000 euro fund is aimed at supporting centres addressing violence against women. However it has also been reported that centres assisting women against violence are receiving less phone calls, some reports mention a drop by 50%, and that the '1552' help line, which is aimed at assisting women victims of violence and stalking, is also receiving less phone calls. Social services and NGOs are emphasising that these figures suggest that women do not have a safe space to make phone calls for help from since they must stay at home with their partners. In effect, the lockdown is silencing domestic abuse. To remedy this, help groups and the authorities have tried to establish other forms of contact, including messaging services like WhatsApp, and Italian police have in recent days adapted an app to report domestic violence by sending messages or pictures. It was also reported that a prosecutor in Trento, Northern Italy, has ruled that in situations of domestic violence the abuser must leave the family home and not the victim.

In Spain, 18 women have been killed by their partners and ex-partners since the beginning of 2020, and 2 since introduction of the State of Emergency against COVID 19 on the 14 March, with one new incident still being investigated. The Spanish Ministry of Equality was very quick in adopting a practical information guide on how to obtain assistance in case of violence episodes during the period of forced cohabitation. The new measures include reinforcement of telephone and digital applications. A specific smart phone application has been created, called ALERTCOPS, which women are invited to download so it can be quickly used in emergency situations. Most importantly, the app will immediately signal an alert to the police and provide the location of the victim. It is of enormous importance that the Spanish Government continues to emphasize that women that abandoning the domicile due to domestic violence in order to look for assistance are not breaching the strict restrictions

on free movement and will not be sanctioned. In Spain shelter and accommodation centres are still open and operative during the state of emergency, since they are regarded as essential services. Hence, women victims of domestic violence can still count on being hosted there when living in their domiciles is no longer possible. Another interesting initiative to afford protection to women during COVID19 is the so-called 'Máscara 19' (Mask 19) initiative. According to this a woman seeking assistance can go to any pharmacy and ask for a "mascara 19" (mask 19). All personnel at the pharmacies will know that these are code words and will immediately call the police and keep the woman in the establishment until assistance arrives. It should be noted that this Mask 19 initiative is not only for victims of domestic violence but also of sexual aggression.

In Portugal the instances of domestic violence have not increased during the COVID 19 confinement, at least for the time being. In fact the National Republic Guard (GNR) of Portugal registered 938 complaints for domestic violence in March -which represents a decrease of 26% of cases when compared to March 2019. Despite this, this GNR has intensified contacts with the identified victims, in order to promote, if necessary, an adjustment of the victim protection measures. The GNR has repeatedly reiterated to the public that domestic violence is a crime that triggers public prosecution, hence anyone can report it, and that the use of the Electronic Complaint System should be privileged.

In Poland the Commissioner for Human Rights has appealed to the Minister of Family, Labor and Social Policy and to the Police Commander-in-Chief to ensure the proper functioning of the support system for victims of domestic violence. ¹³⁵ This call was prompted by numerous reports revealing the increased incidents of domestic violence and that victims have nowhere to go as public services are closed. As in other EU Member States, in Poland the restrictions on freedom of movement and the introduction of compulsory quarantine put women experiencing domestic violence in an extremely difficult situation. One NGO has reported an increase of 30% of domestic violence episodes.

13. The gendered impact of the Covid-19 crisis and post-crisis period (Published in September 2020)

This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee and elaborates on effects of pandemics, which affect men, women and other genders differentially. This can be both the direct infections with a pathogen, or the secondary effects of public health response policies. COVID-19 is no exception, and the gendered impacts thus far and in the future are numerous. This study outlines some of the key gendered effects thus far and suggestions for how these may extend into the post-crisis period based on currently available data on COVID and longer-term effects of previous outbreaks. This includes the lack of sex-disaggregated data, the role of healthcare workers and care workers, domestic violence, the impact of quarantine on feminised sectors of the economy, the additional unpaid labour on women as a result of lockdown, access to maternity, sexual and reproductive health services.

The parts of the study discussing Covid 19 impact can be found below:

"Executive summary (pages 6-8)

COVID-19, like previous epidemics infect and affect men, women and other genders differently. Whilst indications suggest that more men than women are dying of COVID-19, the impact of the (short and longer term) socio-economic effects of COVID-19 fall disproportionately on women. Beyond this gendered effect, these outcomes intersect with other drivers of vulnerability and are particularly acute for black, Asian and minority ethnic groups, as well as LGBTIQ communities. Importantly, these effects are not because of the pathogen itself, but as a consequence of the public health interventions and policies introduced by governments to minimise the spread of SARS CoV-2 pathogen. These gendered affects are evident in several for a:

- Firstly – women comprise 76% of the c. 49 million healthcare workers in the EU. This means it has been predominantly women on the frontlines combatting the COVID-19 pandemic, delivering care to those infected. It is estimated that approximately 10-11% of COVID-19 infections are amongst healthcare workers.

Recommendation: The gendered nature of healthcare workforce must be recognised, and the additional risks on women performing these roles mitigated through access to Personal Protective Equipment (PPE) and financial and personal security for them to perform their work safely.

Recommendation: Invest in care led economy to stimulate employment and ensure continuity of these essential services.

- As job cuts and recession is widely expected across EU states, this might put women at greater risk of redundancy and unemployment than their male counterparts who have continued to work during lockdown. Women's informal care role during COVID-19 is also producing significant effects on women's mental health, with women reporting increased anxiety and worry about their family and well-being, and about their finances.

Recommendation: Employers must recognise the distribution of domestic labour within households and how this impacts paid employment. Redundancy protection on account of childcare responsibilities should be mandatory.

Recommendation: As COVID-19 related home working and quarantine may continue for a number of months, social and financial protection, such as children allowance, or paid parental leave must be provided to families. Recommendation: Data on redundancies and job losses must be disaggregated by sex.

- Thirdly, domestic violence is a significant problem during COVID-19 related lockdown. Most domestic violence occurs within the home, thus, requiring people to stay at home to avoid COVID-19 transmission unsurprisingly led to increased rates of violence.

Recommendation: governments must actively seek to reduce risks to women in their own homes through increased mechanisms to report domestic violence, creation of subsidised safe spaces for women who wish to leave their homes and increased vigilance and intervention for those reporting to hotlines.

- Fourth, COVID-19, like outbreaks in the past, have led to a distortion of health systems as health resources get diverted to manage the crisis at hand. This has several downstream effects for women, particularly in their access to safe sexual and reproductive health services (SRH).

Recommendation: quality SRH services must be maintained throughout the pandemic and post-pandemic period. To facilitate access, contraception should be freely available in pharmacies and supermarkets.

Recommendation: Ante- and post- natal services should be maintained in person for those who need them. Provision could be moved from clinical settings to community settings to reduce risks of infection and/or perceptions of risk of infection.

Recommendation: Access to abortion should be facilitated through telemedicine and reduction in mandatory waiting periods for procedures.

- Fifth, women's economic empowerment will likely continue to be significantly affected in the coming months and years due to the sector wide affects of COVID-19 interventions. The sectors of the economy which have been most significantly affected by lockdown measures are hospitality, recreation, tourism, and education/childcare.

Recommendation: Ensure governments focus stimulus and/or bailout packages on those sectors which have been disproportionately affected by COVID-19 shutdown. Recommendation: Ensure childcare sector is a priority in the post-pandemic period, as an employer of women, and as facilitator of women's participation in the labour force.

- Sixth, whilst these trends are emerging during COVID-19, data which demonstrate the differential effect of COVID-19 and related policies are lacking. Fewer than 50% of countries globally are reporting sex-disaggregated data for COVID incidence and mortality. Even fewer countries are reporting disaggregated data to understand the distribution of the downstream socio-economic effects of COVID-19 interventions.

Recommendation: Governments to increase collection and reporting of data related to COVID (and other health issues) in line with WHA resolution 60.25 (2007) and socio-economic effects disaggregated by sex, and where possible by ethnicity and age to understand real-time trends to inform decision-making."

14. Tackling violence against women and domestic violence in Europe - The added value of the Istanbul Convention and remaining challenges (Published in October 2020)

This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee. It aims to understand the implementation of the Convention, its added value, arguments against the ratification of the Convention, and the impact of the COVID-19 pandemic on violence against women (VAW) and domestic violence (DV). The 27 EU Member States are included in the study, together with Turkey, which offers a comparator of the impact of the ratification of the Convention by a non-EU country.

The parts of the study discussing Covid 19 impact can be found below:

"The impact of and response to COVID-19 pandemic on violence against women (pages 132-147)

Evidence for this study indicates that the COVID-19 pandemic and resulting lockdown measures has led to an increase in the prevalence and intensity of VAW in some countries. Over half of the respondents to the stakeholder consultation noted an increase in VAW and DV in their country, with increases in calls to telephone helplines for victims of VAW ranging from 25 % in Ireland to 694 % in Finland (Data provided by stakeholders in the online consultation for this study). Stakeholders noted that restrictions on movement, including stay-at-home orders, simultaneously increased contact (and thus increased control) between perpetrators and victims of violence, while decreasing access to supports. Similarly, all respondents to the stakeholder consultation observed an increase in risk factors for VAW and specifically for DV as a result of the pandemic (e.g. unemployment, alcohol use). For victims, changes in work and home life patterns may have exacerbated domestic inequality and unequal sharing of responsibilities, resulting in their reduced capacity to seek support or to cope with everyday life. At the same time, the availability of support services was impacted by the pandemic, with notable barriers including reduced shelter capacity, staffing and funding.

Five overarching recommendations have been formulated for the EU institutions and Member States aimed at structurally improving the situation of women in the light of the latest data and insights in the COVID-19 pandemic.

- **Recommendation 1:** Strengthen the legal framework by fully reflecting the Convention's substantial law provisions in the legislation o Key actions at EU level shall include: concluding the Istanbul Convention, to align the EU legislation to the Istanbul Convention, adopting a Directive on VAW and DV, complementing and strengthening the existing framework; introducing the protection ground of gender and gender identity in the next revision of the TFEU. o Key actions at Member States level shall include: ratifying the Convention for those which have not done so yet, conducting a review of legal framework; identifying necessary changes in all areas covered by the Istanbul Convention, paying attention to GREVIO recommendations, reflecting the gender dimension of violence, ensuring all violent conducts are fully and effectively criminalised and prosecuted.

- **Recommendation 2:** Ensure the full implementation of the Istanbul Convention's provisions o Key actions at EU level shall include: developing a comprehensive framework of policies, programmes and other initiatives tackling VAW and DV; facilitating the exchange of best practices on prevention, protection, prosecution measures, as well as best practices in their practical implementation; allocating sufficient and adequate resources to the implementation of the Istanbul Convention. o Key actions at Member States level shall include: ensuring that tackling VAW and DV is a key policy priority and

ensuring the full implementation of the Istanbul Convention through their legislative and policy measures; providing a comprehensive national response to VAW and DV, addressing the 4 Ps; providing a comprehensive national response to VAW and DV, addressing all forms of physical, psychological, sexual and economic violence.

- **Recommendation 3:** Ensure an integrated, gender-sensitive, intersectional and evidence-based policy framework of Key actions at EU level shall include: facilitating the exchange of best practices on integrating an intersectional and gender sensitive response to VAW. o Key actions at Member States level shall include: developing a comprehensive multisectoral action plan that addresses all forms of VAW and DV; ensuring that all measures pay particular attention to the intersecting discriminations; appointing a coordinating agency with a clear mandate and sufficient resources for the implementation, monitoring and evaluation of all measures; ensuring that NAPs are gender sensitive and address the power imbalances and gender equalities; ensuring that NAP measures are regularly updated, monitored and evaluated; collecting disaggregated data at regular intervals and disseminating the data to the general public.

- **Recommendation 4:** Ensure adequate prevention, protection and service provision o Key actions at EU level shall include: allocating resources through its funding programmes to support the prevention of violence and the protection of victims; closely monitoring the implementation of the Victims' Rights Directive, ensuring that all the provisions of the Directive are fully implemented for all victims in the EU. o Key actions at Member States level shall include: ensuring the establishment of general and specialised support services, helplines, shelters and rape crisis or sexual violence referral centres in line with the Convention's requirements; paying attention to addressing the gender inequalities causing VAW and DV in preventive actions; ensuring prevention of violence towards women and children in vulnerable situations.

- **Recommendation 5:** Promote gender equality, education and awareness-raising on the various forms of violence and gender stereotypes o Key actions at EU level shall include: raising awareness on the benefits of the Convention and publish a booklet to demystify and counter the transnational spread of misconceptions and myths with regard to the Istanbul Convention; adopt a number of measures to strengthen awareness-raising and education, including exchange of best practices and funding their implementation. o Key actions at Member States level shall include: adopting measures to ensure students at all education levels are aware of the various forms of DV; adapting the training curricula of teachers to provide them with teaching tools to educate on reducing gender stereotypes and eradicating prejudices; funding awareness-raising activities and campaigns tackling victim-blaming and gender stereotypes; ensuring that all professionals coming into contact with victims are trained on best support victims without gender stereotypes and prejudice in their response."

15. The situation of single parents in the EU (europa.eu) (Published in November 2020)

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee, describes trends in the situation of single parents in the EU (with additional evidence from Iceland and Norway). It analyses the resources, employment, and social policy context of single parents and provides recommendations to improve their situation, with attention to the Covid-19 pandemic and its consequences.

The parts of the study discussing Covid 19 impact can be found below:

"COVID-19 considerations (page 59)

The social and economic consequences of the Covid-19 pandemic for single parents are still largely unknown. Based on early research findings, and lessons from previous economic crises, three risk factors for single parents were identified: school closures may be particularly difficult for single parents and their children, single parents work in sectors of the economy more strongly affected and income loss may be more difficult to compensate without a second earner, and if a period of austerity will follow this may disproportionately hurt single parents. Already, prior to the Covid-19 pandemic, levels of social protection for single parents were weaker than they were prior to the Great Recession. There are currently no systematic databases available describing the policy responses in the EU related to Covid-19 specifically for single parents. Nevertheless, single parents are also affected by the more general policy measures.

Potential risk factors for single parents during Covid-19 (page 62)

The first potential risk factor pertains to home schooling. As schools (partially or fully) closed and transitioned to online modes of teaching, this posed a tremendous challenge for all working parents who were now expected to actively participate in the education of the child(ren) to a much larger extent.

The second potential risk factor pertains to the position of single parents in the labour market. Having to rely on a single income, becoming unemployed can be far more consequential to the economic wellbeing of single parents than to dual-earner couples.

The third potential risk factor pertains to how parenting itself might be affected for single parents in myriad ways. This risk factor has not been examined systematically, but raises pertinent questions. For instance, how is joint physical custody affected by Covid-19? Are rules and guidelines regarding physical distancing, or visiting people outside the household, difficult to comply with for children living in two households? When such rules and guidelines are formulated, are single parents even explicitly taken into consideration?

Recommendations (page 80)

To protect single parents against the consequences of the Covid-19 pandemic, expand existing social protection measures. This includes extending parental leaves, protecting employment for single parents who cannot go to work due to care responsibilities, and replacing lost wages at rates that are high enough for all single parents to avoid poverty."

16. Precarious work from a gender and intersectionality perspective, and ways to combat it (Published in November 2020)

This study (76 pages) explores the phenomenon of precarious work in the EU from a gender and intersectionality perspective. It finds that women, particularly young women, those with a migrant background and women with low levels of educational attainment are especially vulnerable. This is a recurring trend across all of the Member States within the study's scope. One of the key factors behind this is the disproportionate amount of time that women spend in caregiving roles and domestic work, something that is reinforced by COVID-19.

The parts of the study discussing Covid 19 impact can be found below:

Introduction

Precarious work' is taken to mean employment that satisfies at least one of the following criteria: very low pay, very low intensity working hours, or low job security. The last criterion encompasses not only temporary contracts, but also jobs with few training and career development opportunities, a lack of collective representation, and an absence of social protection rights or employment-related benefits.

Intersectionality, the ways in which sex and gender intersect with other personal characteristics or identities, and how these intersections contribute to unique experiences of discrimination, is built into the core of this study's definition of precarious work. Discrimination in the form of 'intersecting inequalities' based on a person's age, country of origin, disability, level of education or sexual orientation, is a key determinant both of a person's exposure to and experience of precarious work. Although men are clearly affected by precarious work, it is women who are particularly vulnerable to this phenomenon.

The effect of the COVID-19 pandemic on precarious workers (pages. 33-36)

The outbreak of the COVID-19 pandemic is having a tangible impact on precarious workers. Women are particularly affected given that the sectors that have been hardest hit (e.g. the care sector, education and hospitality) are those in which women are overrepresented. The pandemic has also had negative repercussions on work-life balance and caring responsibilities, with women's share of unpaid work increasing considerably with more time being spent at home.

The pandemic is thus accentuating existing structural problems in the labour market and in gender roles. First, the fact that women are more likely to have either lost their job or quit since the start of the pandemic shows that in times of crisis when there is a need to readjust working and caring capacities, it is more often women who will make this change. Second, the traditionalisation of gender roles that has become apparent with the far greater time that women are spending on childcare and domestic work each day paints a worrying picture about current societal attitudes to men's and women's work.

Another effect of the COVID-19 pandemic is that many precarious workers, including domestic workers, those on zero-hour contracts, platform workers and seasonal workers, struggle to access some of the financial support measures that have been put in place by governments. This has left many vulnerable people, often those already finding it difficult to access social protection such as health benefits, pensions or the payment of maternity or paternity leave, in an even more precarious situation.

It is also necessary to consider the so-called 'pandemic within a pandemic', namely the rise in intimate partner violence and the fact that many victims were unable to safely connect with support services. In the first months of the pandemic (prior to May 2020), a 60% increase in emergency calls from women

subjected to violence by their intimate partner was reported. Many services to assist victims were considered not essential during national lockdowns, and so were forced to temporarily close down or to refuse victims, leaving highly vulnerable people (predominantly women) with nowhere to turn and spending even greater periods of time than usual in the home.

[The effect of the COVID-19 pandemic on precarious work \(pages 52-54\)](#)

Research at national level indicates that the COVID-19 pandemic has had a considerable impact on the precarious work of women across the selected Member States. The pandemic acted as an accelerator for precarity. Women in precarious jobs, because of their group belonging, the nature of their contract or the sector they were in, were even more exposed to precariousness, during the crisis.

Women with precarious occupations were more likely than men and women in stable employment to lose their jobs and women in atypical jobs were more likely to become redundant than women in standard employment. Likewise, self-employed persons, including women working in the cultural sector, teaching and personal care, were deeply affected.

The level of professional qualification also played a role in determining who kept their job during the COVID-19 pandemic. In France, 86% of people working in higher intellectual professions remained in their job and two thirds of them worked from home after the 7th week of quarantine. Likewise, 80% of people working in intermediary professions kept their occupation, but about half of them had to work on-site. In Italy, in April 2020, workers with the highest wages were 50% more likely to work from home, but the likelihood for women was lower than for men, as sectors (e.g. healthcare, hospitality, personal and household services, etc.) with a higher concentration of women, did not allow smart working. Moreover, in all eight researched Member States the pandemic has had a significant impact on service occupations, with high female employment shares, such as the hospitality sector.

Finally, the national research shows that during the pandemic, women's domestic work and care roles in the household increased across all selected countries. The closure of schools and elderly care centres resulted in women paying the highest price by trying to reconcile work with higher family responsibilities.

[Recommendations \(pages.60-64\)](#)

Recommendations to improve the situation of women in precarious work can be grouped into legal and policy area recommendations. Legislative measures proposed include a Directive on Pay Transparency. This would provide a way forward to address the lifelong consequences of the gender pay gap in terms of the lack of women in high-paying, male dominated professions (and their overrepresentation in poorly paid, precarious work situations) and the impact of these factors on women's pensions.

Other legislative recommendations include the EU's ratification of the Istanbul Convention, which would guarantee greater protection for women generally, but also for women in precarious employment. Amendments to the existing legislation to protect single parents, the vast majority of whom are women, should also be adopted to support the reconciliation of work, family and private life for both sexes.

In terms of recommended policy initiatives, educational and awareness-raising campaigns should address education and labour market related stereotypes that are a root cause of gender inequality, the gender pay-gap, and the higher proportion of women in precarious work. Recommendations specifically targeting the care sector are needed to highlight that care is a collective societal responsibility. Investment must be made in the sector, particularly through the provision of accessible and affordable child-care facilities and elderly homes.

Finally, it is important to build on existing initiatives aimed at increasing the representation of women in decision-making positions, both in general and concerning national and European level 'COVID committees'. This became particularly apparent in early governmental responses to the crisis, where the COVID committees of certain Member States were entirely composed of men.

Gender must be mainstreamed in national and EU COVID-19 recovery plans, including by way of gender budgeting. Gender budgeting (the process of conducting a gender-based assessment of budgets, incorporating a gender perspective at all levels of the budgetary process, and restructuring revenues and expenditures in order to promote gender equality) must be implemented to provide systemic tools to respond to real societal needs, in particular in terms of closing the pay, pension and other gaps that still exist between women and men.

Economic support must be provided to those who are most in need, including those in the informal economy. Mainstreaming gender in the EU's Recovery Package and the 2021-2027 Multiannual Financial Framework should ensure that women are included in all future activities at the EU and Member State level, as well as help to maintain in the long-term some of the COVID-19 related measures that have been put in place to help women, including female precarious workers. This process should be mirrored in national recovery plans.

In the current context, where women are bearing the brunt of the social and economic COVID-19 related disruption, it is more important than ever for crisis response measures to contain an inclusive needs assessment with a clear gender perspective in which an equal share of work and family responsibilities between women and men takes centre stage."

17. Covid-19 and its economic impact on women and women's poverty- Insights from 5 European countries (Published in May 2021)

This in-depth, case-analytical overview, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee, examines the impact of the COVID-19 crisis on a representative sample of member states with the aim of alimenting policy recommendations for the COVID-19 recovery period to ensure that the gains of the past years in the matter of gender equality are not overridden by the short-term negative effects of the measures implemented to combat the COVID-19 sanitary crisis.

The parts of the study discussing Covid 19 impact can be found below:

["Executive summary \(page 7\)](#)

The COVID-19 pandemic and its associated economic crisis have impacted women differently than men in the European Union (EU). Even if gender issues have never been so high-up in the European political agenda, the effects of the COVID-19 crisis are putting in jeopardy the progress achieved in the past decades in terms on the reduction of gender inequalities in European member states. The effects of the COVID-19 sanitary crisis have also served to highlight the need for member states to develop proactive – rather than reactive – gender mainstreaming policies. A thorough, case-analytical review of a representative sample of EU member states (i.e., Italy, France, Germany, Poland and Sweden) depicts how the measures taken by European governments to halt the pandemic have affected women to divergent degrees and have widened the gaps to a greater extent in some member states vis-à-vis others. One of the areas in which women have been, overall, disproportionately affected vis-à-vis men is in counting with an equal access to the economy. The difference has been greater in those member states which did not prioritize gender mainstreaming in the years prior to the pandemic, or which did not account for gender differentials in the measures applied to halt the spread of the Sars-Cov-2 virus.

Overall, in Europe, women have tended to be overrepresented in the frontline of the pandemic and also in the services sector, which has been particularly affected by the current crisis. This has translated into an increase in female unemployment rates and thus a higher likelihood of poverty for women in the EU. Women have also tended to partake a disproportionate amount of uncompensated childcare work, even if enforced lockdowns have meant that men increased their household participation in comparison to the years prior to the pandemic. This re-arrangement of family relations represents an opportunity for change in the future in which household and childcare tasks could become more equally divided and thus permit women to increase their participation in the labour market. Not all women have been equally affected, however. Apart from experiencing divergent situations in different member states, the women group is also intersectionally divided according to other demographic pillars. Lower-income and lower-skilled women tend to encounter themselves in a vicious cycle of systematic poverty. Older women and single women now also face greater prospects of poverty. Higher incidences of violence, and particularly intimate-partner violence, have not merely increased but also caused a greater number of women victims than men victims. The growth of such phenomenon has been also denominated the 'shadow pandemic,' as violence throughout Europe has tended to intensify alongside the COVID-19 crisis and its related governmental measures. Increases in stress levels have been historically associated with other economic and social crises, yet public policies have not caught up with research on the matter. The saturation of European healthcare systems additionally meant that women could not attend the hospital to report crimes. Additionally, the lack of access to healthcare services have prevented women in the EU from exercising their right to abortion. The effects of such limitations are yet to be seen throughout the recovery period. With this

information in mind, and gathering the lessons learned from the COVID-19 crisis, this report seeks to offer public policy recommendations in order to ensure that European governments implement proactive – rather than reactive – public policy solutions in preparation for future crises. Women have also been underrepresented in COVID-19 decision-making bodies, despite the fact that the inclusion of women in policymaking and leadership positions results in increased efforts towards successful measures to reduce gender gaps and mainstream gender into relief policies.”

18. Gender equality: Economic value of care from the perspective of the applicable EU funds - An exploration of an EU strategy towards valuing the care economy (Published June 2021)

This study was commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee.

It explores the impact of COVID-19 on the EU care economy, the gendered nature of care work and its continued reliance on unpaid or low-paid work of women. Issues of valuing and measuring care are examined selected countries are examined with different systems of care provision. Despite the recognition of the centrality of the care economy during the pandemic, the establishment of a new highly significant EU funding mechanism (the Recovery and Resilience Fund, RRF) is focused largely on digital and green investments, paying only marginal attention to gender equality and the care economy.

The parts of the study discussing Covid 19 impact can be found below:

" Executive summary (pages 10-13)

Background

Gender inequalities are at the heart of the care economy, directly linked to women's position on the frontline of unpaid and low-paid work in the globalised care economy. COVID-19 pandemic has demonstrated the essential nature of care work and its central role in the functioning of economies and societies. Despite the critical role caring activities play in EU economies, contributing directly to economic and social well-being, care is undervalued, receives little recognition, and is frequently low-paid or often unpaid. At a global level, care work is overwhelming carried out by women, often as part of a hidden or underground economy and shaped by historical and persistent gendered inequalities. Care involves both physical and emotional labour and encompasses the paid work of childcare, education and healthcare workers, those employed in institutional long-term care (LTC) settings, informal or unpaid work in the community as well as domestic work in the home. Care is a spectrum of activities that reveals the critical, although largely unrecognised, interdependence and interconnectedness of society.

Aim

This research study aims to examine the gendered nature of the EU care economy, the impact of COVID-19 on care and the care sector and the extent to which gender equality and care have been taken into account in the EU COVID-19 Recovery Plan. By exploring the potential for a new EU strategy on care and the potential for a new model of care, this study argues that the care economy should be seen as a social investment and have a central place in the funding of the post-crisis EU Recovery Plan. Research indicates that investing in the labour-intensive care economy generates a high level of return through growth in women's employment and an increased level of social and economic well-being. By funding quality diverse care services, women's time spent on unpaid work is reduced and new opportunities are opened up for women in education and paid employment, particularly those in low-income, migrant and lone parent households. Through new ways of thinking about care activities and enactment of different policies respecting the diverse needs of care recipients and care providers, a new model of care would be generated based on a more equal sharing of care work and greater involvement of men with care activities - societies based on enhanced gender equality and stronger social justice, in the interests of both men and women.

Core Recommendation:

Funding for the **care economy** should account for at least **30 per cent** of the expenditure under the EC *Recovery Plan for Europe* to create equal standing with the 37 per cent already allocated to green transformation investments and 30 per cent to digital transition investments.

Recommendation: EU should develop a clear policy framework that designates funding and supports to the care economy as *public investments in social infrastructure* that are defined as key priority areas in EC economic and budgetary policies.

Recommendation: Eurostat should collect disaggregated data on care, the provisions of different types of care and profiling the composition of both formal and informal carers, paid and unpaid care workers in relation to gender, age, nationality, disability and ethnicity in different care settings.

Recommendation: Data on care should be used in the development of an EU Care Strategy, with a focus on the care economy as social investment and encompassing a strategic approach towards care providers and care recipients.

Mainstream economics operates under an international system of measuring economic activity, which primarily values only market-based economic activities, that are paid for or that generate an income on the market. The majority of care work globally is unpaid, so therefore not measured and consequently is absent from, or marginal to, the concerns of economic policy-making. This renders a significant proportion of the work carried out by women on a global level uncounted, invisible and undervalued. By using time use surveys, the UN has estimated that unpaid work accounts for between 20 and 40 per cent of GNP at global levels, and unpaid care accounts for most unpaid work. Women's role in unpaid and low paid care work is directly connected to the persistence of gender inequality. Covid-19 pandemic has highlighted how women's invisible work in the care sector is propping up economies at global and national levels. Analysis of caring activities - paid and unpaid care work - reveals that it is highly gendered, whether in the formal or informal economy or whether carried out in homes, communities or in institutional settings.

Recommendation: Time use surveys should be centrally managed and produced by Eurostat, drawing on a data template completed at MS level, ensuring that complex time use data is available for MS on a gender, age, ethnicity and nationality and disability basis and that generates estimated values of unpaid work.

Working conditions in the care sector are poor, are frequently carried out by those in marginalised low-income households, including many migrant women in vulnerable situations. Many migrants find themselves in situations in which their formal qualifications are not recognised and, as a result, trapped in low pay and low-status precarious employment. Women continue to experience a significant care penalty that has been exacerbated during COVID-19, due to the sudden withdrawal of a range of educational and care services. Conditions during the pandemic meant that home-based working had to be combined with home-schooling and childcare, and those responsibilities are largely carried out by women, forcing many to reduce working hours or, in some instances, exit paid employment.

Recommendation: Training and educational qualifications should be linked to the establishment of a career structure for each different cohort of carers, within a system of reciprocal recognition of qualifications at EU and global levels, and this should be implemented at MS levels.

Recommendation: Increased funding should be made available for training and education programmes for care workers in paid care, and also in informal systems of care. Provision of inclusive social protection for formal and informal, paid and unpaid caregivers should be resourced.

Recommendation: An enhanced system of leave entitlements for parents and carers should also be resourced in a manner that has a significant impact on increased sharing of care responsibilities.

Recommendation: Protections for migrant workers in home-based and institutional care should be developed and clear lines established for access to residency rights and citizenship at MS level.

There is increasing evidence of a crisis in care. An increasing proportion of the populations of EU MS are in the older age groups and demand for all kinds of care has been increasing while simultaneously, the proportion of women in paid employment is growing. Unmet care needs are a feature of many EU countries, as traditional systems of extended family care are no longer available to meet household needs, and public investment has failed to fill the care gap. Underlying lack of investment, linked to often low-quality privatised care services, characterise long-term care (LTC) facilities in many countries. This generated a particular vulnerability to COVID-19 infection among both residents and staff of LTC facilities, and in many countries, enforced isolation of even those seriously ill and dying. It is estimated that 42% of deaths from COVID-19 occurred in these institutional congregated settings, providing often poor levels of care for older people, people with disabilities and particularly isolated and marginalised asylum-seekers and refugees in some countries.

Recommendation: EC should review MS provision of care for people with disabilities and older people, both in residential care facilities, community-based care and home-based settings with the objective of making greater resources available and increased funding for transitions to home- and community LTC.

Recommendation: Funding for investing in de-congregation and creation of individualised spaces in LTC residential settings should be increased.

Recommendation: Funding for investment in forms of housing that creates independent living and supported housing spaces based on the principle of autonomy for people with disabilities and older people should be increased.

COVID-19 brought with it an increase in reports of gender-based sexual and domestic violence across the EU, as family and community networks were dismantled and more homes became places of danger. At the same time, services provided by both statutory agencies and NGOs have been curtailed and emergency help has not been available or been restricted to on-line services. Full and partial lockdowns to deal with the spread of COVID-19 have been introduced in many countries, which has meant temporary unavailability of maternity, sexual and reproductive health services, of particular importance to women. In some countries, restricted access to contraception and abortion services, together with restrictions on travel has forced many women with crisis pregnancies into highly vulnerable situations.

Recommendation: MS should develop systems to link into new structures and policies at EC, based on the recognition of sexual and domestic violence as a Eurocrime, and the Istanbul Convention should be resourced and fully implemented at MS levels.

Recommendation: Training and education programmes for volunteers and staff should be funded on a multi-annual basis and investment in second stage housing to facilitate households exiting emergency systems.

Recommendation: Particularly vulnerable communities in emergency congregated settings, such as refugees, homeless, asylum seekers and those suffering from gender-based sexual and domestic violence should be housed in appropriate and safe community-based settings and, at a minimum, with private individualised and family spaces with autonomous cooking and catering facilities and specific supports to integrate adults and children with the wider communities.

Recommendation: Funding should be provided at EU and MS levels to address the restriction on sexual and reproductive care services (including maternity care services) during the pandemic. A policy framework should be developed by the EC to ensure that full access to comprehensive reproductive (including abortion services) and sexual health services is available in every region of the EU and is inclusive of LGBTQ+ care needs and services.

Responses to COVID-19 by EU countries has lacked a gender analysis of the impacts of COVID-19 on women and men, and those of non-binary gender, and consequently lack of a gender perspective to inform policy-making and strategies to combat the pandemic. Based on research evidence, the care economy should be designated a public investment in social infrastructure with a recognised capacity to generate enhanced economic activity, as well as economic and social well-being, which is in the interests of greater gender equality and social justice.

The EU has established an unprecedented new funding system to which Member States can apply and criteria for funding highlight two specific funding strands: digital transition and green transformation which together are expected to account for two-thirds of approved funding. While these two funding strands may benefit both women and men, there is no mention of the care economy as a priority for funding, despite the recognition of the role of care services during the pandemic. Unless a specific strand of funding, to the value of 30 per cent of total funding, is allocated to the care economy, the EU Recovery Plan for Europe will reinforce or exacerbate gender inequalities in the post-crisis period. Specifying the substantial and diverse investments needed in the care economy, is the only way that the digital and green economies can be put on an equal footing with the essential care economy.

Recommendation: Support for care economy should be ringfenced (at 30 per cent of total funding) and, together with gender equality, should be designated as criteria for funding of MS Recovery and Resilience Plans.

Recommendation: Gender and equality budgeting should be systematically implemented at central EC level, and at all stages of the budgetary process of the EC.

Recommendation: Gender impact assessments and gender mainstreaming need to be resourced and carried out by the EC on its own central EC budgets and within all EC funding systems, both ex ante and ex post assessments.

Recommendation: EC should apply gender equality indicators to the process of reviewing RRP submitted by MS, to each programme of funding included in RRP for EC funding (including proposals for matching funding).

Recommendation: The EC should play a central role in ensuring that Emergency Covid-19 Committees and Emergency Health Structures established in MS during the pandemic and post-pandemic are composed in a more gender equal manner, and particularly in the planning and implementation of RRP.

19. Corporate Social Responsibility (CSR) and its implementation into EU Company law (Published in November 2020)

Building on both European Union (EU) law and chosen Member States' legislation, this study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the JURI Committee aims at understanding to what extent Member States are supporting the development and the implementation of CSR strategies in the business community, with particular focus on due diligence requirements. It also attempts at providing some recommendations aimed at possibly developing a comprehensive and structured approach to CSR for the whole of the EU.

The Covid-19 emergency in 2020 has raised the debate of our European dependence on international supply chains. As such, it has also thrown into focus the question of how the supply chain can be rethought in the light of the need for companies doing business in the EU to focus on resilience. With the post-Covid 19 pandemic emergency, and upsurge of the digital age, an era which fraught with uncertainty, upending and disrupting the entire business ecosystem, the concept of CSR is also being overhauled. The recent focus has been on sustainability, as also the Commission's agenda demonstrates.

[The parts of the study discussing Covid 19 impact can be found below:](#)

[Considerations, comments or policy recommendations regarding COVID 19 \(pages 11-14, 30\):](#)

- 1 The EU should adopt cross-sectoral EU-level legislation on mandatory due diligence requirements.
2. At a minimum, establish a mandatory due diligence requirement and frame the duty of diligence beyond reporting/transparency obligations. This would compel companies to carry out due diligence to identify, prevent, mitigate and account for human rights and environmental adverse impacts in their supply chain.
3. The Commission proposal should not only cover large companies but also SMEs (considering their specificities).
4. There should be clarity as to the business activities in the supply chain covered by the legislation. In this respect, in the context of a future EU-wide instrument, ambiguities should be avoided.
5. A Human Rights mandatory due diligence legislation should apply to all human rights, as laid down in international instruments and a comprehensive scope of human rights and human rights violations should be covered.
6. Mechanisms should be put in place for effective monitoring and enforcement of the due diligence obligation when violation of contract or torts are committed.
7. Additionally, choice-of-court criteria should be provided that aim at avoiding forum shopping or manipulations of the corporate domicile and the competent venue; in particular, corporate groups might opportunistically relocate their parent company, from which the ultimate directives and strategies stem, outside the European Union. Therefore, it is advisable to allow plaintiffs to sue parent companies in the EU, wherever they are incorporated and provided that the corporate group has a significant connection with the EU.

20. The post-2020 European Disability strategy (Published in July 2020)

This study, drafted for the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the PETI Committee, analyses the European Disability Strategy 2010-2020 and makes recommendations regarding the new European Disability Strategy. The study reflects on the design and implementation of the current Strategy, as well as its achievements and shortcomings. The study makes recommendations in respect of the post-2020 European Disability Strategy. Those recommendations are addressed to the European Parliament, the European Commission and other EU institutions, Member States and key stakeholders, and relate to the groundwork needed to prepare the new Strategy, and the design, content and mechanisms for implementation and enforcement.

The parts of the study discussing Covid 19 impact can be found below:

It underlines that "The new Strategy is being developed against the background of the COVID-19 pandemic, which is having significant social and economic impacts on the lives of persons with disabilities and their families." (page 8).

The authors also report about the resolutions adopted by the EP related to Covid, its impact on persons with disabilities and the new post-2020 Disability Strategy (EP Resolution of 18 June 2020 on the European Disability Strategy post-2020; European Parliament Resolution of 8 July 2020 on the rights of persons with intellectual disabilities in the COVID-19 crisis), and recalls the speeches of the Commission on coronavirus impact on persons with disabilities (page 14).

Two recommendations also take into consideration the impact of Covid 19:

Recommendation no 8 on the post-2020 European Disability Strategy suggest to "maintain the existing priority areas of action" but also underlined that "some fine-tuning in terms of the specific areas covered may be needed. In particular, account should be taken of the social, economic and health impacts of the COVID-19 crisis on people with disabilities and their families. The impact of the current pandemic on the right to the highest attainable standard of health on a non-discriminatory basis, as well as on the situation of persons with disabilities (including older persons with disabilities) living in residential institutions, and on equality in education, should be addressed specifically in the new Strategy." (pages 125-126).

Recommendation no 20 calls EU institutions to "Ensure interaction between the new Strategy and other EU instruments and programmes": "It is also recommended that close monitoring takes place of the Coronavirus Response Investment Initiative and the Coronavirus Response Investment Initiative Plus packages of measures. These provide EU Member States with more flexibility to use EU SIF (Structural and Investment Funds) to counter the effects of the pandemic. Monitoring of these measures should be focused specifically on whether the SIF are being properly targeted towards achieving the overall goals of the new Strategy and are distributed in a CRPD-compliant way." (page 140)

21. Obstacles to participation in elections and the exercise of voting rights, inside the E.U. (Published in September 2020)

This study addresses some major issues of obstacles to elections in general and of obstacles to participation inside the EU more specifically. This is done by focusing on Member States and examples with regard to municipal elections, and European elections, but also in general on de-facto access to the exercise of the right to vote. Various recommendations are formulated.

The parts of the study discussing Covid 19 impact can be found below: (pages 37-40):

"The right to vote in national parliamentary elections is a fundamental right in the Member States of the European Union and an integral part of any system of representative democracy. However, the access to the right to vote does not only comprise the existence of a legal or constitutional right to cast a ballot in regular, direct, free, equal and secret elections. Even where such a right exists on paper, for certain categories of people (for example disabled people), electoral participation can be hampered by physical barriers that can sometimes prevent voting. Such barriers may range from a lack of assistance for voters with a mental disability in the voting booth to inaccessible language of information provided on electoral processes, to a lack of adaptation of the ballot paper for visually impaired voters. Similarly, also voters from another Member State may face restrictions in the exercise of their voting rights based on registration requirements or factors relating to lack of knowledge about the political parties or candidates or party programs or political issues or electoral system.

Elections in times of the Corona pandemic

Specific obstacles to the elections that member states faced in 2020 were the restrictions imposed by the Corona pandemic, as social distancing rules made voting in person more difficult. While it may be justified that a specific election is postponed due to an urgent crisis as exemplified by corona. The starting point ought to be that elections and all political campaigning that precedes and surrounds them, must be facilitated, since the frequency of elections and the need to follow the constitutional rules for the regularity of the democratic process and the holding into account of those in power and the possibility of changes of government, is of the essence. Provided that elections can be fair; and that secret and fair and transparent campaigns, with equal arms for those who participate, can take place. If in urgent situations of an epidemic it is crucial that an election must be temporarily postponed, however, we suggest that doing so requires meeting a variety of criteria, to prevent it from becoming a partisan issue; the same applies for a non-postponement but an organization of the voting process and election campaign that are non-partisan and transparent and fair. Examples of elections that were affected by the pandemic are the municipal elections in Bayern, in which the first round took place on March 15 and the second round of March 29. Because of Corona the second round took place solely through voting by the post. The Basque and Galician parliamentary elections, in turn, have been postponed for the duration of the corona crisis, and also the second round of the French municipal elections were cancelled and postponed due to the Corona lockdown measures in France; the first round of the Polish presidential elections de-facto did not take place. In Poland an agreement was reached in parliament to set a new date for the elections; the PKW (national electoral commission) decided on May 7 that the polling stations remained closed and the elections were basically cancelled. On the same day parliament however approved legislation to the effect that the elections were to be held via postal ballot. This law was initially stopped in the senate, one reason being that election rules may not be amended less than six months before the elections, but the lower house had the law adopted still. Also, a ruling was sought of the Constitutional Court. The announcement to hold a postal ballot had led to debate about the possibilities of effectively doing so, about the reliability of the mail services and about the secrecy of the vote, how to permit Polish citizens abroad to participate, as well

as about the fairness or balance of the election campaign. The announcement to hold a postal ballot had led to debate about the possibilities of effectively doing so, about the reliability of the mail services and about the secrecy of the vote, about permitting Polish citizens abroad to participate, as well as about the fairness or balance of the election campaign. In The Netherlands the Minister of Home Affairs sent a letter to parliament on 22 May 2020 indicating that the government is planning to investigate different scenarios for the regular Second Chamber/Tweede Kamer elections as planned for 17 March 2021. In the letter, it was envisaged that postponement might not seem yet very likely; however, investigation will be started into the feasibility for corona measures (distancing) of polling stations; as well an indication was given that constitutionally spoken a postponement might be possible, if the legislature would so decide, until at the latest March 2022. Finally, the minister indicated to research possibilities of voting by post/letter and/or make adaptations, to the actual voting process (larger voting stations, expanding the possibilities of voting by proxy, for instance)."

PE 694.625

Print ISBN 978-92-846-8242-3 | doi:10.2861/498850 | QA-09-21-224-EN-C

PDF ISBN 978-92-846-8243-0 | doi:10.2861/175759 | QA-09-21-224-EN-N