Amendment 13
Annalisa Tardino, Harald Vilimsky
on behalf of the ID Group

Motion for a resolution
Juan Fernando López Aguilar
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Impact of COVID-19 measures on democracy, the rule of law and fundamental rights

Motion for a resolution

Recital D

D. whereas a number of EU countries have declared a state of emergency\(^\text{28}\) on the basis of their constitutions\(^\text{29}\) which have in some cases caused legal concerns, while others have resorted to emergency powers provided for under ordinary law\(^\text{30}\) or to normal legislation\(^\text{31}\) to urgently adopt restrictive measures in order to counter the COVID-19 epidemic; whereas these measures have an impact on democracy, the rule of law and fundamental rights as they affect the exercise of individual rights and freedoms, such as freedom of movement, freedom of assembly and of association, freedom of expression and information, freedom of religion, the right to family life, the right of asylum, the principle of equality and non-discrimination, the right to privacy and data protection, the right to education and the right to work; whereas these measures also have an impact on the economies of Member States;

\(^{28}\) Compilation of Venice Commission opinions and reports on states of emergency, CDL-PI(2020)003.

\(^{29}\) De jure constitutional state of emergency, spring 2020: Bulgaria, the Czech Republic, Finland, Estonia, Hungary, Latvia, Luxembourg, Romania,

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28 Compilation of Venice Commission opinions and reports on states of emergency, CDL-PI(2020)003.

29 De jure constitutional state of emergency, spring 2020: Bulgaria, the Czech Republic, Finland, Estonia, Hungary, Latvia, Luxembourg, Romania,
Portugal and Spain.

30 Germany, Latvia, France, Italy and Slovakia.

31 De facto state of emergency based on ordinary legislation: 13 Member States have not declared a de jure state of emergency during the COVID-19 crisis, notably: Austria, Belgium, Croatia, Cyprus, Denmark, Greece, Ireland, Lithuania, Malta, Netherlands, Poland, Slovenia and Sweden, plus the UK.

emergency, CDL-PI(2020)003.

29 De jure constitutional state of emergency, spring 2020: Bulgaria, the Czech Republic, Finland, Estonia, Hungary, Latvia, Luxembourg, Romania, Portugal and Spain.

30 Germany, Latvia, France, Italy and Slovakia.

31 De facto state of emergency based on ordinary legislation: 13 Member States have not declared a de jure state of emergency during the COVID-19 crisis, notably: Austria, Belgium, Croatia, Cyprus, Denmark, Greece, Ireland, Lithuania, Malta, Netherlands, Poland, Slovenia and Sweden, plus the UK.

Or. en
Amendment 14
Annalisa Tardino, Harald Vilimsky
on behalf of the ID Group

Motion for a resolution
Juan Fernando López Aguilar
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Impact of COVID-19 measures on democracy, the rule of law and fundamental rights

Motion for a resolution
Recital AB

AB. whereas lockdown measures and the closing of borders have had a profound impact on access to asylum procedures;
whereas many Member States temporarily limited or even put on hold the processing of asylum requests, and most suspended Dublin transfers, returns and resettlement;
whereas some Member States have declared their ports unsafe or not allowed the disembarkation of migrants rescued in search and rescue operations, leaving them in limbo for an unlimited period of time at sea and putting their lives at risk;
whereas most Member States have now recommenced these activities; whereas outbreaks of COVID-19 have been reported in several asylum reception centres, resulting in vulnerable groups being put directly at risk, and whereas overcrowded camps at the EU’s external borders continue to pose a particular risk of a massive outbreak as social distancing rules cannot be applied, while shelter and access to food, water, sanitation facilities, and mental and physical healthcare, including for those who have contracted COVID-19, are very limited;

AB. whereas lockdown measures and the closing of borders have had an impact on access to asylum procedures; whereas many Member States temporarily limited or even put on hold the processing of asylum requests, and most suspended Dublin transfers, returns and resettlement; whereas most Member States have now recommenced these activities; whereas outbreaks of COVID-19 have been reported in several asylum reception centres, posing a considerable health threat to the population living in the surroundings of such camps, especially on islands such as Lampedusa and Lesbos; whereas Member States are facing a resurgence of Islamist terrorist incidents and some terrorists have illegally infiltrated Europe’s borders posing as migrants/refugees, including the perpetrator of the latest attacks in Nice; whereas several police officers were injured while trying to contain migrants who were attempting to escape from quarantine facilities;

Or. en
Amendment 15
Annalisa Tardino, Harald Vilimsky
on behalf of the ID Group

Motion for a resolution
Juan Fernando López Aguilar
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Impact of COVID-19 measures on democracy, the rule of law and fundamental rights

Motion for a resolution
Recital AC

AC. whereas prisons are at particularly high risk of COVID-19 outbreaks as social distancing and sanitation rules are often impossible to enforce, and sanitary measures have led to the limiting of time in the open air as well as bans on visitors which affect prisoners’ right to communicate with their families; whereas the health of prison officers has been particularly at risk during this pandemic; whereas in some Member States, some specific categories of prisoners have been released with a view to decreasing health risks during the pandemic;

Amendment
AC. whereas prisons are at particularly high risk of COVID-19 outbreaks as social distancing and sanitation rules are often impossible to enforce, and sanitary measures have led to the limiting of time in the open air as well as bans on visitors which affect prisoners’ rights; whereas the health of prison officers has been particularly at risk during this pandemic; whereas in some Member States, some specific categories of prisoners have been released with a view to decreasing health risks during the pandemic; whereas several prominent Mafia bosses have been released from prison and placed under house arrest in Italy;

Or. en
Amendment 16
Annalisa Tardino, Harald Vilimsky
on behalf of the ID Group

Motion for a resolution
Juan Fernando López Aguilar
on behalf of the Committee on Civil Liberties, Justice and Home Affairs
Impact of COVID-19 measures on democracy, the rule of law and fundamental rights

Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution

Amendment

15a. Calls on the Member States to carry out rigorous security checks in light of the fact that potential terrorists are infiltrating migration routes in an effort to access Europe; encourages the Member States to properly enforce sanitary and quarantine measures in order to protect the right to health of their resident local populations;