Covid-19: fundamental rights must be upheld, warn MEPs

As Europe tries to contain the Covid-19 crisis, preserving democracy, the rule of law and fundamental rights remains crucial, according to MEPs.

Crisis situations call for crisis measures and emergency measures have been put in place in member states to contain the spread of the Covid-19 pandemic. This has often resulted in restrictions on people’s rights, including for example the right of assembly and freedom of movement, and increased authority for the executive branches of government.
While recognising the need for special measures, Parliament said in a resolution adopted on 17 April that they must be in line with the rule of law, proportional and clearly related to the health crisis. MEPs also stressed that the measures must be time-limited and subject to regular scrutiny.

**MEPs call for concrete actions to preserve the rule of law**

During the plenary session on 17 April, MEPs expressed concerns about the emergency measures in Hungary and Poland. These relate most notably to the indefinite state of emergency and the new power of the government to rule by decree in Hungary, and the decision by Poland to hold presidential elections during the pandemic, despite worries about how fair these elections can be due to new participation mechanisms and campaigning issues.

MEPs called on the European Commission and the Council to make sure that all actions taken by member states are in line with EU values and treaties.

During a civil liberties committee meeting on 23 April, MEPs underlined the need to respect all fundamental rights, including data protection and privacy, across all member states, and called on the Commission to come up with guidelines.

The committee’s Democracy, Rule of Law and Fundamental Rights Monitoring Group is closely monitoring the impact of emergency measures taken by member states.

Justice Commissioner Didier Reynders promised MEPs that the Commission will continue to closely monitor the situation regarding the rule of law in member states.

MEPs called for decisive action by the Council and the Commission to tackle the most severe violations in Poland and Hungary and criticised them for the lack of progress in ongoing Article 7(1) procedures, which could result in sanctions including the loss of voting rights in the Council, if a clear risk of a serious breach of EU values is established.

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**The situation in Poland and Hungary**

Due to emergency Covid-19 restrictions, **Poland** decided at the beginning of April to organise the presidential election on 10 May by post. Holding elections in the middle of a pandemic and changing the electoral code so close to the election is seen as problematic.

While Polish Justice Minister Zbigniew Ziobro told MEPs the reforms were in line with provisions in other member states, the majority of MEPs speaking questioned whether it is possible to have free and fair elections under the current circumstances.
There is also a growing concern about the independence of the judiciary in Poland after recent reforms, while judges who question them are facing disciplinary procedures.

Most recently, concerns have been raised about the obstacles set in the way of implementing decisions by the European Court of Justice. In addition, MEPs are worried about proposed reforms on LGBTI rights and restrictions on abortion law and sex education.

Hungary declared a state of emergency due to Covid-19 on 23 March, allowing the government to rule by decree. Parliament has strong concerns about the increased executive powers of the decision, without a clear time limit.

The new set of coronavirus-related measures includes five years of imprisonment for spreading misinformation, sparking fears that the government could censor the media, reported attacks on opposition-run local authorities and public businesses, and increased concerns about fundamental rights.

Next steps

Parliament's civil rights committee will draft an interim report about the determination of a clear risk of a serious breach by Poland of the rule of law by mid-July.

The Council is expected to put the discussions and procedures related to the ongoing Article 7 procedures against Poland and Hungary back on the agenda.

Background

In a resolution adopted in January, Parliament said the rule of law in Poland and Hungary had deteriorated since the two parallel procedures under Article 7(1) were triggered in 2017 and 2018. Since the corona crisis, matters have worsened.

Find out more
Watch the civil liberties committee meeting (assessment of emergency measures)