



EU-RUSSIA CIVIL SOCIETY FORUM ГРАЖДАНСКИЙ ФОРУМ ЕС-РОССИЯ

A Pandemic Is Not an Excuse for the Violation of Fundamental Rights of Citizens in Europe

Statement by the Board of the EU-Russia Civil Society Forum

The Board of the EU-Russia Civil Society Forum is deeply concerned about the various violations of fundamental rights of citizens across Europe.

With the global outbreak of the COVID-19 pandemic, we are witnessing an unprecedented danger equally affecting the entire population of the world. Governments are facing difficult dilemmas of striking the right balance between imposing discipline to save people's lives and allowing citizens to enjoy their rights and civil liberties, while introducing various forms of limitations on public assembly and migration, by passing a number of emergency measures and laws. To a certain degree, most countries have suspended their usual legal order or declared some form of state of emergency.

In this regard, the Board of the EU-Russia Civil Society Forum highlights the importance of fundamental principles of the rule of law, which must remain in force to ensure the protection of human rights and dignity. Countries, where the state of emergency comes with already existing shifts of power and weakened rule of law are of special concern.

In Hungary, the approved Bill on Protection against the Coronavirus has two basic pillars: enabling the Prime Minister Viktor Orbán to rule by decree for an indefinite period of time and sanctioning obstructions for a successful protection of the public¹. Following the adoption of the new Constitution in 2011, Hungary already received negative reviews from the Venice Commission². Besides, in their resolution published in January 2020, members of the European Parliament mentioned that the situation in Hungary had deteriorated since the triggering of Article 7(1) of the Treaty on European Union (TEU)³. Finally, the Council of Europe Secretary General issued a statement expressing her concerns about the latest developments stating that 'an indefinite and uncontrolled state of emergency cannot guarantee that the basic principles of democracy will be observed and that the emergency measures restricting fundamental human rights are strictly proportionate to the threat which they are supposed to counter.'⁴

In Poland, the Parliament paved the way for a postal vote procedure to be applied to the presidential election in May 2020, which will be most probably happening still amidst a national lockdown⁵. In

¹ See <https://crd.org/2020/04/07/hungary-ignores-calls-for-respect-of-human-rights>

² See [www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2011\)016-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2011)016-e)

³ See www.europarl.europa.eu/doceo/document/B-9-2020-0032_EN.html

⁴ See www.coe.int/en/web/portal/-/secretary-general-writes-to-victor-orban-regarding-covid-19-state-of-emergency-in-hungary

⁵ See www.reuters.com/article/us-health-coronavirus-poland-election/poland-pushes-forward-postal-election-legislation-idUSKBN21P0KL and www.neweurope.eu/article/poland-presses-on-with-election-plans-despite-coronavirus-crisis

Serbia, the state of emergency has been abused to provide the President Aleksandar Vučić with additional extraordinary powers⁶.

In Russia, the Constitutional Court issued a decision that would allow for a new start of presidential terms for the incumbent President Vladimir Putin. Although the so-called “national voting” on the amendments to the Constitution, which had been originally scheduled for 22 April 2020, was postponed until the immediate coronavirus threat is averted, we express concerns that the voting might be still taking place in an atmosphere, which would be significantly influenced by the current state of emergency, even if the Russian authorities avoid to name the situation that way⁷. In turn, the voting under such circumstances might be leading to a further deterioration of independent institutions and democracy in the country, as well as an already poor record of human rights in general. In the meantime, an appeal to the Council of Europe asking the Venice Commission for an urgent legal examination of the amendments to the Russian Constitution and the procedures for their adoption was signed by more than 160 thousand Russian citizens⁸.

While the President of the Parliamentary Assembly of the Council of Europe called the governments to ensure that the measures they pass were in compliance with the European Convention on Human Rights⁹, a number of countries, such as Armenia, Estonia, Georgia, Latvia, Moldova and Romania, submitted their intention to derogate from the Convention¹⁰.

Additionally, the COVID-19 pandemic is posing serious challenges in the field of digital rights and surveillance¹¹; the state of the domestic healthcare systems, investments in which have stagnated for years as part of the erosion of the public sector; labour rights of different social groups. Especially worrying is the uncertain destiny of the thousands of people, who were stopped at the EU borders, and displaced persons around the globe, who are at a great risk of being denied basic conditions and services for fighting the virus¹².

The Board of the EU-Russia Civil Society Forum demands that the bodies of international law, the European Union and national governments protect the institutions and procedures safeguarding the rule of law, democracy and human rights, and act in a truly emphatic and solidary manner in order to overcome the challenges posed by the pandemic. Response mechanisms, which will be tested during the crisis, will have profound consequences on our lives in the post-COVID-19 times.

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⁶ See <https://balkaninsight.com/2020/03/16/serbia-imposes-state-of-emergency-pleads-for-chinas-help> and <https://crd.org/2020/03/18/serbia-to-respect-human-rights-obligations-during-covid-19-state-of-emergency>

⁷ See <https://meduza.io/en/feature/2020/04/02/that-dirty-little-word-quarantine>

⁸ See <https://eu-russia-csf.org/the-appeal-to-the-council-of-europe-on-amendments-to-the-russian-constitution-received-strong-support-from-russian-citizens> and <https://tinyurl.com/ww7rvr2>

⁹ See <http://assembly.coe.int/nw/xml/News/News-View-en.asp?newsid=7825&lang=2>

¹⁰ See <https://strasbourgobservers.com/2020/03/27/covid-19-and-the-european-convention-on-human-rights> and www.euractiv.com/section/justice-home-affairs/news/coronavirus-derogations-from-human-rights-send-wrong-signal-say-meps

¹¹ See www.amnesty.org/download/Documents/POL3020812020ENGLISH.pdf

¹² See <https://eu-russia-csf.org/wp-content/uploads/2020/03/StatementEURefugees18.03.2020.pdf> and www.crisisgroup.org/global/sb4-covid-19-and-conflict-seven-trends-watch

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The EU-Russia Civil Society Forum was established in 2011 by non-governmental organisations as a permanent common platform. At the moment, 182 NGOs from Russia and the European Union are members or supporters of the Forum. It aims at development of cooperation of civil society organisations from Russia and EU and greater participation of NGOs in the EU-Russia dialogue. The Forum has been actively involved, inter alia, in the questions of facilitation of visa regime, development of civic participation, protection of the environment and human rights, dealing with history and civic education.

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