REINVENTING THE ROLE OF INTERNATIONAL AND REGIONAL ORGANSIATIONS IN PROMOTING PEACEFUL JUST AND INCLUDIVE INSTITUTIONS IN TIMES OF CRISIS-WHAT WAS DONE AND WHAT IS NEXT

18 September 2020

Statement by Mr Max Gilbert, on behalf of the Council of Europe

The Council of Europe is a regional organisation aimed, first and foremost, at promoting the respect of human rights, democracy and the rule of law among its member States at all times and in all circumstances. The current pandemic, like other crisis and emergencies, is no exception.

Most definitely, the most important human right is the right to life and thus we could but welcome the swift and decisive actions by member States to prevent and mitigate the pandemic.

At the same time, our Secretary General stated that "while the virus is resulting in the tragic loss of life, we must nonetheless prevent it from destroying our way of life – our understanding of who we are, what we value, and the rights to which every European is entitled". As the Council of Europe has demonstrated on other crisis occasions, such as the fight against terrorism, our philosophy is that the fight against the spread of Covid-19 and the promotion of our common values are not incompatible, but complementary.

With a view to assisting member States in ensuring that the measures taken by authorities remain proportionate to the threat posed by the virus and are limited in time, the Secretary General published a document in early 7 April entitled *"Respecting democracy, rule of law and human rights in the framework of the Covid-19 sanitary crisis – A toolkit for member States"*. The document covers four key areas:

- Derogation from the European Convention on Human Rights in times of emergency;
- Respect for the rule of law and democratic principles in times of emergency, including limits on the scope and duration of emergency measures;
- Fundamental human rights standards including freedom of expression, privacy and data protection, protection of vulnerable groups from discrimination and the right to education; and
- Protection from crime and the protection of victims of crime, in particular regarding gender-based violence.

In addition, the "Annual Report of the Secretary General of the Council of Europe – Multilateralism 2020", published in June, largely focuses on the Council of Europe's reaction and adaption of its work both vis-à-vis member States and internally in the light of the pandemic. The annual report indeed outlines extensively the organisation's wide range of responses and I invite you to consult the document. [https://rm.coe.int/multilateralism-2020-annual-report-of-the-secretary-general/16809ef144]

Allow me, however, to give you some examples.

- The European Committee of Social Rights adopted a statement of interpretation on the right to protection of health (article 11 of the European Social Charter) in times of pandemic. It endorsed many measures adopted by States in response to Covid-19 and announced the preparation of a further statement covering a broader range of other social rights (health and safety at work, rights of children and older persons, etc.)
- A website has been created to provide relevant information and guidance to member States on the role of media in the current context, and how they should be protected, including the Council of Europe's Guidelines on protecting freedom of expression and information in times of crisis.
- The Chair of the Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and the Data Protection Commissioner of the Council of Europe issued a joint declaration reminding stakeholders responsible for the fight against Covid-19 that data protection standards are fully compatible and reconcilable with other fundamental rights and relevant public interests, such as public health and that these should be applied to the use of data analytics and digital technologies deployed in the context of the coronavirus pandemic.
- Members of the Gender Equality Commission and the Committee of the Parties to the Istanbul Convention compiled an information page, facilitating dissemination of initiatives, practices, statements and guidelines relating to

the impact of the pandemic on women, including their increased exposure to domestic violence in the context of confinement.

• The European Commission for Democracy through Law (Venice Commission) released a new report entitled "respect for democracy, human rights and the rule of law during states of emergency" which elaborates on the principles, conditions and necessary guarantees that should be observed during the Covid-19 crisis, including the issue of holding or postponing elections.

Turning to the statutory bodies of the Council of Europe:

From early April, all meetings of the Committee of Ministers' Deputies were held by written procedure and/or video conferences. In June, physical meetings started again, with fewer staff in attendance and other appropriate safety measures followed. The 13th. Session of the Committee of Ministers, originally foreseen in May, was postponed until 4 November subject to futher Covid-19 related developments.

The Parliamentary Assembly did not hold its April and June part-sessions. However, arrangements have been made for the conduct of remote committee meetings. In the Assembly, several reports are under preparation, looking at various aspects of member States' responses to the crisis, such as:

- Lessons for future public health emergencies from an effective and rightsbased response to the Covid-19 pandemic
- Democracies facing the Covid-19 pandemic
- The impact of the Covid-19 pandemic on human rights and the rule of law

The European Court on Human Rights has continued to fulfil its mandate by ensuring the continuity of its activities and delivering judgements electronically and by relaxing certain time limits for applicants.

The Congress of Local and Regional Authorities cancelled its March plenary session but has continued remote meetings at presidential and committee levels.

The Commissioner for Human Rights has released thematic recommendations to member States highlighting the need for human rights compliant responses

to Covid-19 and drew attention to the high risk of contagion in prisons, advocating the use of all available alternatives to detention whenever possible.

Finally, at the level of the Secretariat, although most staff are now back in their offices, at the peak of the restrictions at headquarters and in external and field offices, well over 80% of staff were working remotely and 450 video conferences were being conducted each day, with around 2000 internal and external participants. This experience will feed into the upcoming reform process which will examine working methods at the Secretariat.