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**Draft Guidelines of the Committee of Ministers of the Council of Europe on upholding equality and protecting against discrimination and hate during the Covid-19 pandemic and similar crises in the future**

*[(adopted by the Committee of Ministers on xxx 2021  
at the xxth meeting of the Ministers' Deputies)]*

**Preamble**

The Committee of Ministers,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, *inter alia* by promoting common standards and carrying out activities in the field of human rights and fundamental freedoms;

Emphasising that upholding equality and protecting against discrimination and hate are crucial, also in times of crisis, for the safeguarding of human rights and freedoms and for the functioning of truly democratic societies;

Recalling the Athens Declaration by the Presidency of the Council of Europe's Committee of Ministers on 4 November 2020 entitled "Effectively responding to a public health crisis in full respect for human rights, democracy and the rule of law", in which it sadly noted that the ongoing public health crisis had "resulted in added hardship and pain for many groups in our societies";

Recalling the member States' obligation to secure to everyone within their jurisdiction the rights and freedoms enshrined in the [Convention for the Protection of Human Rights and Fundamental Freedoms](#) (European Convention on Human Rights, ETS No. 5) and the protocols thereto, and bearing in mind the relevant case law of the European Court of Human Rights, in particular in relation to Article 8 (right to respect for private and family life), Article 14 (prohibition of discrimination) and the principle of proportionality;

Taking into account the [European Social Charter](#) (ETS No. 35, and its [revised version](#) ETS No. 163), according to which the enjoyment of social rights should be secured without discrimination;

Taking into account the [Framework Convention for the Protection of National Minorities](#) (ETS No. 157) and the [European Charter for Regional or Minority Languages](#) (ETS No. 148) and other European or international human rights instruments, and referring to the [16 General Policy Recommendations by the European Commission against Racism and Intolerance](#) (ECRI);

Deeply concerned by the fact that crisis situations disproportionately affect the human rights of persons belonging to vulnerable groups, who are exposed to discrimination and intolerance on the grounds of "race", colour, language, religion, national or social origin, association with a national minority, sexual orientation or gender identity or to multiple and intersectional discrimination on those and any other ground covered by Article 14 of the European Convention on Human Rights;

Considering that there is a particular need to encourage member States to adopt, during times of crisis, specific measures to uphold equality and protect persons belonging to vulnerable groups against

discrimination and hate and to fulfil their positive obligations arising from the European Convention on Human Rights and, where relevant, the European Social Charter;

Referring to the important guidance that the United Nations, the Organization for Security and Co-operation in Europe and other international organisations have developed in these fields;

Building on the good and promising practices that member States have developed before and during the Covid-19 crisis at national, regional and local levels;

Underlining that weaknesses in dealing with inequality and discrimination make societies more vulnerable in times of crisis and that the ongoing work of the member States on the promotion of equality, diversity and inclusion is crucial for societies to be well prepared for future crises,

Adopts the following guidelines to serve as a practical tool for member States in adapting their work on upholding equality and protecting against discrimination and hate during the Covid-19 pandemic and similar crises in the future;

Invites member States to ensure that these guidelines are widely disseminated with a view to their implementation by all relevant authorities and encourages them to review, at appropriate intervals, under the auspices of the Committee of Ministers, the need to update these guidelines and assess their implementation.

#### **I. Preparedness, outreach and information**

1. Member States should have in place efficient structures and procedures to manage crisis situations and their specific impact on disadvantaged groups, and on equality in general, in a swift and inclusive way.
2. In times of crisis, the authorities of member States should rapidly reach out to vulnerable groups and civil society organisations working with them, assess, together with those groups, their situation and provide prompt and efficient solutions to their pressing needs.
3. The authorities should maintain an active and continuous dialogue with those groups throughout the crisis, involve them in the creation of crisis-related measures and policies and ensure that their concerns are adequately taken into consideration in decision-making processes.
4. The authorities should, in a timely and regular manner, inform vulnerable groups about the outbreak and extent of the crisis, how to protect themselves and the assistance and services that are available to them. This information should be disseminated in the languages and through the communication channels used by the different vulnerable groups, formulated in an easily understandable manner and adapted to their living conditions and needs.

#### **II. Protection and access to services and benefits**

5. In times of crisis, member States should take effective measures to ensure that persons belonging to vulnerable groups have equal and effective access to healthcare, including available vaccines. The authorities should furthermore take effective measures to continue the long-term treatment of persons belonging to those groups.
6. The authorities should take effective measures with a view to providing all persons belonging to vulnerable groups with access to housing that has adequate hygiene standards and allows to respect health-related rules and recommendations. The authorities should work towards ensuring that no person belonging to vulnerable groups is left homeless.
7. In times of crisis, member States should take effective measures to ensure that all children belonging to vulnerable groups continue to have access to adequate schooling.
8. If it becomes necessary to switch to online schooling, member States should endeavour to ensure, as far as possible, that children belonging to vulnerable groups are provided with a good internet connection, the necessary hardware and software and appropriate technical and pedagogical assistance. Such new

schooling formats should be adapted to the needs of these children and should maintain social interaction, contain inclusive elements and include measures to help children in difficult situations.

9. The authorities should take effective measures to protect employees, including those belonging to vulnerable groups, who are particularly exposed to the dangers of the crisis on their way to work and at their workplace.

10. The authorities should protect persons belonging to vulnerable groups, in particular those who are in a precarious employment situation, from losing their means of subsistence due to the impact of the crisis on the economy and employment. To this end, the authorities should safeguard their jobs, or help them to find new jobs and facilitate their access to unemployment and other social benefits, including social aid.

11. The authorities should adopt effective measures to help persons from vulnerable groups who are self-employed or who work in the informal economy.

12. The authorities should take effective measures to provide all persons belonging to vulnerable groups with access to the aforementioned services and other basic public services and social benefits also during the crisis. This can be done either through granting or maintaining access to the usual public service or by introducing specific services and social benefits for the duration of the crisis.

13. The authorities should assist persons belonging to vulnerable groups in applying for the aforementioned services and benefits.

### **III. Hate speech and different forms of violence**

14. During times of crisis, the authorities should put a particular focus on preventing and combating hate speech and stigmatisation, including on the internet.

15. During times of crisis, the authorities should focus on preventing and combating violence against persons belonging to vulnerable groups, including hate crime, domestic and gender-based violence. The authorities should provide victims with the necessary psychological, social and legal support, in particular by ensuring the availability of hotlines and enough places in well-functioning shelters.

### **IV. Prevention, assessment and oversight of discrimination and other human rights violations**

16. In times of crisis, the authorities should ensure that neither the crisis nor the measures taken to cope with it disproportionately affect persons belonging to vulnerable groups and result in or exacerbate existing structural discrimination.

17. The authorities should refrain from taking measures that specifically target or affect vulnerable groups without objective and reasonable justification.

18. Where the crisis or general measures taken to mitigate its impact disproportionately affect vulnerable groups, the authorities should take temporary special measures to compensate for the resulting structural disadvantage.

19. The authorities should collect disaggregated data on the impact that the crisis and related measures have on vulnerable groups, while respecting the principles of confidentiality, informed consent and voluntary self-identification.

20. The authorities should initiate research into the factors that could contribute to a disproportionate impact of the crisis or measures taken to cope with it on specific vulnerable groups. These groups should be involved in this research and its results should be used to remedy such disproportionate effects.

21. The authorities should regularly assess their crisis-related measures, their impact on vulnerable groups and whether these measures are in accordance with human rights standards and uphold equality. These assessments should be based on equality data and research; they should integrate a gender perspective and involve representatives of vulnerable groups, civil society organisations, researchers, equality bodies and national human rights institutions.

22. The authorities should take into account the results of external assessments made by parliaments, equality bodies and national human rights institutions.

23. Based on these assessments, the authorities should improve their response to the ongoing crisis, strengthen the positive impact of the measures taken on vulnerable groups and eliminate any discriminatory effects. They should furthermore use the lessons learned from an ongoing crisis to enhance their general preparedness for future crises.

24. Following the crisis, the authorities should take measures to cope with its negative impact on vulnerable groups and to promote equality. The authorities should furthermore consider continuing measures that they introduced during the crisis and which have had a positive impact on vulnerable groups.

25. In times of crisis, the authorities should maintain equal and effective access to justice for persons belonging to vulnerable groups. The judiciary should continue to function in an independent and efficient way and control emergency measures.

#### **V. Digitalisation, artificial intelligence and contact tracing**

26. The authorities should take efficient measures to ensure that persons belonging to vulnerable groups have access to services and benefits even if they are not able to use digital means to apply for them.

27. When developing digital tools for dealing with the crisis and the resulting risks, the authorities should take effective measures to ensure that these tools are not discriminatory against persons belonging to vulnerable groups or otherwise violate their rights.