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Covid passports or certificates: protection of fundamental rights and legal implications

Motion for a resolution

tabled by Mr Damien COTTIER and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Many countries and the European Union are considering the introduction of a "Covid-19 pass" or certificate proving that its holder has been vaccinated, has recovered or has tested negative.

This approach may be an important step towards the gradual return of currently limited individual and collective freedoms. However, it also poses major challenges in relation to the protection of fundamental freedoms, particularly in terms of freedom of movement, non-discrimination in access to public, parapublic or private services, the right to self-determination in relation to personal data, respect for privacy and proportionality.

Two dimensions with different implications can be distinguished: an international dimension, in particular border crossings, and an internal dimension, in particular the exercise of individual freedoms and access to certain services.

It is important to ensure compliance with the rules and standards developed by the Council of Europe, in particular through its legal instruments (European Convention on Human Rights, Convention for the Protection of Personal Data (Convention 108+), etc.) and the case law developed by the European Court of Human Rights, especially in comparable situations. Attention must also be paid to the fight against organised crime (vaccination certificates can be a target).

National parliaments have an important role to play in ensuring the legality and proportionality of measures and the ethical dimension of such developments.

The Parliamentary Assembly also has a role to play and should closely scrutinise these developments and in particular the respect of the rules and standards of the Council of Europe, in relation to the European Convention on Human Rights and other legal instruments, and prepare a report on the subject.

Signed (see overleaf)



Signed¹:

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EPP/CD: Group of the European People's Party
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