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Democracies facing the Covid-19 pandemic

Reply to Recommendation[1]: Recommendation 2179 (2020)
Committee of Ministers

1. The Committee of Ministers has carefully examined Parliamentary Assembly Recommendation 2179 (2020) on "Democracies facing the Covid-19 pandemic", which it has forwarded to the European Committee on Democracy and Governance (CDDG), to the European Social Cohesion Platform (PECS) and to the European Commission for Democracy through Law (Venice Commission) for information and possible comments.

2. The Committee of Ministers agrees with the Parliamentary Assembly that in a public health emergency, member States must continue to apply a number of principles that form the democratic bedrock of our societies. In this context, it notes that in its Declaration on the Covid-19 pandemic, adopted on 22 April 2020, it reiterated its deep and constant attachment to the core values of human rights, democracy and the rule of law, as expressed in the Statute of the Council of Europe and the European Convention on Human Rights, and recalled that measures to combat the disease and its wider consequences must be taken in accordance with the Organisation's principles and the commitments entered into by member States. In addition, the Declaration entitled "Effectively responding to a public health crisis in full respect for human rights, democracy and the rule of law", issued at the end of the 130th Session of the Committee of Ministers and supported by 44 member States, underlines that there are a number of conditions that must be met by member States when taking exceptional measures during a crisis and the ensuing state of emergency. Such measures must, in particular, be strictly necessary, proportionate, non-discriminatory, applied only for as long as necessary and ended once the situation normalises, in full conformity with the European Convention on Human Rights and other human rights obligations, and under constant review. In addition, there must be parliamentary control of a declared state of emergency and its duration, and a judicial review of the measures taken in order to avoid abuse.

3. At the same time, the Committee of Ministers draws attention to the work carried out by the European Committee on Democracy and Governance (CDDG) aimed at drawing some lessons from the current crisis. Acting as a forum where its members can share information on their countries' response to the crisis, the CDDG has created a dedicated webpage on this issue. It has also produced a report on democratic governance and Covid-19 which will be updated at the end of 2021.[2]

4. As regards the recommendation that the Committee of Ministers prepare a set of guidelines on multilevel governance and response to emergencies, the Committee considers that one of the main lessons learned from the response to the Covid-19 pandemic is that strong and effective multilevel governance is essential to prevent, identify and manage emergencies, including pandemics. A set of guidelines elaborating on the characteristics of such strong and effective multilevel governance would provide added value, helping member States to respond effectively to emergency situations in accordance with the fundamental values of democracy, human rights and the rule of law. The Committee will therefore consider the possibility of asking the CDDG to develop such guidelines when adopting its next terms of reference.

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1. Adopted at the 1402nd meeting of the Ministers' Deputies (28 April 2021).
2. "Democratic governance and Covid-19".

5. With regard to democratic participation, the Committee refers to Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life and the 2017 Committee of Ministers' Guidelines for civil participation in political decision making. These texts provide member States with a general framework for their action to promote the widest possible participation. The Committee further notes that the European Commission for Democracy through Law (Venice Commission) has produced a number of opinions and policy papers on elections under a state of emergency and the impact of Covid-19-related measures on democracy, the rule of law and fundamental rights. These documents are a valuable source of inspiration for member States.