

Recommendation 2180 (2020)¹

The impact of the Covid-19 pandemic on human rights and the rule of law

Parliamentary Assembly

1. The Assembly refers to its [Resolution 2338 \(2020\)](#) on the impact of the Covid-19 pandemic on human rights and the rule of law. It refers further to its [Resolution 2209 \(2018\)](#) and [Recommendation 125 \(2018\)](#), entitled “State of emergency: proportionality issues concerning derogations under Article 15 of the European Convention on Human Rights”, and recalls the Committee of Ministers’ reply to that recommendation.
2. The Assembly considers that derogations to the European Convention on Human Rights (ETS No. 5, the Convention) may pose a risk to the maintenance of common minimum human rights standards across Europe. It recalls that the aim of its 2018 proposals was to assist national authorities in understanding the legal complexities in this area and to encourage a more harmonised approach in future.
3. The Assembly notes that an unprecedented number of 10 States derogated from the Convention in respect of measures taken in response to the Covid-19 pandemic, showing a notable lack of consistency in national practice in important areas. Whilst accepting that a perfectly uniform approach is neither necessary, feasible nor desirable, the Assembly considers that this situation underlines the need for guidance and harmonisation.
4. The Assembly therefore invites the Committee of Ministers to reconsider the recommendation that it examine State practice in relation to derogations from the Convention, in the light of the requirements of Article 15 and the case law of the European Court of Human Rights, the requirements of international law and the Assembly’s findings and recommendations in its [Resolutions 2209 \(2018\)](#) and 2338 (2020), with a view to identifying legal standards and good practice and, on that basis, adopting a recommendation to member States on the matter.
5. The Assembly further invites the Committee of Ministers to give terms of reference to the appropriate intergovernmental committee or committees to review national experience in responding to the Covid-19 pandemic, with a view to pooling knowledge and experience and identifying good practice on how to ensure an effective response to public health emergencies that respects human rights and the rule of law. The results of this review could form the basis for future Committee of Ministers’ recommendations or guidelines.

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 13 October 2020 (see [Doc. 15139](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Vladimir Vardanyan, and [Doc. 15158](#), opinion of the Committee on Culture, Science, Education and Media, rapporteur: Mr Bogusław Sonik).

