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The impact of the Covid-19 restrictions for civil society space and activities

Motion for a resolution

tabled by the Committee on Legal Affairs and Human Rights

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

The Covid-19 pandemic has forced many Council of Europe member States to take measures restricting human rights and fundamental freedoms such as restrictions on freedom of movement, blanket restrictions on assemblies and gatherings, electronic surveillance measures, limited access to information on government's handling of the pandemic and criminal sanctions for expressing critical thoughts on it. Some of them have had a highly adverse impact on the functioning of civil society: denial of or delay in registration of new NGOs, limited access to funding or limitations on governing bodies' meetings. Governments also failed to consult NGOs on these measures or on their strategies for protecting public health.

Even though, in accordance with the European Convention on Human Rights, public health may constitute a legitimate purpose justifying restrictions on the rights to respect for private life, freedom of expression, freedom of assembly and association and freedom of movement, any restrictions on the aforementioned rights must be prescribed by law, "necessary in a democratic society" and proportionate to the legitimate aim pursued.

As stressed by the Parliamentary Assembly's [Resolution 2362 \(2021\)](#), the Covid-19 pandemic should not be used to justify the imposing of unnecessary and disproportionate restrictions on NGO activities and States should refrain from enacting new legislation serving this purpose. Therefore, the Assembly could conduct a study on how civil society freedoms have been impacted by the Covid-19 measures, whether these measures had an appropriate legal basis and were justified. It could also establish a list of good and bad practices and draw up a set of recommendations in order to guide States on how best to manage the need to preserve health and civil society freedoms in case of pandemic or other threat to public health.

