

# EP Calls for EU Values to be Upheld in State of Emergency



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European Law Forum: Prevention • Investigation • Prosecution

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**News**

In a [resolution of 13 November 2020](#), the European Parliament assessed the impact of COVID-19 measures on democracy, the rule of law, and fundamental rights. The EP makes three central demands:

- Emergency powers must be necessary, proportional, time-limited, and subject to democratic scrutiny;
- Bans on demonstrations should not be used to pass controversial measures;
- The rights of all people, including vulnerable groups, e.g., women, LGBTI persons, refugees, and prisoners, must be safeguarded.

The resolution stresses that emergency measures pose a “risk of abuse of power” and calls on the Commission to step up its efforts by taking legal action where necessary. Several precise requests have been addressed to the EU countries. These include:

- End their “state of emergency,” or at least clearly define the delegation of powers to their executives, and ensure appropriate parliamentary and judicial checks and balances;
- Exercise utmost restraint in restricting the freedom of movement, especially in relation to the right to family life;
- Maintain the rules of the Schengen Borders Code and the Free Movement Directive;
- Make sure that all new surveillance or tracking measures respect EU data protection rules, in particular the principles of purpose limitation and proportionality;
- Guarantee the rights of defendants, including their unfettered access to a lawyer, and evaluate the possibility of online hearings as a solution and alternative to hearings in court or to the transfer of suspects to other EU Member States under the European Arrest Warrant;
- Safeguard the rights and health of prisoners, in particular their rights to medical assistance, visitors, time in the fresh air, and educational, professional, and leisure activities;
- Target the elimination of hate speech and discrimination.

The resolution was adopted with 496 to 138 votes and 49 abstentions. It was forwarded not only to the Commission, the Council, and the governments/parliaments of the EU Member States but also to the Council of Europe, the OSCE, and the United Nations.

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