

Statement

on

European Solidarity and the Protection of Fundamental Rights in the COVID-19 Pandemic

The COVID-19 pandemic poses grave challenges for societies in Europe and all around the world. Many lives have already been lost, and many more people fear for their own health and that of their loved ones. Moreover, the economic impact of the pandemic has cost people their jobs and livelihoods, and has started to impact people's wellbeing and mental health. The effects of this public health emergency will impact an entire generation.

Acts of solidarity which we are witnessing on a daily basis, in our neighbourhoods, cities and countries all around Europe, serve as a beacon of hope. Young people reach out to their elderly neighbours to help with errands, people provide support to strangers, and we unite in demonstrating our appreciation to those healthcare workers who shoulder a disproportionate burden of this pandemic in caring for patients. Individuals, organisations both public and private, across a diverse range of sectors are offering their expertise and capacity in the effort to quell this pandemic. At the same time, however, we observe the less edifying sight of people being stranded at national borders, politicians pitching the plight of refugees against the suffering of people in Europe and at times a lack of cooperation of Member States for the good of all.

Solidarity however becomes a very thin concept if we only apply it to those who are very much like us and if it comes with conditions and negotiations. It is most potent and meaningful when it extends unreservedly also to those who are different. It is more important than ever in this difficult time to uphold a form of solidarity that is inclusive of everyone, which recognises that respect is due to everyone, and not exclusive to those that live in our own town, region, or country.

Solidarity with those who are hit hardest

Not everyone is affected equally by the pandemic. Some have access to life-saving healthcare while others do not. Some experience quarantine in comfortable homes with gardens, while others are confined in small apartments, or even slums or refugee camps. We have to recognise and address the significant imbalances in terms of economic and social resources, during as

well as after the outbreak. This also means considering the downstream effects of the measures taken now, from economic recession to increases in domestic violence, child abuse and suicide. In turn, this means that instituting immediate supporting measures such as financial and psychosocial assistance is vital. All policies and measures must invariably be based on the basic idea of equal worth of all human beings, rooted in a common human dignity.

It is worth noting that many of those who have lost their jobs as a direct result of the restrictive measures put in place to secure public health goals, are lower paid workers. As noted by the EGE in its Opinion on *Future of Work, Future of Society* (2018),¹ the work of those providing essential services, such as providing care to our children and older persons, including healthcare, needs to be recognised and remunerated appropriately. To deal with the deep economic recession that will follow the current measures introduced in response to the pandemic, we need to make use of forms of financial assistance provided by the instruments that the EU has put in place in the aftermath of the financial crisis of 2008 – and possibly expand them.

Trust and transparency

This pandemic should be seized, not as an opportunity but as a call, to foster solidarity at the European and global level. This must manifest itself in concrete actions such as the honest sharing and pooling of information, experiences, innovations and resources. We agree with those calling for governments and their science advisors to make transparent the evidence for their decisions, strengthen open science and research, and cooperate internationally. When citizens are asked to trust those in positions of knowledge and power, and to abide by their rule, then respect for democratic principles, transparency, accountability and the rule of law are more important than ever.

Strengthening our values

The pandemic is also a challenge to individualistic, nationalistic notions of safety, health and wellbeing. Even those of us who, in other times, felt self-sufficient and strong are now confronted with our vulnerabilities, and a realisation of our dependency on the hard work, support, of others. It is natural in these circumstances of deep uncertainty to focus on immediate action and speed of measures. This must not, however, lead to a continuous suspension of rights and liberties. We therefore call for vigilance about the necessity, evidence, proportionality of any policy and technological intervention that, even temporarily, suspends fundamental rights. Consideration needs to be given to the immediate and lasting impacts that such measures have on our societies (in particular how they may impact disproportionately on different groups, e.g. elderly, single parents, at-risk children). Derogations of human rights, albeit in the interests of the public good must be temporary, and critically there must be clear, transparent criteria for

¹ Future of Work, Future of Society, p9 : « *Much of the work done today that is of key importance to the functioning of our societies (such as care work) is unpaid and often invisible in the sense that it takes place inside people's homes and is not recognised by our institutions.* » https://ec.europa.eu/info/publications/future-work-future-society_en

their suspension e.g. in the form of sunset clauses to emergency legislation. The greatest danger – during and after the end of any formal ‘state of emergency’ – is a ‘new normal’ of eroded rights and liberties. Good leadership in times of crisis is dependent upon protecting and promoting democracy and human rights and the rule of law.

Research and Innovation

COVID-19 has brought the scientific world together at a scale and with a focus and zeal that is unprecedented. Open science and open data practices now greatly support the global pursuit of breakthroughs in research. Academic publishers open up their proprietary troves, journals and newspapers tear down their paywalls when it comes to COVID-19. Science, technology and innovation can, must and will provide the help that will make the difference.

What often makes the difference in science and technology is the relentless pursuit of what seems impossible and infeasible in first instance. Our values we hold dear not only serve as a much-needed moral compass, but they also present us with conflicting obligations and requirements, that can trigger innovative solutions and rouse us to make a hitherto unprecedented effort. We must therefore be wary of arguments that there are “no alternatives”. This pandemic has already provided many concrete examples of technological innovations that exemplify unwillingness to accept tragic choices in shortages of equipment, in limited functionality of equipment. In the space of a week some have developed apps which can be downloaded on to people’s phones so that they have up-to-date access to public health info without geo location or tracking.

Ways out of the crisis

The challenges and consequences of the COVID-19 pandemic affect every person and every region differently. What we have in common, in Europe and beyond, however, is that this crisis confronts us acutely with our own vulnerability and reliance on each other. We are stronger if we confront the threat posed by COVID-19 together, and not alone. In this spirit we recommend that:

1. The protection of human health is accorded a much higher priority in the system of values of the European Union than economic interests. EU member states should jointly pursue the protection of health of EU citizens and assist in strengthening and maintaining the integrity of health care systems and other public infrastructures.
2. Measures undertaken by many governments to provide immediate financial and other support for individuals, families, and community businesses are continued and strengthened, and we suggest that additional measures should be undertaken to improve housing security in particular across Europe.
3. Member States with sufficient resources for healthcare share their resources with those who lack necessary resources in an attitude of solidarity.

4. Saving lives is the most important and urgent goal. Restrictions of rights and freedoms that are imposed in order to save lives in an emergency situation, however – including those implemented through technological surveillance through mobile devices through to drones and surveillance cameras – need to be removed, and data need to be destroyed, as soon as the emergency is over or infringements are no longer proportionate. The public health emergency must not be abused to usurp power, or to permanently suspend the protections of rights and liberties.
5. Once the crisis is over, European societies should work together to implement lessons learned during COVID-19. A common strategy to deal with a pandemic and similar threats should be elaborated and implemented at the European and the global level. Any strategy needs to be mindful not only of health threats but also of threats to our democracies, individual rights and economic sustainability. COVID-19 has shown, once more, that the most socio-economically deprived are most vulnerable to disease and illness.

We must live through this pandemic, and after it. We must face this situation with strength, care and solidarity – a social vaccine that accompanies our search for a COVID-19 vaccine, which has an enduring character. One that provides resilience, lasting social and economic solidarity and lasting immunity against indifference.

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