

Tensions between crisis management and fundamental freedoms

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Sophie Pornschlegel, Senior Policy Analyst



Structure

- 1) Overview of emergency measures in the EU
 - a) Fundamental freedoms
 - b) State of emergency and exceptional powers
 - c) Functioning of parliaments and the judiciary
- 2) Different models of crisis response
- 3) Conclusion
- 4) Open Questions

STATE OF EMERGENCY

- IT (31 January)
- LT (25 February)
- CZ (12 March)
- BG (13 March)
- SK (13 March)
- FIN (16 March)
- LI and PT (18 March)

OTHER TYPE OF EMERGENCY POWERS

- HU | "state of danger" (11 March)
- HR | "declaration of epidemic disease" (11 March)
- ES | "state of alarm" (14 March)
- FR | "state of sanitary emergency" (23 March)
- PL | "state of epidemic threat" (20 March)

STATE OF EMERGENCY AND ECHR DEROGATION

- RO (16 March)
- LV (12 March)

OTHER TYPE OF EMERGENCY POWERS AND ECHR DEROGATION

- EE | "emergency situation" (12 March)

NO STATE OF EMERGENCY OR OTHER TYPE OF EMERGENCY DECLARED



Source: European Parliament Briefing requested by the LIBE committee Monitoring Group on Democracy, Rule of Law, Fundamental Rights, Ottavio Marzocchi, April 2020

Overview of emergency measures taken in the EU

Fundamental Freedoms

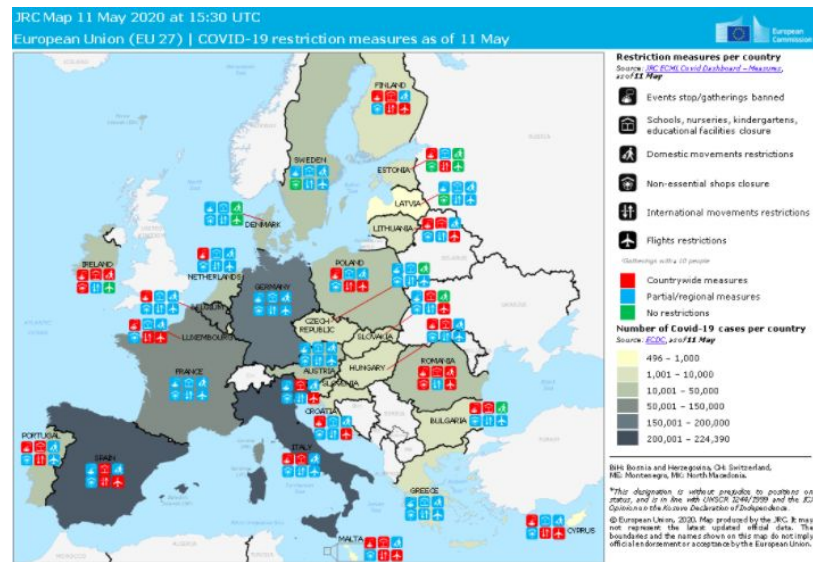


Overview of emergency measures taken in the EU

State of emergency and exceptional powers

Criteria for emergency measures:

- Proportionate to the threat
- Specific in their scope
- Necessary to fight the disease
- Time-limited



Overview of emergency measures taken in the EU

Functioning of parliaments and the judiciary & political participation

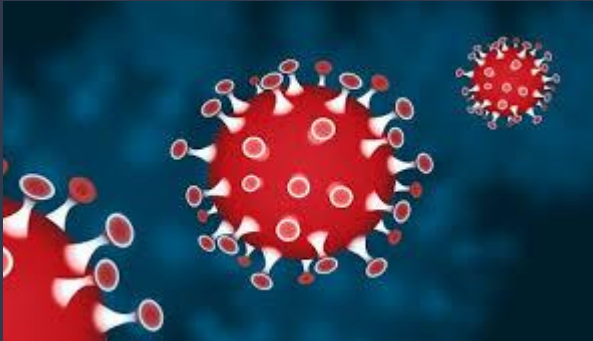


Different models of crisis response

- State of Emergency vs. “Proportionality Model”
- Federalism vs. Centralisation
- Trust & Transparency vs. Security & Surveillance



Conclusion



- Democracy, rule of law & fundamental rights are not “in the way” of efficient emergency responses, but preconditions
- Emergency powers can create dangerous precedent, e.g. mass surveillance and militarisation
- Legislation needs to be more future-oriented & adaptable to (inconceivable) scenarios
- Nation-States are limited in their response to a global virus - international coordination is crucial

Open Questions

- Which emergency measures in your country were necessary, and proportionate and which weren't?
- Which fundamental freedoms already were restricted or not adequately applied before COVID-19?
- What kind of politics is necessary to ensure democracy is upheld in crisis situations?