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## On the fundamental rights and freedoms of EU citizens during the COVID-19 pandemic - Petition No 1397/2020

For the European Parliament to take a position on the exceptional measures to combat Covid19 which seriously affect our fundamental rights and freedoms, and ensure that the Union budget is implemented in accordance with the principles recognized in the Charter of Fundamental Rights of the European Union,

As part of our right to petition provided for in Article 44 of the Charter of Fundamental Rights of the European Union and while the Covid19 pandemic is causing an unprecedented political crisis in Europe,

We, lawyers, magistrates, jurists, doctors, scientists, journalists, artists, artisans, tradespeople and citizens, would like to draw Parliament's attention to the numerous and incessant exceptional measures taken in recent months by the Governments of the European Union (EU).

If the surprise of the first wave could have justified such attacks on our fundamental rights and freedoms, confinements, curfews and other restrictions now appear neither legitimate nor tolerable, especially as we now know more about both SARS-CoV-2 and the collateral damage stemming from the measures taken to contain its spread.

Moreover, the lack of consensus from the European scientific and medical community raises serious doubts about the relevance of the methods, supported by supposedly scientific evidence, for managing the health crisis\*.

This lack of consensus concerns the estimate of the scale of the epidemic, the relevance of the means of detection implemented, the infectiousness of SARS-COV-2, the attribution of deaths to Covid-19, and the vaccination measures envisaged, whose justification on the basis of the precautionary principle seems doubtful.

The generalization and trivialization of the many limitations to essential public freedoms make us fear the worst for the future of the peoples of Europe and the economies of its Member States.

We fear for our democracies. Our democracies are threatened by many executive powers that line up behind the technocratic opinion of unelected scientific committees and forget to weigh the differing interests and fundamental rights necessary for optimal public management.

We fear for our legal systems. Our legal system is led astray by certain jurisdictions which seem to lose their independence by validating all the acts taken by the Governments without engaging in a proportionality examination, which must be all the more detailed because the freedoms breached are fundamental.

We fear for our economies. Our economies are endangered by the many lockdowns and the arbitrary closures of businesses, as well as by deleterious restrictions on free trade, which will come to ruin our future, our entrepreneurs and the political leeway of our Nations.

We fear for our lifestyle. Our Lifestyle is being denied by religious prohibitions, unprecedented social restrictions, and governing by fear, which labels every individual a potentially dangerous virus-carrier whom everyone should fear. We fear for future generations: while feeding fears of the future and weakening resilience, the present management of the health crisis suggests mass unemployment and the impoverishment of our societies, when abysmal public debts would deprive future generations of the necessary leverages to invest in their future.

Too many of the rights, principles and freedoms guaranteed by the Charter are flouted under the guise of a disproportionately applied right to health: right to dignity and life (Articles 1 & 2), right to physical but also “mental” integrity (Article 3), right to liberty (Article 6), right to respect for private and family life (Article 7), freedom of religion and to manifest one's religion collectively (Article 10), freedom of assembly and association (Article 12), freedom of the arts and sciences (Article 13), right to education (Article 14), right to engage in work (Article 15), freedom to conduct a business (Article 16), right of the elderly to lead a life of dignity and independence and to participate in social life (Article 25), freedom of movement (Article 45), principle of legality and above all proportionality of criminal offences and penalties (Article 49), principle of proportionality and of necessity when limiting the rights and freedoms of people (Article 52).

As fervent defenders of life, we recall that life should not be reduced to biology alone.

The health of all is important to us and we recall that this is, according to the WHO Constitution, “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”. Protecting life and health therefore involves taking into account all of its aspects in a holistic manner, which are therefore also of a social, cultural, spiritual, psychological, political and economic nature, as they are of health.

[*Like the Institute for Human Rights of European Lawyers*], we believe that these measures are disproportionate in their infringements on the public freedoms of European citizens. EU governments must adapt their measures to protect those who are vulnerable and those exposed to the most severe forms of the pandemic, without sacrificing the citizens who enable countries to survive.

So far, the organization and coordination of the action of the Member States and the European institutions has been lacking transparency. The configuration, role and influence of certain institutions, organizations or groups - such as the European Centre for Disease Prevention and Control (ECDC), the Health Safety Committee or the COVID19 Advisory Committee of the President of the European Commission, to name only a few - on decisions regarding the management of COVID19 should be explained and brought to the attention of the general public.

With vaccination policies being announced across Europe, we also fear that freedom of expression and information (Article 11 of the Charter) is being undermined, that the principle of free and informed consent of the person concerned in the context of medicine (Article 3) is being violated, and that, even though indirectly, pressure comparable to inhuman or degrading treatment (prohibited under Article 4 of the Charter) does in fact force the individual to renounce these freedoms.

For all these reasons, we, the petitioners and citizens of the European Union, call on the European Parliament, the only direct representative of the peoples of the Union, to do the following:

1. to set up a **parliamentary commission of inquiry** to allow an impartial examination of the relevance of the public policies conducted by Member States since March 2020, and to shed light on the facts which triggered and amplified the management of the COVID-19 crisis as well as the social, economic, and health crises that ensued;
2. that this commission of inquiry be supported by and opened to a **large and representative number of independent experts** from all Member States and that their access to the necessary information be guaranteed.
3. to assess, in light of the work of this committee of inquiry and of the law in force, the **necessity, the proportionality and the justification of the exceptional measures** taken by the Member States during this period, often according to simplified procedures or after summary democratic consultation, as well as their impact on the rights of Europeans at social, economic and health levels, having regard to the overall public health objectives.

4. to assess the **risk of breach of the founding values of the Union** such as respect for human dignity, freedom and respect for democracy, and consider activating Article 7 of the Treaty on European Union against Member States who might have infringed it.
5. to approve the execution of the budget of the EU (so-called “discharge procedure”), **to examine, in light of the above assessment, the execution of the European Union budget for 2020**, including the setup, management and utilisation of the Emergency Support Instrument and of the funds allocated to “advanced purchasing contracts” concluded by the European Commission for the purchase of vaccines and other medical measures on behalf of Member States during 2020, and to ensure the transparency of these funds and their evaluation, for the benefit of the citizens of the European Union.
6. regarding the 2021 budget and the multi-annual budgetary planning for 2021-2027, including the recovery plan (instrument "**Next Generation EU**"):
  - as co-decision maker of the Union's budget, that it formulates *ab initio* recommendations which will bind the Commission and the Member States in its implementation;
  - that it takes these recommendations into account when approving the execution of the budget for the EU institutions;
  - that it ensures the transparency of this execution and its evaluation, for the benefit of the citizens of the European Union.
7. With regard to the precautionary principle and in order to allow European citizens to fully assess the impact of these measures on their personal situations and thus estimate the relevance of any **action for annulment, for failure to act or for actions for damages before the Court of Justice of the European Union**, to clearly and systematically inform on the fulfilment by the European legislator of the obligations provided for by the European law (such as impact studies) to establish the necessity, cost-benefit efficiency, proportionality, as well as the compatibility with fundamental rights, of the regulations, decisions and measures taken by the European Union since March 2020 with the objective of contributing to the management of the health crisis.

We count on our direct representatives to listen to their citizens and voters, who expect them to protect our fundamental rights and freedoms.

\* Non-exhaustive list of scientific publications, legal actions and associative and citizen initiatives that have remained unanswered by national or supranational authorities:

#### **International**

- [The Great Barrington Declaration](#);
- [Petition of United Health Professionals](#)
- [PANDA: Examining Excess Deaths Reporting](#)
- [PANDA: Quantifying Years of Lost Life Due to COVID-19](#)

#### **France**

- [Tribune de 1000 avocats](#)
- [Analyse juridique de l'Institut de Formation en Droits de l'Homme du Barreau de Paris](#)
- [Tribune de 350 scientifiques, universitaires et professionnels de santé](#)
- [Tribune de 500 universitaires, scientifiques, professionnels de la santé, du droit, de l'éducation et du social, et artistes](#)
- [Association bon sens](#)
- [Initiative Reinfo covid](#)
- [Collectif laissons les médecins prescrire](#)
- [Initiative covidinfos](#)
- [Collectif laissez nos enfants respirer](#)
- [Collectif Anti-masques !](#)
- [Collectif « on va tous trinquer »](#)
- [Collectif créateurs d'entreprises en danger](#)

## **Belgium**

- [Initiative Doc4opendebate](#)
- [Lettre ouvert de médecins aux responsables politiques belges](#)
- [Initiative rejointe par 900 médecins et professionnels de santé](#)
- [Tribune de personnalités académiques et de la société civile](#)
- [Initiative citoyenne](#)
- [Pétition pour la réouverture immédiate des commerces « non essentiels »](#)

## **Ireland**

- [Association Health Freedom Ireland](#)
- [Yellow vest](#)

## **Italy**

- [Liberiamolitalia](#)
- [Riscossaltalia](#)

## **Portugal**

- [Recours concernant l'utilisation du test PCR devant le Tribunal d'appel de Lisbon;](#)

## **The Netherlands**

- [Initiative de médecins](#)
- [Tribune de 2500 médecins, psychiatres et psychologues](#)
- [Initiative Pandemic science](#)

## **The United Kingdom**

- [PCR-based COVID testing](#)