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# 144th IPU Assembly

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Standing Committee on  
Democracy and Human Rights

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28 February 2022

## **Debate on *The role of parliaments in reconciling health measures during a pandemic with the preservation of civil liberties***

Wednesday, 23 March 2022  
09.30 – 12.30 (Central Indonesia Time, GMT+8)

### **Concept note**

During a pandemic, the implementation of restrictive health measures can threaten some individual freedoms, and the imperatives of an emergency situation may require the adaptation of regular legislative procedures.

To what extent can parliaments tolerate this? Where is the boundary between individual and collective freedoms? How can parliaments continue to fulfil their legislative and oversight roles? What action can they take to preserve civil liberties while responding to a pandemic?

Since early 2020, daily lives around the world have been dominated by the COVID-19 pandemic. The pandemic has deepened pre-existing risks to democracy, as described in the [Madrid Declaration Contemporary challenges to democracy: Overcoming division and building community](#) adopted at the 143rd IPU Assembly in November 2021. The pandemic has aggravated, not invented, inequality.

In order to protect the population, political measures had to be taken and restrictions introduced. In a democracy, citizens are used to being able to have their say, to being asked. Suddenly, however, decisions needed to be made without public consultation. In many places, people initially approved the decisions partly because the rules were clear and applied equally to everyone. In later phases, however, the understanding for the restrictions decreased noticeably. Some even questioned the democratic legitimacy of the protective measures and whether they respected the rule of law.

The pandemic has put some issues in a new light. For example, the discussion at the IPU's Fifth World Conference of Speakers of Parliament in September 2021 noted that when parliaments voted on radical measures such as restrictions on freedom of movement, these matters were often decided by a simple majority vote. The opinion was raised in the debate that a simple majority vote is not sufficient to ensure popular consent in such cases. Should measures that restrict or deviate from fundamental rights require a different decision-making process, for example a two-thirds majority that is frequently required for constitutional changes?

Meanwhile, pandemic management became a new arena for political contest. The climate of fear and uncertainty provided fertile ground for those who wished to exploit social fractures, for example by spreading misinformation about the virus through social media. Parliaments are challenged to find appropriate responses that guarantee freedom of opinion while at the same time preventing new threats to that freedom.

This debate is an opportunity to take stock and analyze the actions parliaments can and need to take in emergency situations while finding the appropriate balance with individual freedoms.

#IPU144