
Draft Recommendation – COVID-19 pandemic: Call for ethical and human rights compliant management¹

Presented for adoption by the Conference of INGOs on 16 December 2020

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The NGOs members of the Conference of INGOs of the Council of Europe:

Concerned by

- a) the consequences of the erratic management of the pandemic in most Member States, mainly due to the lack of anticipation by public authorities and the inability of public health systems to adapt to crisis situations sometime deriving from limits imposed on their choices by economic objectives
- b) the dramatic worsening of already present malfunctioning in most areas of health governance
- c) the worrying roll back of fundamental human rights in the therapeutic care of the most vulnerable people, particularly on the basis of criteria related to disability or age,

Convinced by the need to support health care providers who face unprecedented ethical, medical and material circumstances throughout Europe,

Recalling Articles 1 and 3 of the Universal Declaration of Human Rights, Article 2 of the European Convention on Human Rights and the case-law of the European Court of Human Rights on the right to life, and Articles 11 and 23 of the European Social Charter on the right of older persons to social protection, as well as the provisions of the Convention on Human Rights and Biomedicine (Art 3 of the Oviedo Convention),

Bearing in mind Goal 3 of the UN 2030 Agenda, aimed at empowering people to lead healthy lives and promote well-being at all ages,

Referring to the new WHO European policy framework identifying *new collaborative leadership to deal with behavioural determinants, the environment and health care for equitable, sustainable and accountable approaches to health development*,

Recalling Committee of Ministers' recommendations to Member States R (84)20 on the prevention of hospital infections, viral and non-viral, R (97) 17 on the development and implementation of quality improvement systems in health care, R (99) 21 on the criteria for the management of waiting lists and waiting times in health care, R (2000) 5 on the development of

¹ Presented by the Democracy, Social Cohesion and Global Challenges Committee

structures for citizen and patient participation in the decision-making process affecting health care, as well as Recommendation Rec(2001)13 on developing a methodology for drawing up guidelines on best medical practices,

Referring to [Recommendation CM/Rec \(2014\)2](#), which underlines the need to fully integrate older persons into society in the most autonomous way possible, protecting them against discrimination, isolation, violence, negligence and abuse,

Following up to Recommendation [CONF/PLE\(2016\)REC2](#) of the Conference of INGOs on "*Health and socio-medical conditions and respect of human rights of the older persons in Europe*",

1. **fully adhere** to the "[DH-BIO Declaration](#) on Human Rights Considerations relevant to the COVID-19 Pandemic",
2. **support** the Council of Europe Committee on Bioethics' [Strategic Action Plan on Human Rights and Technologies in Biomedicine \(2020-2025\)](#), particularly the initiative to draw up a Guide to health literacy for older persons in order to empower them to access health care of appropriate quality on an equitable basis with other groups in society,
3. **commit themselves** to disseminating within their organisations and in the States in which they operate the toolkit for Member States [SG/Inf\(2020\)11](#) "Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis" and the Secretary General's information document [SG/INF\(2020\)24](#) "*A Council of Europe contribution to support member states in addressing healthcare issues in the context of the present public health crisis and beyond*" as well as the Recommendation of the Parliamentary Assembly of the Council of Europe [Rec. 2174](#) (and [Res. 2329](#)) on "*Lessons for the future from an effective and rights-based response to the Covid-19 pandemic*",

With regard to the Council of Europe, of which they are an integral part, the INGOs

urge the Committee of Ministers to engage in dialogue with Member States with a view to developing common resilience on the face of health risks, through the respect for and implementation of Council of Europe standards, as well as through the establishment of a more transparent and humane governance of health systems, based on:

- a) **ethics** in the implementation of health decisions so that the right to life is respected and that priority is given to a personalised approach to patients, especially the disabled and the older persons, in all health and medical-social circumstances, due regard being had to equity of access to care;
- b) **awareness** of the need to develop an approach that takes into account biological differences, in particular age and sex, in medical scientific research but also in the whole healthcare system;
- c) **initial and ongoing training in geriatrics** for all health and care personnel with a view to effective and humane care, compatible with holistic management of available resources;
- d) **promoting the use of digital tools** to combat older persons' isolation and social exclusion, which is aggravated in times of pandemic;
- e) **collaborative and integrated management** of health crises, both at European and national level, backed with the expertise of the Council of Europe and coordinated in accordance with the principles of subsidiarity by health authorities involving social and health professionals, representatives of national authorities, local and regional authorities and the associations concerned;

- f) **the clarification of competences and responsibilities in the fields of** management and decision-making relating pandemics and health emergencies, so that the overlaps and conflicts observed in the mobilisation of the resources necessary to fight against the pandemic are resolved and avoided;
- g) **an approach inspired by good practices** in epidemic management, oriented towards partnership and facilitation rather than injunction, reinforcing equity, transparency and accountability in decision making;

They consider it necessary that a major joint conference on health and human rights be convened in the second half of 2021 at the latest, in association with Council of Europe’s “quadrilogue” partners to take stock of the management of the pandemic from the perspective of ethics and good health policies, and agree on new European standards guaranteeing equality in access to care and ethics in the care of patients, **and ask the Secretary General to take the initiative.**
