

***Motion for a resolution in line with Rule 9 of the Rules of Procedure***

**Reconsideration of the previously ratified credentials of Belgium on substantive grounds**

Despite the challenges COVID-19 imposed on all Governments worldwide, the Belgian Government did not declare the state of emergency: the Belgian Constitution forbids it. Instead, the Belgian Government relied on the pre-existing legal process of Special Powers Laws and Decrees. In March 2020, Special Powers Laws granted the Government special powers for three months to combat the consequences and transmission of the virus.

Since March 12<sup>th</sup> 2020 the Belgian Government has ruled by Special Powers Laws and has prevented the Chamber of Representatives from holding a debate on the imposed measures by curtailing the opposition. Most of the restrictive measures taken in response to Covid-19 were taken by Ministerial Decrees. These decrees are signed by one minister who does not have to defend this policy in Parliament. After one year of protests the Government is drafting a “pandemic-bill”. Recently the Belgian High Council of Justice declared the draft bill as “*unconstitutional, a possible complete violation of privacy and disproportionately repressive*”.

Therefore, we, Members of the Parliamentary Assembly of the Council of Europe, challenge the previously ratified credentials of Belgium on the following substantive grounds and ask the Parliamentary Assembly to investigate thoroughly:

1. the violation of Article 3 of the Statute of the Council of Europe, based on overstepping the principles of the rule of law by the Belgian Government and unconstitutionally limiting the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms;
2. the violation of Articles 2, 5, 8, 9, 11 and 12 of the European Convention on Human Rights.

We therefore call upon the Parliamentary Assembly of the Council of Europe to examine these violations and if necessary to apply sanctions on the Belgian Delegation until Democracy, the Rule of Law, Human Rights and the Constitution are being restored in Belgium.

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<b>NAME</b>	<b>COUNTRY</b>	<b>POLITICAL GROUP</b>	<b>SIGNATURE</b>
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