Freedom of the Press: 
Increasing Restrictions in the Name of Coronavirus

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Introduction

On May third of each year, the world commemorates the World Press Freedom Day, shedding light on world governments’ moral and legal obligations towards freedom of the press and violations of all types, especially since dozens of countries are still putting press work under censorship, making journalists and publishers vulnerable to harassment, assault, detention, and even killing. According to the Reporters Without Borders’s annual world of Freedom of the Press for 2020, the next decade will be crucial for press freedom. The report showed that crises play a crucial role in negatively affecting freedom of the press, which was evident in the current health crisis of the Coronavirus. Hence, there is a clear connection between the suppression of freedom of the press during the Coronavirus pandemic and the level of the spread of the virus. Countries that have suffered from the spread of the virus have recorded alarming violations related to the freedom of the press, ranking low in list. This confirms that crises contribute to negatively affecting this freedom of the press.

Being among those working in the first front lines to fight the pandemic, according to Press Emblem Campaign, 55 journalists in 23 countries lost their lives from COVID19. They were forced to enter infected areas, whether inside hospitals or quarantine centers, risking their lives to obtain information and convey the truth.

It is remarkable that despite the repressive policies of some European countries such as Hungary, Bulgaria and others against the press and journalists, Europe is still the safest place that respects freedom of the press. On the other hand,
Asia and Africa have witnessed a deterioration in this regard. Algeria, Iraq, Egypt, and Saudi Arabia violate the freedom of the press the most. It is worth noting that we cannot separate the right to obtain information from the right to health. When governments enable their people to obtain information related to health, there will be a positive impact on the health of the society. Recognizing the previous relationship would allow more effective control of misinformation and arbitrary restrictions.

The right to freedom of opinion, expression and the media, as well as the right to obtain correct information from governments and protect journalists is an important and fundamental principle for those working in the field of international human rights law. On April 9, the United Nations High Commissioner for Human Rights, Michelle Bachelet, expressed her concern over measures taken in some countries to limit freedom of the media and expression, confirming her fears of using the risk of the so-called ‘anti-misinformation’ as an excuse to muzzle critics.

“Emergency powers should not be a weapon governments can wield to quash dissent, control the population, and even perpetuate their time in power,” Bachelet said.

In this report, the Euro-Mediterranean Human Rights Monitor highlights violations journalists were exposed to in light of the Coronavirus crisis, and the measures that hindered their work, in addition to a review of some Arab and European countries’ restrictive measures to freedom of the press, as well as the legal position regarding this type of violations.
Violations of the right to press freedom during Coronavirus pandemic crisis in numbers

Preventive measures taken by many governments have resulted in curfews applied to all citizens except for medical, security, and military personnel and judicial agencies, but not press workers, which resulted in many obstacles to their work in terms of performing their journalistic duties.

On the other hand, the rapid increase of violations pushed journalists to work from their homes, which led to some challenges to their work due to the huge and unusual efforts made to focus on and commit to work without administrative monitoring.

According to the International Press Institute, there have been around 149 violations committed against journalists and the press since the beginning
of the crisis, such as arrests, restrictions on accessing information, censorship, and accusations of organizing and publishing false news via social media and other media outlets, in addition to verbal and physical attacks.

The following chart shows the distribution of these violations in all regions:

![Chart of Number of Violations](chart.png)

**Source:** International Press Institute on COVID-19 coverage
Examples of countries that violate journalists’ right to pursue their work

Euro-Med Monitor documented several violations of European and Arab governments against journalists while covering the impact of the outbreak of the Coronavirus. Those violations varied from the enactment of some legislations that aim to put restrictions on freedom of the press, by summoning journalists to interrogate them or pressure the channel administrations to suspend media professionals, and the arrest of journalists and placing them in prisons without any necessary judicial procedures.

To shed more light on violations against journalists and media workers, this report reviews some examples from different countries in which journalists were subjected to restrictions that hindered the practice of their media work, as follows:
• First: Europe and China

Some European governments, especially in Eastern Europe, have taken advantage of the ongoing health crisis as an excuse to restrict the transmission of information freely, and have resorted to the suppression of independent media. Some countries, which have always resorted to the use of security force, such as Hungary and Russia, exploited the pandemic to tightening control over the transmission of information related to the Coronavirus. At the same time, other governments that have weak indicators of media freedoms, such as Bulgaria and Romania, have moved to imposing excessive criminal penalties on “fake news” about the virus, which may be subject to misuse by the executive authorities, as this legislation increases the powers of the authorities to interfere and influence the media. Elsewhere, countries such as Serbia and Moldova have moved to control reports, impose restrictions on reporters’ access to information, and even attempt to ban opinion articles.

• Hungary

The measures Hungary has resorted to are among the most serious threats to the freedom of the press as of now in Europe. The Hungarian legislative authorities approved granting the Prime Minister, Viktor Orban, new powers under a decree put forward by his party and was voted in Parliament. Two-thirds of the parliament voted to extend the state of national emergency, granting the PM important powers that include surpassing the parliament for unexacted period of time. The decree criminalizes the publication of “false” or “distorted” information that undermines the authorities’ efforts to combat COVID-19 by imposing fines and imprisonment of up to five years, which would
restrict the work of the media, and spread fear in media circles when it comes to publishing information related to the Coronavirus in the country.

In addition, the Hungarian government adopted a set of decisions, the most important of which is determining questions to be answered at any press conference about the Coronavirus. Additionally, the Hungarian government threatened health workers of being dismissed if they provide any information about the novel virus, which led to restrictions on the wide dissemination of information, and limited publishing data related to the Coronavirus restricting it to what the government deems appropriate for publication.

- Romania

Romania’s President, Klaus Johannes, has signed an emergency decree giving his government the power to remove reports or close websites that publish “fake news” about the Coronavirus, with no right to appeal. This means that the government will have the authority to determine whether the news is true or false. These powers could be used to control the media and the public narrative, and it will restrict the ability of the press to do its job properly.
In Bulgaria, the High Commissioner for Human Rights in Europe has recently warned of deteriorating media freedoms. It faces new repressive government measures against journalists, as the government has taken advantage of the state of emergency and has tried to amend the penal code to punish anyone who publishes what it deems «fake news» on the outbreak of the virus, by imprisonment for up to three years or a fine of 5,000 Euros. The Bulgarian National Movement Party, one of the ruling coalition parties, has submitted another bill to Parliament, which would give greater regulatory powers to the country's broadcasting council to block websites on the pretext of preventing wrong information from being broadcast online.

Under the new bill, owners of media outlets could be prosecuted, and they could face a fine of up to 1,000 Euros and three years of imprisonment, which means more restrictions will be imposed on visual and electronic media outlets in Bulgaria.
• China

China was the first country to practice repression against and prosecution of journalists, activists, and even doctors who have monitored the emergence of the Coronavirus in the Chinese city of Wuhan. The Chinese authorities prevented media crews from entering government and private hospitals and closed dozens of news websites and prosecuted activists and journalists, the latest of which was the arrest of three volunteers by the Chinese police who volunteered in an open source site that collects and republishes news articles and social media posts critical of the government’s handling of the COVID-19 outbreak. The three volunteers were held in Beijing under «house arrest» in an unknown location on charges of «stirring up trouble and disputes.»
On March 31, the Russian legislative authorities approved a decree that imposes fines of up to 23,000 Euros, and prison terms of up to five years for anyone who publishes any information that the Russian authorities consider false about the Coronavirus. The decree also gives powers to fine media officials up to 117,000 Euros if they spread “misleading” information about the outbreak of the disease. It is clear that the adoption of such legislation necessarily means silencing the media, which criticizes the policy of the Russian government in dealing with the outbreak of the disease, after local reports that indicated a real inaction in managing the crisis, especially by the Ministry of Health.
• Bosnia and Herzegovina

The Bosnian authorities detained a journalist and cameraman working for RTV SLON, while filming a report in a Bosnian province, despite having press labels and valid permits allowing them to move and work during the curfew. Local reports stated that the journalists were preparing a report on the Coronavirus pandemic, as they were arrested while documenting the arrival of a group of citizens to a quarantine center. The police confiscated their phones and deleted all footages.
The Belarusian authorities continue to impede journalists and bloggers activity by arresting the well-known investigative journalist Sergei Satsuk after writing an article for the Ejednevnik website which questioned official statistics about the number of people infected with the Coronavirus. The report includes a criticism of the Belarusian president, Alexander Lukashenko, for attacking media outlets that work to cover facts related to the pandemic, accusing them of spreading terror among citizens. Satsuk’s sentence may reach up to ten years in prison based on laws in the country.

Press in Belarus has been characterized by the low level of transparency of the government institutions since the spread of the pandemic, as the Ministry of Health refrains from providing briefings on the pandemic, except in rare cases, and skips journalists’ inquiries about this issue.
• **Second: Arab and African countries**

Euro-Med Monitor condemned Arab and African states violations against freedom of press, journalists’ work and sharing information about the Coronavirus pandemic. The violations are as follows:

• **The United Arab Emirates**

UAE announced the imposition of a financial penalty of up to 20,000 DH (5500 Euros) against journalists and activists who publish any news or information about the Coronavirus outside official reports and statements issued by the government. Additionally, the Emirati government controls all information’s sources and press statements related to the Coronavirus, which restricts the press and freedom of expression.
• Algeria

The Algerian government headed by the new elected president Abd Al-Majid Taboun passed a bill to amend the country’s Penal Code to criminalize the publication of any «fake news» that would harm «national unity.» The new law gives authorities the powers to deal with “fake news”, empower censorship of all media and social media and impose severe penalties against any violations. Penalties vary from two and five years in prison while financial penalties are up to 3,600 Euros.

• Iraq

The Iraqi authorities suspended the license of Reuters News Agency after publishing a report in which the number of the confirmed positive cases of COVID19 was higher that mentioned in official reports. Additionally, the report disclosed that the Iraqi authorities have issued orders that prevent workers in the health sector from revealing any information about the spread of the virus in the country.
• Somalia

The Somali security forces arrested the editor and deputy director of the Goobjob News group, Abd Al-Aziz Ahmad Gurbier in Mogadishu, after a post he wrote on Facebook, in which he accused the office of the president Mohammed Abdullah Farmago of seizing a respirator that was reserved for Coronavirus patients at Digfir Hospital, in order to use it at a medical facility inside his villa.

• Egypt

The Egyptian authorities blocked dozens of human rights and news websites monitoring the government’s role in confronting the Coronavirus. It summoned two foreign correspondents; Ruth Michaelson of the Guardian and Declan Walsh, the head of New York Times office in Cairo. Michaelson was forced to leave Egypt on 20 March three days after withdrawing her license because of an article questioning the official number of Coronavirus cases in Egypt. Local reports documented the detention of seven journalists during last March over their coverage of the Coronavirus spread in the country.
The Egyptian authorities detained more than 70 journalists under difficult humanitarian and health conditions, which increase the risk of journalists’ infection of COVID19 due to the absence of an appropriate medical environment in prisons.

• Jordan

King Abdullah II of Jordan enacted the Emergency Defense Law that empowers Prime Minister Omar Al-Razaz to impose state of emergency and deals assertively with anyone who «publishes rumors, fabrications and fake news that would cause terror,» without specifying the period for this law, which may effect the freedom of the press and increases authorities' arbitrariness in implementing the law, taking advantage of the emergency state in the country. In the same context, the Jordanian security forces arrested on April 2020, the owner of Roya TV, Faris Sayegh, and news director, Mohammed Al-Khaldi, due to broadcasting a video clip showing Amman slum dwellers complaining about the closure adopted by the government to face the Coronavirus, before releasing them later.
• Lebanon

The Lebanese government took a set of measures without any real, comprehensive, and well thought-out plans, as these measures resulted in a reality that some media institutions took advantage of, deliberately deducting from 25% to 50% of the salaries of their workers, while others stopped paying their salaries, as some media institutions terminated some of their workers’ contracts arbitrarily and unlawfully under the pretext of the spread of the pandemic.
• Nigeria

The Nigerian state of Ebonye passed a law earlier this month to punish people who spread wrong information about Coronavirus COVID-19 and other infectious diseases, as the authorities arrested Chijiuki Agu, a reporter for The Sun Newspaper because of a report he wrote about the spread of Lassa fever in some areas of West Africa, where the reporter was detained at the request of the State’s Governor who accused him of lying and violating the new law.
Legal background

There is no doubt that governments have an obligation to protect the right to freedom of expression and access to information, in accordance with the provisions of International Human Rights Law, as a number of articles in many international charters and agreements call for applying this right even in times of emergency and crisis.

When looking at the Universal Declaration of Human Rights, we find that Article 19 stipulates this right by saying: «Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.»

Looking at this article, we find that it focused and stressed the interconnection between receiving and imparting, which means that the criterion of a society’s enjoyment of freedom of the press must be based on two basic principles:

1. Imparting, which means the right to publish information, and this indicates the freedom of the press.
2. Receiving, which means the right to receive information, and this indicates the extent of transparency in the exercise of authority.

Article 19 of the International Covenant on Civil and Political Rights stipulates: “1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.»
Commenting on this Article, the United Nations Human Rights Committee, in its general comment No. 34, stated that imparting and accessing information is closely related to the right of citizens to participate in the management of public affairs, and that the press plays a major role in this regard.

The Committee on Economic, Social and Cultural Rights, affirming the relationship between freedom of the press and the spread of the Coronavirus COVID 19 noted, «providing access to information related to health problems, including all information related to combating and preventing this pandemic is a priority commitment.» This means that confronting this virus shall come in a way that respects rights, including obtaining accurate and recent information about this virus, and that access to this information is freely available to everyone.

The European Convention on Human Rights stipulated in Article 10 the protection of this right by saying «1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.»

The African Charter on Human and Peoples’ Rights noted in Article 9 to the same right by saying: «1. Every individual shall have the right to receive information.

2. Every individual shall have the right to express and disseminate his opinions within the law.»
Article 13 of the American Convention for the Protection of Human Rights stipulated that «Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one’s choice.»
Recommendations

Based on the above, the Euro-Mediterranean Human Rights Monitor recommends to the governments of countries the following:

1. To make exceptional efforts to protect press work and any violations that affect the exercise of this right, whether on the ground or in the cyberspace.

2. To respect the right to freedom of expression and access to information, in accordance with the provisions of international human rights law, and to provide the correct and accurate information regarding the nature of the threat of the emerging Coronavirus COVID 19.

3. To recognize that intentionally hiding information about the pandemic or publishing misleading data would create terror, health concerns and chaos among citizens, and reflect negatively on the health of the society.

4. To enable citizens to have unrestricted and reliable access to the Internet, especially in times of emergency, and to refrain from imposing restrictions on access to the Internet on the pretext of maintaining order and public morals.

5. To refrain from taking any measures that violate freedom of the press, such as removing content or criminalizing the publication of pandemic-related information, as this may be a reason for withholding important information that may contribute to saving lives and protecting the society.