

CIVIC FREEDOMS AND THE COVID-19 PANDEMIC

A SNAPSHOT OF RESTRICTIONS AND ATTACKS





INTRODUCTION

On 11 March 2020, the World Health Organization [declared](#) the COVID-19 coronavirus outbreak a pandemic. The spread of the pandemic, and the response of states to the crisis, have created unprecedented living conditions for much of the world's population. A range of restrictions on freedoms has been introduced in attempts to curb the pandemic. However, some of these have had troubling impacts on human rights and the space for civil society. In many cases, they have patterned onto and reinforced existing restrictions of civic space.

Civic space is the bedrock of any open and democratic society and is rooted in the fundamental freedoms of people to associate, assemble peacefully and freely express their views and opinions. Since 2016, the CIVICUS Monitor has documented and analysed the state of civic space in 196 countries.

States have taken measures that include emergency laws, nationwide lockdowns and restrictions on movement. But one month after the declaration of the pandemic, CIVICUS has documented several alarming civic space trends that have resulted. These are:

- Unjustified restrictions on access to information and censorship;
- Detentions of activists for disseminating critical information;
- Crackdowns on human rights defenders and media outlets;
- Violations of the right to privacy and overly broad emergency powers.

International [human rights law](#) recognises that in the context of officially proclaimed public emergencies, including in public health, which threaten the life of a country, restrictions on some rights can be justified, but they must have a legal basis and be strictly necessary, of limited duration, respectful of human dignity, subject to review, proportionate to achieving the objective, not involve discrimination and be used strictly to the extent required by the emergency in question. Even where an official proclamation of emergency has been made, [non-derogable fundamental rights](#) such as the right to life and freedom from torture and inhuman, cruel, or degrading treatment still must not be infringed. Where a proclamation of emergency has not officially been made, rights can only be restricted during a public health threat in accordance with the limitations allowed in normal times under the relevant provisions of the [International Covenant on Civil and Political Rights](#).

International law is clear, but there are concerns that some of the actions taken by some states may be exceeding justifiable restrictions and negatively affecting civic freedoms. CIVICUS has compiled information on key civic space issues that have surfaced due to the response by governments and some other groups to the COVID-19 pandemic, raising serious concerns about the state of civic space at this time. These reports are sourced from civil society groups and activists, credible news sources and official documents. The restrictions are happening in a range of countries with different civic space ratings. When a country is referenced the respective rating colour is also displayed:

CLOSED	REPRESSED	OBSTRUCTED	NARROWED	OPEN
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CENSORSHIP AND RESTRICTIONS ON ACCESS TO INFORMATION

The CIVICUS Monitor [has shown](#) that in 2019, censorship was the most common tactic used by states to silence activists, journalists and government critics and suppress critical information. Human rights groups have documented attempts to censor or restrict information on the COVID-19 pandemic. These have potentially prevented people from accessing information about the pandemic that can help them protect themselves and their families and being able to ask informed questions about the decisions being taken by the authorities in response to the pandemic.

In [China](#), the government initially responded to the outbreak by withholding information from the public, under-reporting cases of infection and downplaying the severity of the infection. The authorities also [censored](#) numerous articles and social media posts about the pandemic, including those posted by families of infected people seeking help and by people living in cordoned-off cities documenting their daily life. In [Brazil](#), President Jair Bolsonaro, through a 'medida provisória' (provisional measure), decreed that government officials were not obliged to answer any freedom of information requests during the outbreak. The Supreme Court subsequently suspended the decree.

In [Turkmenistan](#), President Gurbanguly Berdymukhamedov's government is limiting the use of the word 'coronavirus' as much as possible in order to deter the spread of information about the pandemic. It has ordered the word's removal from health brochures distributed in hospitals, schools and workplaces. In [El Salvador](#), journalists have not been allowed to ask questions during press conferences related to the crisis and the government's response.

In [Vietnam](#), where the state controls all conventional media and implements strict social media censorship, the authorities have been cracking down on people using Facebook and bloggers who are trying to deliver timely and valuable information about the pandemic. As of 17 March, at least 654 people who posted on Facebook about the outbreak had been summoned to police stations for interrogation about their posts, and 146 of them have been fined.

During this crisis, internet shutdowns directly harm people's health and lives, and undermine efforts to bring the pandemic under control. The shutdown in [Indian-administered Kashmir](#) is hampering the ability of doctors to [obtain information](#) about the virus and educate the public. Similar concerns have also been raised in [Rakhine state](#) in [Myanmar](#), which is also subject to an internet shutdown.

THREATS AND ARRESTS FOR CRITICISING STATE RESPONSE

There have also been reports of people being threatened or arrested for criticising their state's response or disseminating information on the pandemic.

In [Iran](#), civil rights activists, journalists, a city councillor and a footballer have all been detained or summoned for questioning after criticising the Iranian government's management of the pandemic in social media posts. Some of those who were summoned were accused of portraying the country in a negative light and pressured to be supportive of the government's response to the outbreak.



In the [Solomon Islands](#), the Ministry of Health has sent out a memo threatening ‘termination with immediate effect’ for staff who post comments online criticising the government’s response to the pandemic. It said the regulations were included under the State of Public Emergency declaration. In [Sri Lanka](#), on 1 April, the Inspector General of Police instructed all police officers to take legal action against those who publish posts on social media criticising government officials.

Police in [Pakistan](#) have arrested dozens of doctors and medical staff who protested about a lack of personal protective equipment in their fight against the pandemic. In [Thailand](#), on 23 March, an artist was charged under the draconian Computer Crime Act for a Facebook post criticising the lack of airport COVID-19 screening.

RESTRICTIONS ON THE MEDIA

Journalists and the media have a key role to play in sharing timely information about the pandemic. However, some states are shutting down media outlets, restricting the media and criminalising journalists.

On 17 March it was reported that decrees had been issued by the governments of [Jordan](#), [Morocco](#), [Oman](#) and [Yemen](#) to suspend newspaper printing and distribution in response to the pandemic. This includes both independent and state-owned media outlets. Authorities reportedly imposed this to prevent the possible spread of the virus during the printing, delivery and distribution of papers.

On 5 March, authorities in [Niger](#) arrested Kaka Touda Mamane Goni, an independent journalist who publishes news reports on his Facebook and Twitter pages, at his home in Niamey, Niger’s capital. His arrest stemmed from a complaint filed by the local General Reference Hospital, which alleged that his social media posts about a suspected COVID-19 case at the hospital posed a threat to public order.

In [Kenya](#), blogger Robert Alai was arrested on 20 March for posting false information about the virus. Alai had claimed that the government was concealing crucial information about the spread of the virus and that its impact was far greater than the government was acknowledging. He is accused of contravening the Computer Misuse and Cyber Crimes Act 2018.

The house of journalist, Darvinson Rojas, in [Venezuela](#) was raided and he was detained by agents of the Special Action Forces of the Bolivarian National Police on 21 March for his reporting on the pandemic in Venezuela. At the hearing on 23 March, Rojas was accused of ‘instigating hatred and public instigation’.

On 26 March, the President of [Vanuatu](#) signed a declaration of a State of Emergency in response to the pandemic. As part of the declaration it was announced that all news articles on the virus had to be vetted by the National Disaster Management Office after consultation with the Ministry of Health.

Journalists have at times also been subjected to physical assault or harassment while covering COVID-19 lockdowns. In the [Democratic Republic of the Congo](#), for example, journalist Tholi Totali Glody was reportedly [chased](#) by police officers and thrown off a motorcycle taxi on 22 March in Likasi, Haut-Katanga province, resulting in injuries that included a broken leg.



PASSAGE AND USE OF RESTRICTIVE LAWS TO COUNTER ‘FAKE NEWS’

The pandemic’s spread has been matched by the proliferation of misinformation about the virus. While misinformation is a serious problem, some states have resorted to unduly repressive laws on ‘fake news’ that could have wider impacts.

On 18 March, the government of [South Africa](#) enacted new regulations criminalising statements intended to deceive any person about COVID-19 or the government’s response to it. The regulations were published in the Government Gazette under the 2002 Disaster Management Act and carry penalties including fines, imprisonment, or both.

The [Philippines](#) government declared a state of emergency in response to the pandemic on 25 March and passed a law that included provisions penalising the spreading of ‘false information’ on social media and other platforms. Those found violating this provision may face two months’ imprisonment or a fine of not less than P10,000 (approx. US\$196). Courts may also impose a fine of up to P1 million (approx. US\$19,642). On 28 March, [Egypt’s](#) general prosecution said that those spreading ‘fake news’ and rumours about the virus may be imprisoned for five years and fined EGP 20,000 (approx. US\$1,266).

[Turkey’s](#) Ministry of Interior announced on 23 March that legal action had been taken against 316 social media account holders who had shared information about the virus ‘to cause worry among the public, incite them to fear and panic and target persons and institutions’. In [Malaysia](#), the authorities reported on 11 March that they had opened 37 criminal investigations related to the spread of ‘fake news’ on the virus.

TARGETING OF HUMAN RIGHTS DEFENDERS

There is also evidence that governments and others are using the pandemic as an opportunity to target human rights defenders.

In [Honduras](#), on 24 March, police arbitrarily arrested Evelyn Johana Castillo for being on the street during the emergency, while she was returning home from buying food with her husband and older daughter. She is the Assistant Coordinator of the Ojojona Women’s Network and a member of the National Network of Women Human Rights Defenders in Honduras. Evelyn stated that this attack against her may have been a reprisal.

A human rights defender in [El Salvador](#) has been the target of a smear campaign after posting on Facebook on 13 March about overcrowding and the lack of hygiene for people held in quarantine during the pandemic. She received messages containing harmful speech, intimidation and threats, including misogynistic insults and derision of her feminist activism.

According to local civil society groups, death squads in [Colombia](#) are taking advantage of lockdowns to kill rural activists. Marco Rivadeneira, a high-profile activist, was murdered in the southern Putumayo province, Ángel Ovidio Quintero was shot dead in the western Antioquia region and Ivo Humberto Bracamonte was killed on the eastern border with Venezuela.



POLICE ABUSES DURING LOCKDOWNS

Civil society groups and journalists have raised concerns about the use of excessive force or inhumane and degrading treatment by law enforcement officials towards people who have violated lockdowns in various countries. The United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Killings has raised [concerns](#) about this.

According to Human Rights Watch, police and local officials in the [Philippines](#) have confined those arrested for violating the government's COVID-19 regulations in dog cages and forced them to sit in the midday sun as punishment, among other abuses. In [India](#), videos have circulated of police officers violently caning those who do not respect the restrictions. Violators have also been [publicly shamed](#) in India by being forced to do squats, push-ups, crawl, or roll around on the streets.

In [South Africa](#) numerous videos have emerged that appear to depict police officers and soldiers kicking, slapping, whipping and even shooting lockdown violators. On the first day of South Africa's lockdown, police fired rubber bullets at News24 journalist Azarrah Karrim, despite her shouting 'I'm media', when she was covering the dispersal of people by security forces in Johannesburg.

In [Kenya](#), police in various locations were also recorded caning people who defied the curfew. Videos and photos also featured the police [lobbing teargas canisters and clubbing people](#) with batons in the city of Mombasa to clear the streets in advance of the curfew.

SURVEILLANCE AND VIOLATIONS OF THE RIGHT TO PRIVACY

There have been numerous examples of states increasing intrusive surveillance measures. Any surveillance measures and restrictions on the rights to privacy introduced in response to the pandemic should be provided for by law and be necessary, proportionate, timebound and implemented with transparency and adequate oversight; they must be the least intrusive available to achieve the desired result. The reality has not lived up to these standards.

[China's](#) authorities are notorious for using technology for surveillance, unconstrained by privacy legislation. Its universal street camera system, first deployed for the 2008 Beijing Olympics, has been expanded all over the country's main metropolitan areas and has been recently upgraded with facial recognition capabilities. The authorities have been using this system to catch, shame and fine citizens going outside without face masks and to identify and quarantine individuals who show symptoms.

The move by the authorities in [Israel](#) to permit the security service to use mobile phone data of infected people has also raised privacy concerns. This system is apparently already operational, with 400 people having received text messages warning them of potential contact with infected people.

On 31 March, [Armenia's](#) parliament passed amendments to broad surveillance powers to enable the use of mobile phone data for tracking COVID-19 cases. The amendments impose restrictions on the right to privacy and allow the authorities to access confidential medical information related to people exposed to the virus. In [Fiji](#), civil society raised privacy concerns after the Ministry of Health disseminated private information that listed the names and addresses of passengers who were on the same flight as the country's first confirmed COVID-19 patient. The list of 82 names included residential addresses.



OVERLY BROAD EMERGENCY LAWS AND NEW RESTRICTIVE LEGISLATION

[International civil society](#) has documented a number of countries that have declared a state of emergency or passed emergency laws or regulations to combat the virus that grant the state overly broad powers and endanger civic freedoms. International human rights law is clear that any measures introduced must be subject to sufficient oversight by both the legislature and the courts, should not be discriminatory and must be timebound.

Among the emblematic cases highlighted by CIVICUS partners is [Hungary](#). Its new law (Bill on Protection against the Coronavirus or Bill T/9790), adopted on 30 March, extends the government's power to rule by decree by absolving it from parliamentary scrutiny and does so without providing a clear cut-off date. The new law also amends the Criminal Code concerning the crime of 'imparting or conveying false information': anyone who publicises false or distorted facts that interfere with the 'successful protection' of the public or might alarm or agitate the public could be punished by up to five years in prison.

The government of [Cambodia](#) has drafted a state of emergency bill, containing many overly broad and vague provisions, which would empower Prime Minister Hun Sen to override fundamental human rights protections. This includes unlimited surveillance of telecommunications, control of the media and social media and complete authority to restrict the freedoms of movement and assembly. Articles 1 and 4 of the bill would allow the law to be used even after the crisis ends.

Some states have also used the crisis to quietly pass restrictive legislation without adequate scrutiny. For example, amid the chaos of the pandemic in the [USA](#), at least three states have passed laws imposing new criminal penalties on protests against fossil fuel infrastructure.



RECOMMENDATIONS TO GOVERNMENTS

Given the concerns outlined above, it is clear that governments need to do more to respect civic freedoms when responding to the COVID-19 pandemic. Governments should implement the following recommendations to ensure that fundamental freedoms do not become another casualty of the virus:

- Safeguard the freedom of expression in all forms while addressing the pandemic and refrain from censoring social and conventional media. Any restrictions should be pursuant to an order by an independent and impartial judicial authority, and in accordance with due process and standards of legality, necessity and legitimacy, in line with international law and standards.
- Maintain reliable and unfettered access to the internet and cease internet shutdowns that prevent people from obtaining essential information and services during the crisis.
- Address violations against human rights defenders and journalists during the pandemic, and ensure that those who commit violations are independently and promptly investigated and the perpetrators are brought to justice.
- Respect and protect media freedom, as guaranteed under international human rights law, during the pandemic.
- Replace approaches to misinformation on the pandemic that rely on censorship and criminal sanctions with those emphasising transparency and media freedom.
- Ensure that surveillance measures adopted to address the pandemic are lawful, necessary and proportionate. As part of this, ensure that any expanded monitoring and surveillance powers are timebound, and only continue for as long as necessary to address the current crisis.
- Ensure that increased collection, retention and aggregation of personal data, including health data, is only used for the purposes of responding to the pandemic.
- Ensure that law enforcement officials respect the law and avoid abusive conduct while enforcing lockdowns and curfews, and investigate those suspected of such abuses and bring the perpetrators to justice.
- Guarantee that any new emergency laws and decrees deployed to combat the pandemic do not in any circumstances restrict certain fundamental rights, including the right to life, prohibition of torture or other cruel, inhuman, or degrading punishment, recognition before the law and the presumption of innocence. Make sure that any such laws or decrees are not discriminatory in any way, including on the grounds of race, ethnicity, sex, sexual identity, language, religion and social origin, and are timebound and subject to sufficient oversight by both the legislature and courts.

ABOUT THE CIVICUS MONITOR

The CIVICUS Monitor is a research tool that provides quantitative and qualitative data on the state of civil society and civic freedoms in 196 countries. The data is generated through a collaboration with more than 20 civil society research partners, and input from a number of independent human rights evaluations.

The data provides the basis for civic space ratings, countries can be rated as **CLOSED**, **REPRESSED**, **OBSTRUCTED**, **NARROWED** or **OPEN**. The data streams also feed into individual country pages and updates, which provide verified and up-to-date information on the state of freedom of association, peaceful assembly and expression. The CIVICUS Monitor also includes a regularly updated Watch List – countries where, based on research and local analysis of the situation, there is a serious, immediate or emerging threat to civic space.

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