

Access to Information in Times of Crisis



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The coronavirus (COVID-19) pandemic is a global health crisis that inevitably spills into other areas of people's lives. In responding to the exigencies of the coronavirus pandemic, governments around the world have made vast and unprecedented decisions to combat the spread of the virus and protect lives. These state emergency measures, which are, on the one hand, vital to public health and lives, on the other hand, impact not only the economic performance of countries but also, in many ways, present a threat to human rights and freedoms.

In these extraordinary circumstances, governments need to exercise prudence in the introduction of emergency measures, weighing carefully what limitations to impose on human rights and freedoms.

This article will not explore the question of lawfulness, legitimacy, or necessity of state emergency containment measures, such as lockdown or curfew, international border closure, domestic travel restrictions, school and kindergarten closures, limits on public gatherings and other human contacts during a public crisis that severely threatens the lives of the population. It does, however, explore the state of freedom of expression through a lens of access to information during the ongoing global public health emergency. In such times, more than ever, people need and expect to be timely, accurately, and comprehensively informed about the pandemic and the state of the healthcare system, as well as not be prevented from fully scrutinizing the government's emergency measures in response to the pandemic. Thus, freedom of expression direly needs an additional layer of protection.

Therefore, the COVID-19 pandemic should not be used by state authorities as a pretext for limiting freedom of expression,

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including suspension of the right to information and attacks on media freedom. In this endeavor, it is of particular importance for governments to accept and uphold the crucial role of independent media having access to first-hand information. Such a stance is paramount to keeping the public timely and factually informed about an evolving pandemic and its risk to people's safety, as well as to prevent general panic and fostering people's understanding for and cooperation with a necessary restriction on their rights and freedoms.

COVID-19: A PUBLIC HEALTH EMERGENCY

Since the end of 2019, people around the world are facing exceptional circumstances. Like in any other public crisis, such as wars, terrorist attacks, natural and human-



THE PUBLIC'S ACCESS TO OFFICIAL INFORMATION SHOULD FOLLOW THE EXISTING PRINCIPLES OUTLINED IN THE EUROPEAN COURT OF HUMAN RIGHTS' CASE LAW

made disasters, the coronavirus pandemic is severely threatening people's lives.

In a time of a pandemic, it is the government's responsibility not just to secure their right to life, but also to protect the rest of their rights and freedoms. Governments, while combating a health crisis and protecting lives, need to keep in mind that the threat is the COVID-19 virus, not the citizens.

ACCESS TO INFORMATION

Access to information, along with the freedom of expression and freedom of the press, is a critical pillar of liberal democracy. Unhindered access to information for the citizens, coupled with independent, free media, is a precondition for open, transparent, and responsible government during a crisis such as the one we are all currently facing.

Access to information encloses freedom to seek and receive information. The former is defined as freedom to access information in various forms, through different channels, and from local and foreign sources. One of the sources is the internet, which plays a crucial role in allowing people to access information and remain informed during a pandemic. As the #KeepItOn campaign¹ stresses, access to the internet and social media platforms enables people to access information and safety protocols being rolled out by the World Health Organization and other health experts aimed at containing the COVID-19 virus². Blocking access to these tools puts lives in danger.

As the *Human Freedom Index 2019*³ documents, more than half of countries analyzed worldwide do not restrict citizen's freedom to seek information. Among those 71 countries with a perfect score of 10 are 32 European countries. Seven European countries, however, do impose restrictions: Croatia (9.2), North Macedonia (9.2), Poland (9.2), Moldova (7.5), Ukraine (7.5), Russia (6.7), and Belarus (5.8) [See: Figure 1].

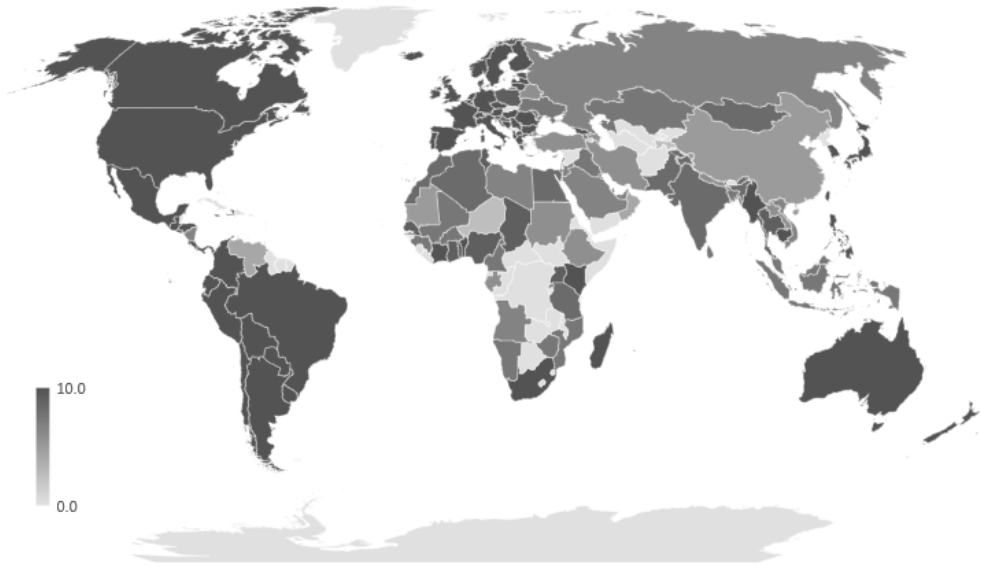
On the other hand, freedom to receive information is defined as freedom to access data held by national government that is information of public nature. The Council of Europe's *Convention on Access to Official Documents* ("The Tromsø Convention") underlines that exercise of a right to

¹ The #KeepitOn campaign, convened by Access Now, consists of 210 organizations from 75 countries that are united in their effort to end Internet shutdowns. The campaign launched at RightsCon Silicon Valley in 2016. See www.accessnow.org/cms/assets/uploads/2020/02/KeepitOn-2019-report-1.pdf

² www.accessnow.org/keepiton/

³ The Human Freedom Index includes three indicators measuring freedom to seek information for 136 countries: i) access to cable/satellite, ii) access to foreign newspapers, and iii) state control over internet access. See: www.visio-institut.org/indeks-clovekove-svobode-2019/

Figure 1. Freedom to Seek Information



Source: www.visio-institut.org/indeks-clovekove-svobode-2019/

access documents held by a government does not only provide a source of information for the public. It also indirectly assists the public to form an informed opinion on the state of government affairs, as well as fosters the integrity, efficiency, effectiveness, and accountability of public authorities. Therefore, the official documents and other government materials are, in principle, public and can be withheld subject only to the protection of other rights and legitimate interests⁴. To protect public health, restrictions on access to official information must be exceptional and proportionate. As such, the public's access to official information should follow the existing principles outlined in the European Court of Human Rights' case law.

Tracking the strength of the legal guarantee and protection of the right to public information in 128 countries globally, the *Right to Information (RTI) Rating*⁵ found that among the top 10 are four European countries: Serbia (3rd place), Slovenia (5th), Albania (6th), and Croatia (8th). Significantly, none of the Western countries ranks even in the top 25, although eight rank in the bottom 25. Further, four European countries rank among the bottom 10: Austria (128th), Liechtenstein (126th), Monaco (125th), and Germany (120th).

⁴ Council of Europe (2009) *Convention on Access to Official Documents*, Tromsø, June 18. Available [online]: <https://www.coe.int/fr/web/conventions/full-list/-/conventions/rms/0900001680084826>

⁵ The Access Info Europe and the Centre for Law and Democracy's *Right to Information (RTI) Rating* measures the strength of the legal guarantee and protection of the right to information in 128 countries globally with 61 distinct indicators divided into seven categories: Right of Access (3 indicators; a cumulative weight of 0.04), Scope (9 indicators; a cumulative weight of 0.20), Requesting Procedure (15 indicators; a cumulative weight of 0.20), Exceptions & Refusals (8 indicators; a cumulative weight of 0.20), Appeals (14 indicators; a cumulative weight of 0.20), Sanctions & Protections (4 indicators; a cumulative weight of 0.05), and Promotional Measures (8 indicators; a cumulative weight of 0.10). See: <https://www.rti-rating.org/>

Table 1: Freedom to receive information held by national governments

RTI CATEGORY		SERBIA	SLOVENIA	GERMANY	MONACO	LIECHTEN-STEIN	AUSTRIA
		3 rd place	5 th place	120 th place	125 th place	126 th place	127 th place
Right of access	6	5	3	0	1	0	2
Scope	30	30	30	19	13	17	14
Requesting procedures	30	22	26	7	5	10	8
Exceptions & refusal	30	26	25	11	15	5	2
Appeals	30	29	28	15	9	1	6
Sanctions & protections	8	7	4	0	0	0	1
Promotional measures	16	16	13	2	0	4	0
Total	150	135	129	54	43	37	33

Source: Right to Information Rating

Comparing RTI scores for the four bottom European countries (Austria, Liechtenstein, Monaco, and Germany) with those for top two countries (Serbia and Slovenia), it is revealed that RTI laws in the former countries provide a weaker legal guarantee and protection of the right to information in all seven analyzed categories [See: Table 1].

The findings of the *RTI Rating* analyzed on a country level also reveal that, in general, more recent RTI laws provide better legal guarantee and protection of the right to information, which is recorded in higher RTI scores. As an example, Liechtenstein scores 37 out of 150 points with Information Act passed in 1999 and Austria scores 33 points with Duty to Grant Information Act from 1987 (last modified in 1998). Consequently, the quality of RTI legislation, de-

fining as a *protection of access to information*, has been on a global level improving steadily since 2000, which is reflected in the average RTI score of laws adopted in each five-year period being stronger than the previous five-year period. Accordingly, today a considerable number of countries in all regions of the world have legislation guaranteeing and protecting the right to information.

ACCESS TO (TIMELY, FACTUAL, ACCURATE, AND COMPREHENSIVE) INFORMATION DURING CRISIS

During a health crisis, more than ever, it is vital that the right to access information held by national governments is protected.

First, people need and expect to be informed about the dimensions and implications of

Table 2: Temporarily altered or suspended the right to access information in the time of COVID-19

DATE	COUNTRY	MEASURE
March 14, 2020	Spain	Based on the Royal Decree 463/2020 of March 14, 2020, declaring the state of emergency, the Council of Transparency and Good Governance, which is the RTI oversight body, has issued a notice that processing of cases is postponed, however, that they will continue to work to meet the requests of citizens. ⁶
March 16, 2020	Romania	The presidential decree of March 16, 2020, enacted the state of emergency and provided that the deadline for processing and responding to RTI requests is doubled during the crisis (20 days instead of 10 days and 48 hours instead of 24 hours for requests from journalists). ⁷
March 17, 2020	Italy	Under Decree-Law No. 18/2020, of March 17, 2020, includes a provision of the suspension of all activities related to access to information requests are suspended unless they are urgent and cannot be postponed. Requests for information about the pandemic and health emergency are excluded from the suspension. ⁸
March 24, 2020	Serbia	The Serbian government on March 24, 2020, with a decree extended deadlines for state institutions to respond to the right to information requests, providing them up to 30 days after the state of emergency is lifted to respond. ⁹
March 25, 2020	France	An Ordinance dated March 25, 2020, suspended all statutory time limits, which expire starting on the March 12, 2020, until one month after the date on which the state of emergency ends. ¹⁰
March 31, 2020	Poland	The package of amendments responding to the COVID-19 pandemic, so-called the "anti-crisis shield", suspended several administrative proceeding deadlines, which could be the legal basis for the suspension of the right to information timelines ¹¹ . On May 16, 2020, Poland passed the Anti-Crisis Shield 3.0 definition that any administrative and procedural time limits suspended under previous COVID-19 legislation would begin to run seven days following the Act's entry into force. ¹²
May 4, 2020	Hungary	Under Decree No. 179/2020, issued on May 4, 2020, requests for information cannot be submitted in-person or orally, and the period for responding to these requests is extended from 15 days to 45 days, which may be again extended once for another 45 days. ¹³

⁶ El Consejo de Transparencia y Buen Gobierno (2020) *Aviso sobre la actividad del Consejo*. Available [online]: https://www.consejodetransparencia.es/ct_Home/comunicacion/actualidadynoticias/hemeroteca/2020/Primer-semestre/20200313.html [in Spanish]

⁷ President of Romania (2020) Decret no. 195 of March 16, 2020. Available [online]: <http://legislatie.just.ro/Public/DetaliiDocument/223831> [in Romanian]

⁸ Ministry of Public Administration (2020) *Press Release from the Civil Service Department*. Available [online]: <http://www.fun-zioneubblica.gov.it/articolo/dipartimento/27-03-2020/comunicato>. [in Italian]

⁹ See: <https://www.poverenik.rs/sr-yu/>

¹⁰ Hughes, C. (2020) *FOI Requests Under Threat During Coronavirus Crisis*. Available [online]: <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000041755644>

¹¹ Kassel, T., J. Tokarski, M. Woźniak, and G. Kuś (2020) *COVID-19. The Anti-Crisis Shield Law Published*. Available [online]: <https://studio.pwc.pl/aktualnosci/english/insights/measures-in-order-to-protect-individuals-and-companies-facing-the-covid-19>

¹² KPMG (2020) *Suspension of Procedural Deadlines During the COVID-19 Pandemic Not Always Used in Practice*. Available [online]: <https://home.kpmg/pl/en/home/insights/2020/06/frontiers-in-tax-suspension-of-procedural-deadlines-during-the-covid-19-pandemic-not-always-used-in-practice.html>

¹³ Makszimov, V. (2020), *Hungarian Government Suspends EU Data Protection Rights*. Available [online]: <https://www.euractiv.com/section/digital/news/hungarian-government-suspends-eu-data-protection-rights/>

the crisis, along with the government's policies and measures to combat the spread of the virus and protect lives.

Second, as people are informed of how they can engage in a discussion on, and later participate in, the execution of government's measures to combat the virus, the right to access information has the potential to play a major role in ensuring a successful response to the crisis through prevention of general panic and people's understanding of, and cooperation with, these measures.

Third, the right to access information may be a powerful mechanism for enforcing the government's accountability during the crisis. During such times, when internal checks and balances on institutional powers are weakened, and government decisions are made at extraordinary speed, it is imperative that media, professional journalists, medical professionals, civil society activists, and members of the general public are not limited in the exercise of their freedom of expression and information to scrutinize the emergency measures.

STATE LIMITATIONS ON THE FREEDOM OF INFORMATION

International human rights law, as defined in the *International Covenant on Civil and Political Rights*, presents three conditions for measures that carry state derogation of the right of expression and information¹⁴. Legal restrictions on the freedom of information a) must be provided by law, b) must have a legitimate interest set out in international law: the rights or reputations of others, national security, public order, public health, or public morals; and c) must be necessary.

In the time of a national crisis, emergency measures imposed to protect against threats to the life of the citizens may derogate certain human rights and freedoms¹⁵. The right to information is one of those rights that under international law may be restricted. In such times, an emergency measure that restricts freedom of expression needs to meet four conditions: i) only be taken to the extent strictly required by the exigencies of the situation; ii) not be inconsistent with other obligations under international law; iii) be time-limited, and iv) not discriminate¹⁶.

Furthermore, when it comes to the European states, they may not introduce any restrictions beyond the limitations granted by Article 10 of the *European Convention on Human Rights*, guaranteeing that "[e]veryone 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"¹⁷.

Emergency is not a blank check empowering the government to act outside of the frame of the law. Therefore, measures that restrict the right to freedom of information simply must fall within the rule of law. Further, they should be the least restrictive and intrusive actions required, and should be proportionate. If the government is consumed in efforts to deal with the crisis and, in turn, is unable to deal with RTI requests that are not crisis-related, such

¹⁵ No derogation is permitted from the right to life and other certain specific rights.

¹⁶ United Nations, *COVID-19 and Human Rights. We are all in this together*, https://www.un.org/victimssofterrorism/sites/www.un.org.victimssofterrorism/files/un_-_human_rights_and_covid_april_2020.pdf, p. 15.

¹⁷ Council of Europe, *Convention for the Protection of Human Rights and Fundamental Freedoms*, https://www.echr.coe.int/Documents/Convention_ENG.pdf

¹⁴ United Nations, *International Covenant on Civil and Political Rights* (ICCPR), <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>



THE RIGHT TO ACCESS INFORMATION MAY BE A POWERFUL MECHANISM FOR ENFORCING THE GOVERNMENT'S ACCOUNTABILITY DURING THE CRISIS

restriction may be legitimate (an example is Mexico¹⁸). However, if the government is taking advantage of the situation to push back against the right to information, this is not legitimate.

Blanket measures tend to be illegitimate, as not all requests are of equal importance, and not all public bodies are equally immersed in the crisis. Hence, actions should be limited to the parts of government that are not impacted by the crisis, while RTI requests related to the government's accountability should not be denied or slowed down during such times¹⁹.

RESTRICTIONS ON THE RIGHT TO ACCESS INFORMATION IN THE EUROPEAN UNION MEMBER STATE DURING THE COVID-19 PANDEMIC

In the wake of the COVID-19 pandemic, several EU member states decided to restrict the right to information [See: Table 2]. It is imperative that these measures are reversed as soon as the health emergency ends, as this is when the conditions used to justify the restrictions are no longer valid.

MEDIA FREEDOM AND RESPONSIBILITY

Media and professional journalists play a key role in upholding freedom of information by providing the public with timely, accurate, and reliable news about the development of the pandemic, the state of healthcare accessibility, and the government emergency measures imposed to contain a pandemic.

In a time of great public health concern, it is of paramount importance for government, as well as everyone else in the society, to embrace the crucial role of independent media in keeping the public informed about an evolving global pandemic, its risk to people's safety, and measures taken by the government in its response²⁰.

Responsibility of media professionals – those engaged in the gathering, handling, and dissemination of information – is to adhere, especially in the times of crisis, to the highest professional and ethical standards in delivering timely, factual, accurate, and comprehensive information to the public. Professional reporting on the crisis is not

¹⁸ Ortiz, A. (2020) *Inai suspende plazos para atención de solicitudes de información por coronavirus*, El Universal. Available [online]: <https://www.eluniversal.com.mx/nacion/politica/inai-suspende-plazos-para-atencion-de-informacion-por-coronavirus>

¹⁹ <https://gfmf.info/right-to-information-in-the-time-of-covid-19/>

²⁰ Not just media and professional journalists, medical professionals, civil society activists, and citizens play a crucial role in scrutinizing the government's emergency measures. Protection of their right to expression and information is particularly important during the crisis when internal checks and oversight on institutional powers are weakened, or even non-existent.

only critical in countering the public panic and fostering people's understanding of and cooperation with necessary emergency restrictions, but also can be a constructive partner in countering rumors and disinformation about the pandemic.

Media organizations and journalists should give priority to authoritative sources on the COVID-19 pandemic, report without bias, and refrain from publishing (and thus amplifying) unverified stories. In their commitment to transparency, professional journalists should proactively tackle rumors, misinformation, and disinformation by state or non-state actors²¹, which are likely to cause harm to health safety, sow confusion among the public, and foster distrust in government's emergency measures. By relying on news and information from trusted sources, notably those communicated by public health authorities, and verifying information from non-official sources before publishing it, media can be a powerful force in pushing back against falsehoods²².

Finally, media organizations and journalists have one additional critical role to play in a crisis like the current COVID-19 pandemic. Namely, it is up to them to give a voice to relevant stakeholders such as governmental bodies, regulatory authorities, medical professionals, and non-governmental organizations with relevant information about the crisis, as well as provide a platform for them to publicly exchange views on the topic, no matter if they agree or disagree with the government's positions or measures. Such efforts on the part of the media organizations would not only yield a more

²¹ For WHO's COVID-19 mythbusters, see: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/advice-for-public/myth-busters>

²² ARTICLE 19, *Viral Lies: Misinformation and the Coronavirus*, p.16. Available [online]: <https://www.article19.org/wp-content/uploads/2020/03/Coronavirus-final.pdf>



EMERGENCY IS NOT A BLANK CHECK EMPOWERING THE GOVERNMENT TO ACT OUTSIDE OF THE FRAME OF THE LAW

informed and empowered population, but also assist governments in surmounting the exceptional challenges of the day.

GOVERNMENT'S RESPONSIBILITY

At any time, not just during the crisis, the government needs to commit to the transparency of its decision-making and public disclosure of official documents to encourage informed participation by the public in matters of general interest.

During a public health emergency, the government should communicate timely and comprehensive information relating to the virus and its circulation, risks of contamination, number of illnesses, and deaths. Likewise, government decisions and emergency measures to combat a health crisis and protect lives, which must be temporary, proportional, and aimed at protecting people, should be communicated regularly and comprehensively through the Internet, the media, and other information channels.

The government needs to approach the emergency situation strategically, deciding

who is responsible for such communication and giving priority to freedom of information requests about COVID-19 preventative measures when responding to the public's inquiry.

In these extraordinary times, governments need to keep in mind that the threat is the COVID-19 virus, not the citizens. Indeed, in setting up the Citizen Assistance and Relief in Emergency Situations Fund or so-called PM Cares Fund to fight COVID-19²³ the Indian Prime Minister Modi and his government have forgotten that they have an obligation to their citizens to increase—rather than restrict—access to information during the crisis. The same type of amnesia was detected in Albania, where the government is disregarding requests to disclose information on the funds spent for the procurements approved during the pandemic²⁴. Likewise, Serbian authorities hid the number of deaths and infections from coronavirus and publicly announced multiple-times lower numbers ahead of the June 21 parliamentary, provincial, and local elections²⁵. Similarly, the Turkish Ministry of Justice hid the number of COVID-19 patients in prisons²⁶. Finally, the Brazilian Federal Government is already being brought at the Inter-

American Commission on Human Rights to answer charges of the systematic violation of access to information and transparency during the COVID-19 crisis²⁷.

No matter how much the government desires to control public narratives about the crisis, government communication cannot be the only information channel about the COVID-19 pandemic. The Chinese government's suppression of information and control of the narratives surrounding the COVID-19 outbreak in Wuhan, in Hubei province, is an evidence of the danger of withholding information from the public, stage-managing state media reporting, under-reporting the number of infections, detaining whistleblowers, and harassing individuals sharing information about the disease²⁸. The measures taken by the Chinese government have damaged the response to the outbreak²⁹, which contributed to the spread of the epidemic worldwide in 2020.

Taking a lesson from the Chinese failure, many governments, especially those in liberal democracies, like New Zealand and South Korea, understood the importance of embracing the freedom of expression and information when developing policies and responses to the outbreak. After all, there can hardly be a lawful justification for (ex ante) censorship of certain topics, blocking of access to online platforms, closing off digital spaces, engaging in cyber-police, online surveillance, or even arrests,

²³ *BBC News* (30. June 2020), *Coronavirus: Secrecy surrounds India PM Narendra Modi's '\$1bn' Covid-19 fund*, <https://www.bbc.com/news/world-asia-india-5315-1308>

²⁴ Alice Taylor, *Albanian Government Accused of Ignoring Freedom of Information Requests about COVID-19 Pandemic*, *Exit News*, 21. July 2020, <https://exit.al/en/2020/07/21/albanian-government-accused-of-ignoring-freedom-of-information-requests-about-covid-19-pandemic/>

²⁵ Sandra Maksimović, *Serbian CSOs and media demand access to official COVID-19 information*, 22. July 2020, <https://europeanwesternbalkans.com/2020/07/22/serbian-csos-and-media-demand-access-to-official-covid-19-information/>

²⁶ Stockholm Center for Freedom, *CHP deputy: COVID-19 statistics for prisons not announced for 48 days*, 6. August 2020, <https://stockholmcf.org/chp-deputy-covid-19-statistics-for-prisons-not-announced-for-48-days/>

²⁷ <https://www.article19.org/resources/brazil-civil-society-charges-government-at-iachr-for-violating-access-to-information-and-transparency-during-coronavirus-crisis/>

²⁸ <https://www.hrw.org/news/2020/01/30/china-respect-rights-coronavirus-response>

²⁹ <https://www.washingtonpost.com/world/2020/02/01/early-missteps-state-secrecy-china-likely-allowed-coronavirus-spread-farther-faster>



UPHOLDING INDIVIDUAL LIBERTY IS THE FIRST AND PRIME RESPONSIBILITY OF A GOVERNMENT IN A LIBERAL DEMOCRACY

detentions³⁰, and prosecution of individuals exercising their freedom of expression or other freedoms under the exigencies of the COVID-19 pandemic³¹.

Likewise, governments should not limit media freedom by making attempts on media independence, engage in the closure of media outlets, enhanced surveillance measures compromising the confidentiality of journalistic first-hand sources of information, limit movement for media professionals accredited by their media organizations, and other forms of interference. The bottom line is that governments need to be accountable to the people, even when they

are protecting their lives from a pandemic or any other threat. On the other hand, it is within the government's power to impose proportionate measures, subject to regular oversight, to combat the malevolent spreading of disinformation. The latter may be tackled with governmental information campaigns and, if needed, with (*ex post*) targeted, proportional sanctions. Finally, the government's full commitment not just to access to information, but also to freedom of the press, goes a long way in combating disinformation.

Rather than information control or even information blackout and attacks on freedom of the press, which some governments might be tempted to pursue during a pandemic, upholding individual liberty is the first and prime responsibility of a government in a liberal democracy. In this endeavor, it is of particular importance for governments to be open and transparent in their decision-making, as well as willing to listen to and address critique. In doing that, they need to accept and uphold the crucial role of independent media having access to first-hand information, which is paramount to keeping the public timely and factually informed about an evolving pandemic and its risk to people's safety.

Freedom of expression and information, along with media freedom, are the core principles underlying any liberal democracy, no matter if its society is facing times of a crisis or not. When the protection of these human rights and freedoms does not directly threaten the right to life and safety, the governments should not use the crisis as a pretext for their limitation or denial. Therefore, legally guaranteeing and securing the right to information means that governments are not only going to allow for the surmount of this great challenge currently facing countries globally, but will also uphold the foundation of liberal democracy.

³⁰ In countries including Bangladesh, Cambodia, China, Egypt, and Venezuela, people have been arrested and detained for expressing their opinion about Covid-19 on social media. See: <https://www.hrw.org/news/2020/08/02/submission-inquiry-implications-covid-19-pandemic-australias-foreign-affairs>

³¹ Council of Europe, *Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis. A toolkit for member states*, <https://rm.coe.int/sg-inf-2020-11-respecting-democracy-rule-of-law-and-human-rights-in-th/16809e1f40>, p. 7.

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WHEN
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CONCLUSIONS

In these extraordinary circumstances, people need and expect from the government to be timely, accurately, and comprehensively informed about the pandemic and the state of the healthcare system, as well as not be prevented from fully scrutinizing the government's emergency measures in response to it.

To control public narrative, governments' strides to quell whistleblowing, dissent, or criticism under the exigencies of the

COVID-19 pandemic is a threat to a free society. Such state measures carry specific and immense perils for the very foundations of liberal democracy. Hence, governments should close to never engage in censorship of certain topics, closure of media outlets, blocking of access to online platforms, closing off digital spaces, cyber-police, online surveillance, or even arrests, detentions, and prosecution of individuals exercising their freedom of, including human rights defenders, healthcare workers, and journalists.

Rather than using the COVID-19 pandemic as a pretext for limiting the right to information, state authorities should embrace the freedom of expression and information to respond effectively to the COVID-19 crisis. That way, freedom of expression and information will not be the first casualty of the crisis, but rather the one that gets an additional layer of protection during it.



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