

HUMAN RIGHTS,
DEMOCRACY
AND THE RULE OF LAW

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

DROITS DE L'HOMME,
DÉMOCRATIE
ET ÉTAT DE DROIT

OSCE
Human
Dimension
Meeting

Presentation
23 June 2020

Freedom of Expression, Media and Information

Access to information as an essential condition for accountability and citizen participation in public life

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Head of the Information Society Department

BFM TV. 06.31



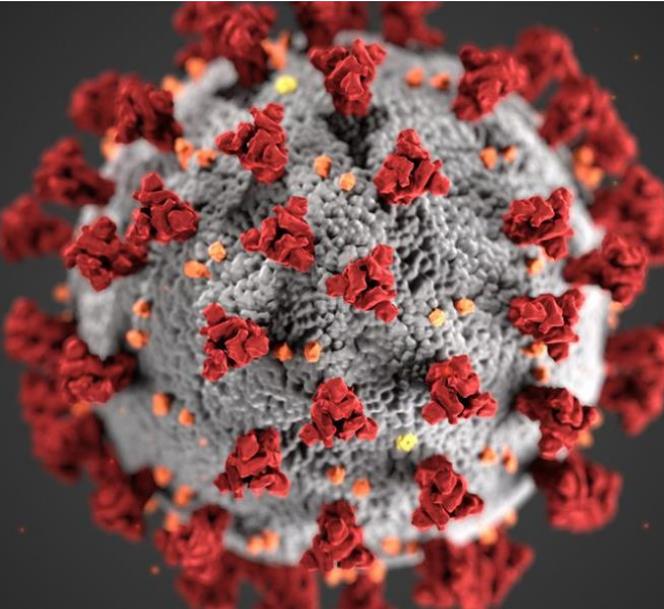
ÉPIDÉMIE : JÉRÔME SALOMON FACE AUX DÉPUTÉS

Allocution présidentielle : pour 53% des Français, E. Macron n'a pas été convaincant dimanche soir (sondage ELABE/BFMTV)

CE MATIN
09.00
LE LIVE BFM



The French Director General of Health Mr Jerome Salomon was questioned by a Parliamentary Commission concerning the management of the COVID-19 crises.



Criminal liability of Ministers before the Court of Justice of the French Republic, the "COVID-19 case"

- **84 complaints** from individuals or associations and collectives, have been filed against members of the executive branch before the Court of Justice of the Republic.
- These complaints are directed against either the **Prime Minister** and the former **Minister of Health**, Ms. Agnès Buzyn, or the Prime Minister and the current Minister of Health, Mr. Olivier Véran.
- The offences charged are: "**endangering the lives of others**", "**failure to assist a person in danger**" and "**manslaughter**".

PASTE
COPY
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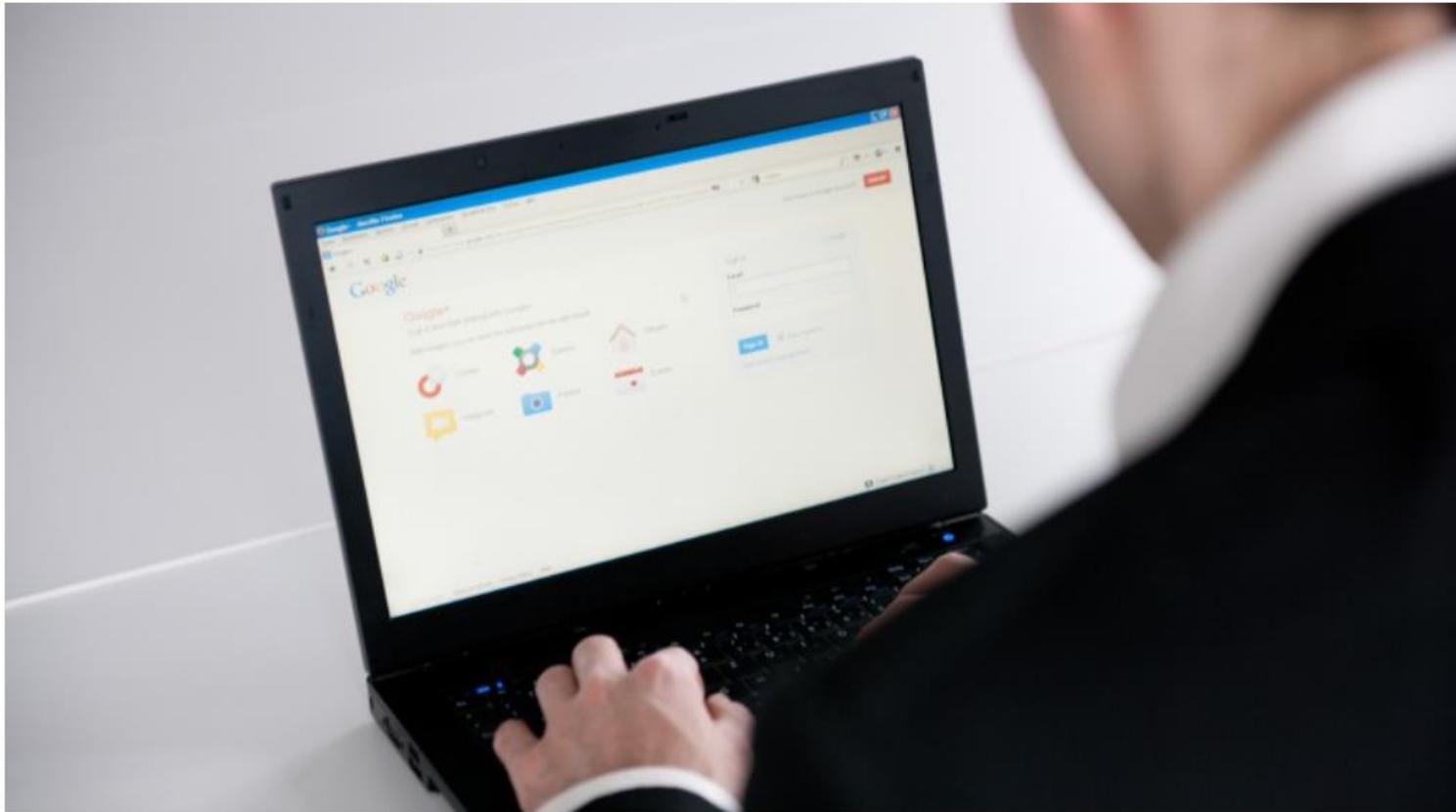
TOP 5 RECURRING DISINFORMATION NARRATIVES ABOUT COVID-19



- 1 US CREATED IT
- 2 EU FAILS TO RESPOND
- 3 THE CORONAVIRUS IS NOT SERIOUS
- 4 IT'S A SECRET PLAN OF THE GLOBAL ELITES
- 5 THE CORONAVIRUS WAS PROBABLY MADE BY NATO

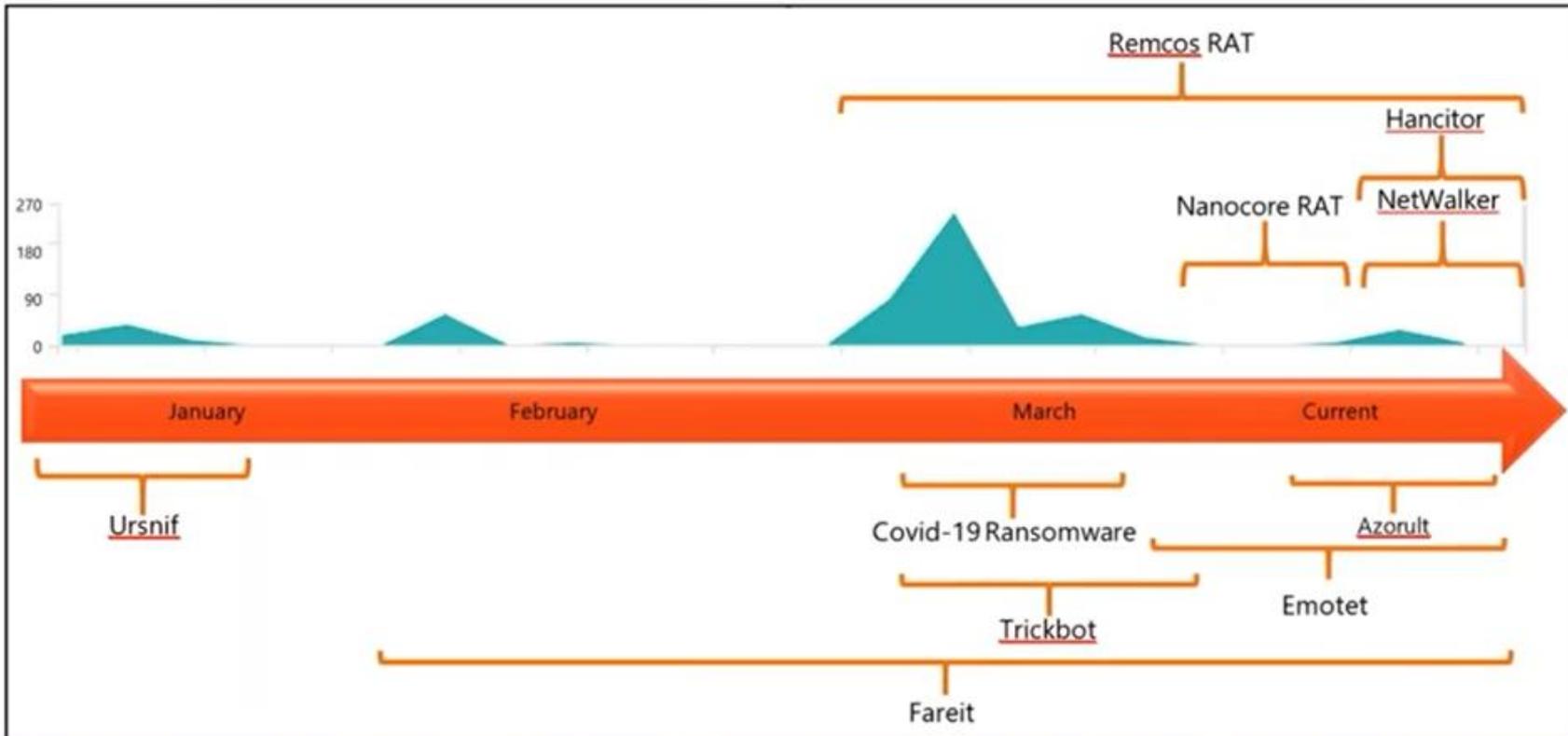
Nearly half of the population has read fake news about the Coronavirus

TOPICS: Coronavirus In Norway COVID-19 Fake News About The Coronavirus



Disinformation pandemic

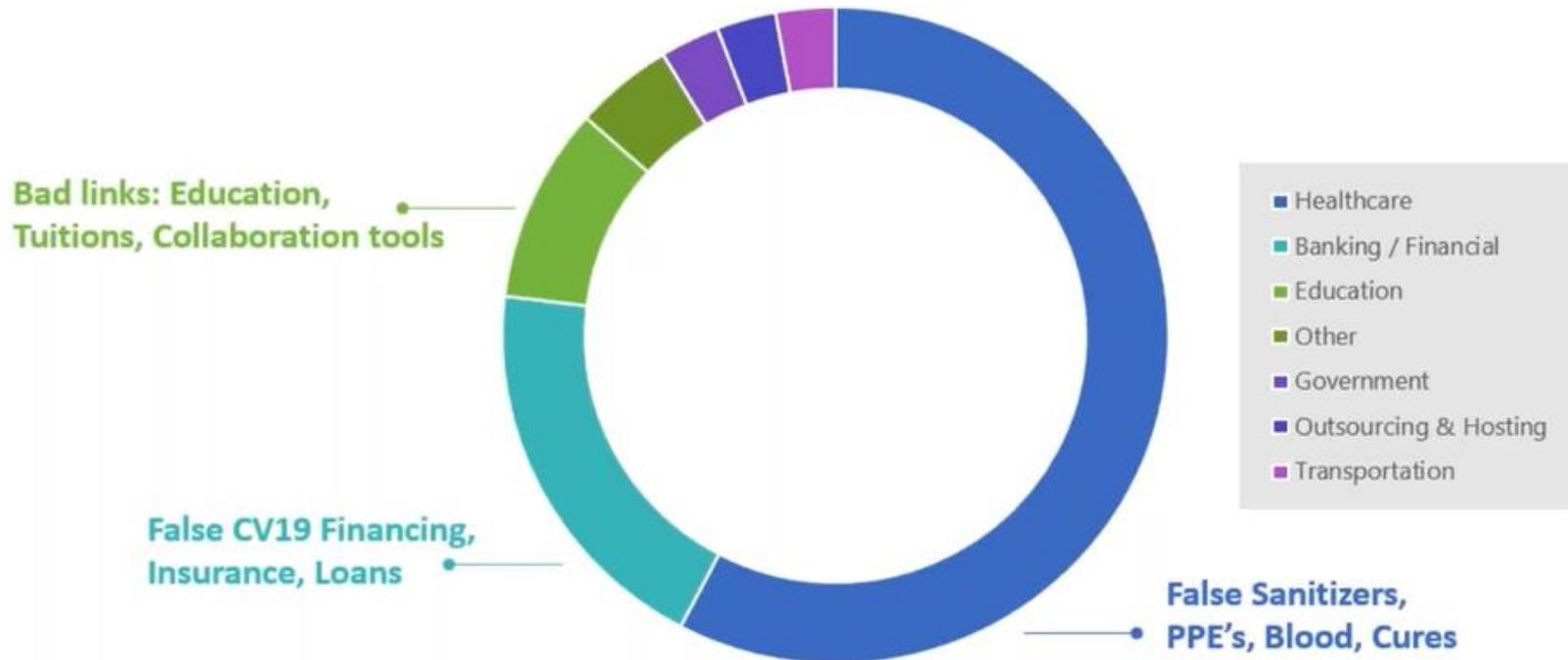
500% increase in COVID related SPAM mails in March



These COVID related SPAM emails are further used to spread prevalent malware like Fareit, Trickbot and COVID ransomware.

Sectors Targeted

The volume of threats related to Covid-19 has been significant, with lures used in all manner of attacks. Tracking these campaigns reveals the most targeted sector is healthcare, followed by finance, and then education.



WORRY ABOUT QUALITY INFORMATION

Percent who agree

The media I use are **contaminated**
with **untrustworthy information**

⊥
57%

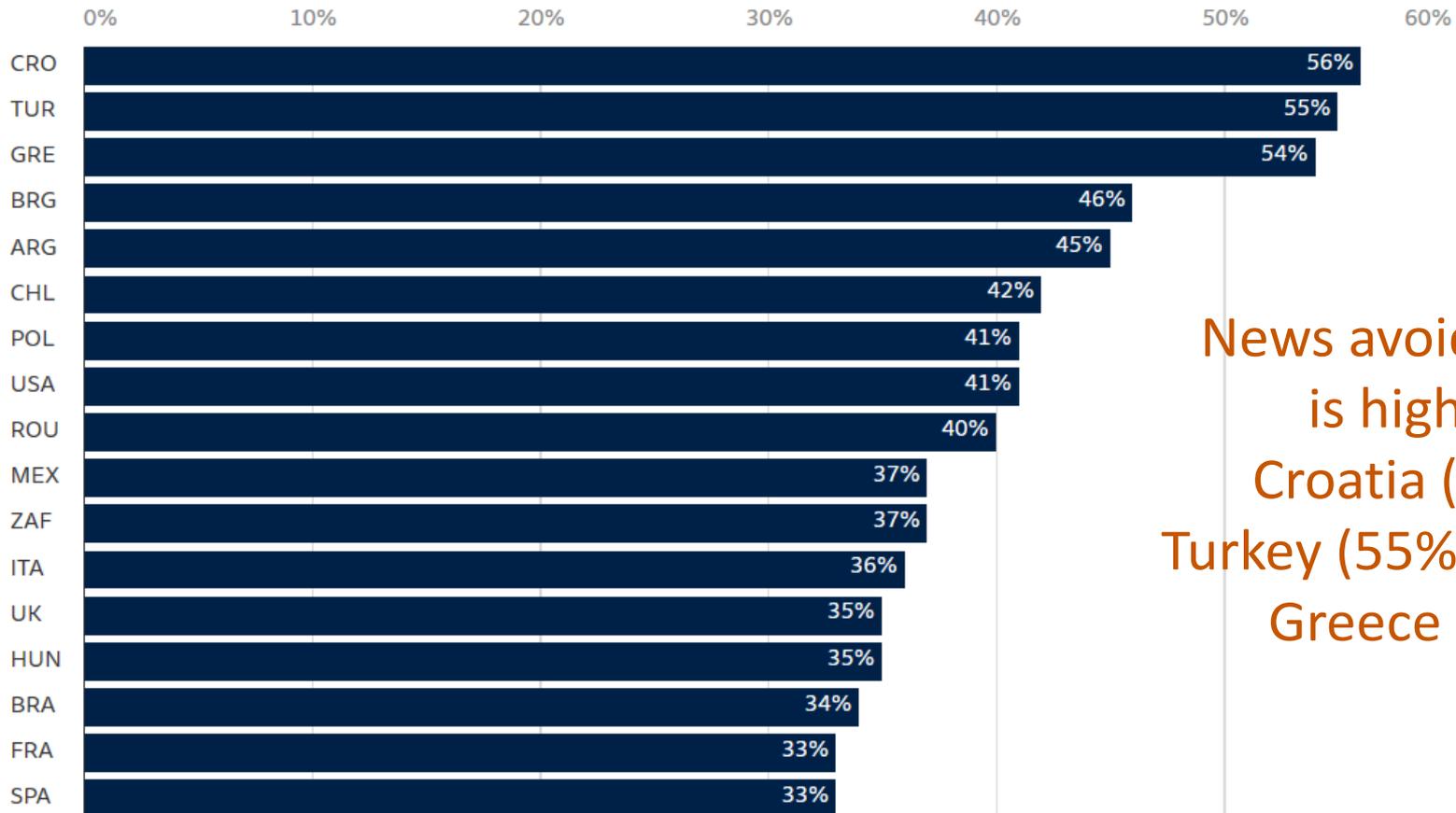
I worry about false information or **fake**
news being used as a weapon

⊥
76%

+6
pts
Change,
2018 to 2020

PROPORTION THAT OFTEN OR SOMETIMES ACTIVELY AVOIDS THE NEWS

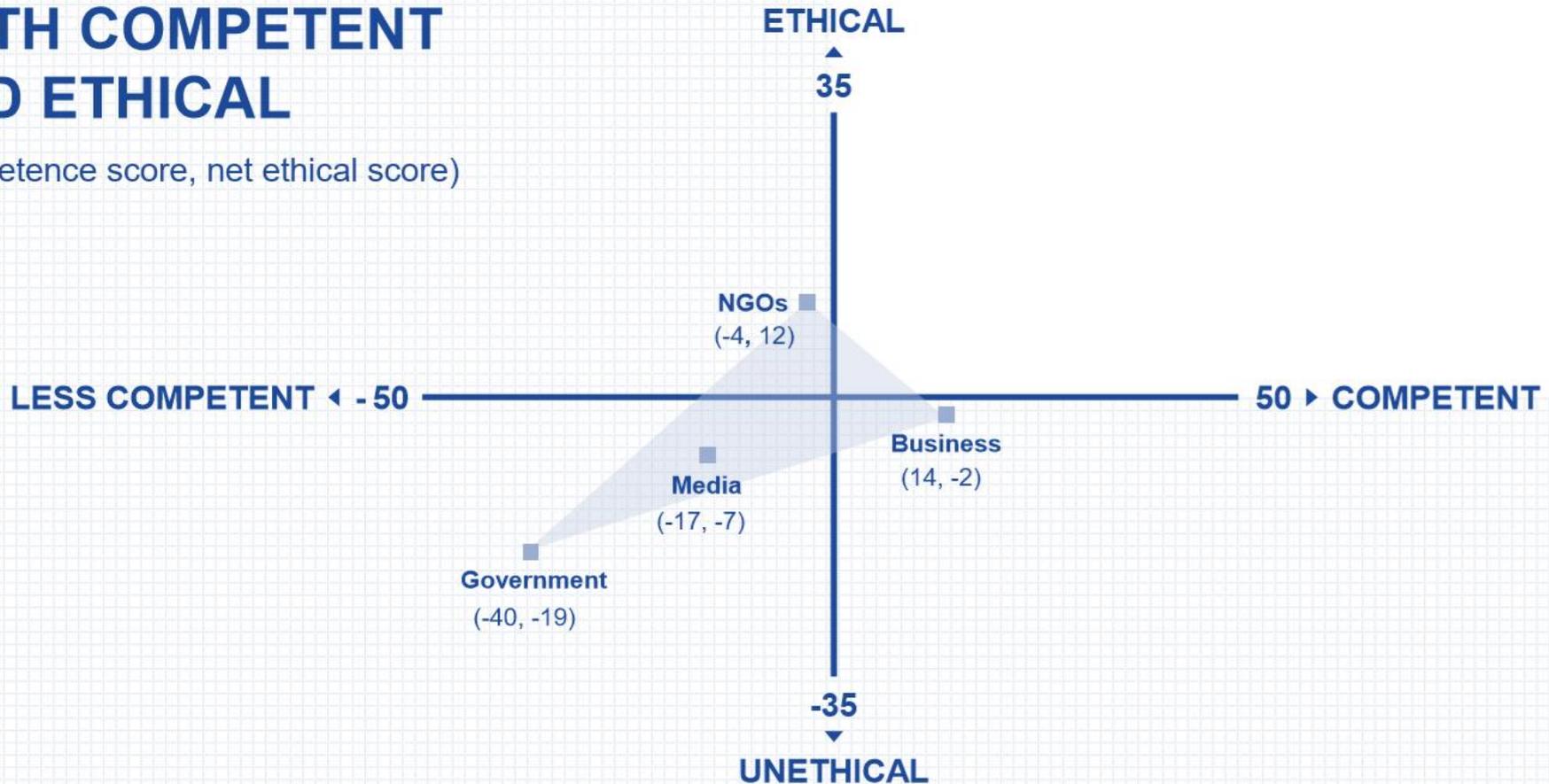
All markets



News avoidance is highest in Croatia (56%), Turkey (55%), and Greece (54%)

NO INSTITUTION SEEN AS BOTH COMPETENT AND ETHICAL

(Competence score, net ethical score)





Serious impact of disinformation on individuals' right to health is a real threat.

Exceptional circumstances justify exceptional measures including some restrictions on freedom of expression.

Malicious spreading of disinformation may be tackled with ex-post targeted sanctions.

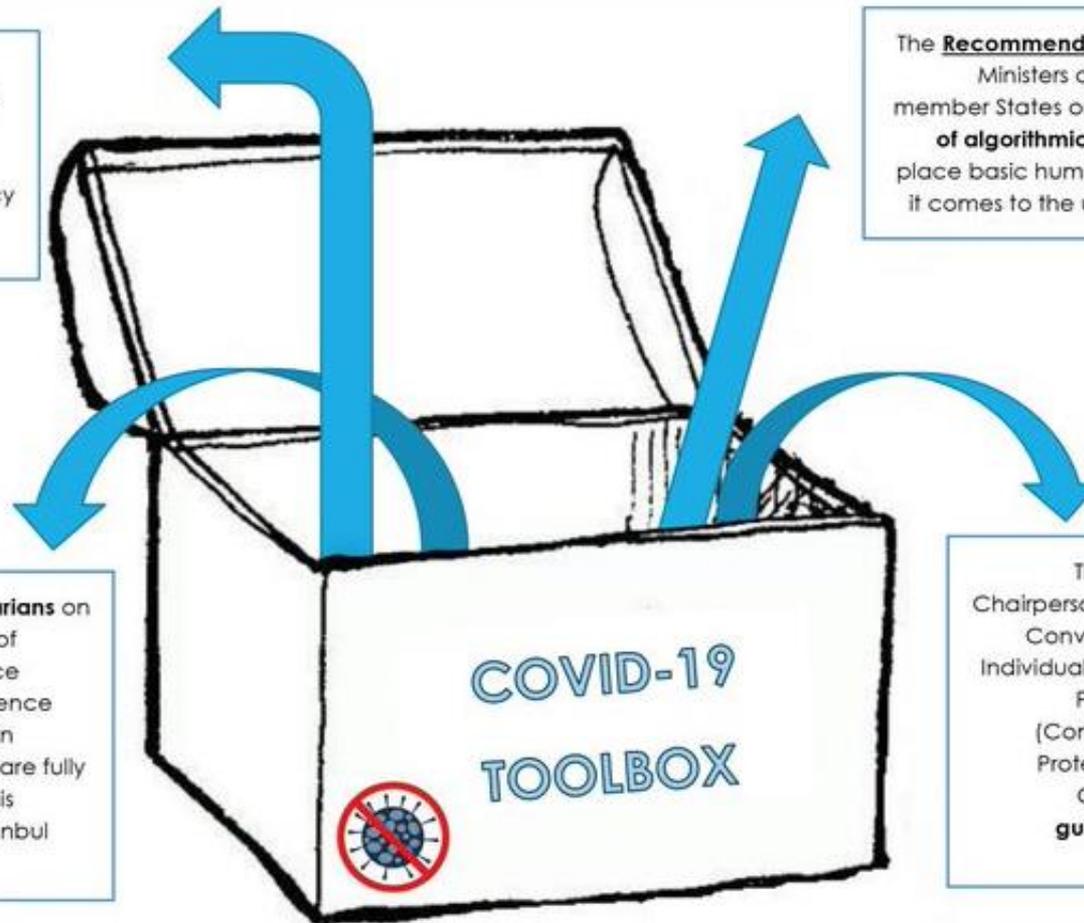
Media play a key role in this crisis and also has an increased responsibility to provide accurate, reliable information to the public.

Some governments are using the crisis as a pretext to introduce disproportionate restrictions to media freedom.

AN OPEN-ENDED COUNCIL OF EUROPE TOOLBOX TO ADDRESS THE CHALLENGES POSED BY COVID-19 PANDEMIC

The **information document** of the **Secretary General of the Council of Europe** provides guidance and advice to member States on respecting human rights, democracy and the rule of law during the COVID-19 crisis.

The new **Handbook for parliamentarians** on the Council of Europe Convention of Preventing and Combating Violence against Women and Domestic Violence (**Istanbul Convention**) can assist us in securing that women and children are fully protected during the COVID-19 crisis according the standards of the Istanbul Convention.



The **Recommendation** of the Committee of Ministers of the Council of Europe to member States on the **human rights impact of algorithmic systems** will help us put in place basic human rights safeguards when it comes to the use of algorithmic systems.

The **Joint Declaration** by the Chairperson of the Committee of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108) and the Data Protection Commissioner of the Council of Europe, contains **guidance on track-and-trace applications.**

Guidance to governments on respecting human rights, democracy and the rule of law

- **Derogation from the European Convention** on Human Rights in times of emergency
- **Respect for the rule of law** and democratic principles in times of emergency, including limits on the scope and duration of emergency measures
- **Fundamental human rights standards** including freedom of expression, privacy and data protection, protection of vulnerable groups from discrimination and the right to education
- **Protection from crime** and the protection of victims of crime, in particular regarding gender-based violence.

Source: Council of Europe, [Secretary General](#)



Freedom of expression and information, media freedom, access to official information

- **The freedom of expression**, including free and timely flow of information, is a critical factor for the ability of the media to report on issues related to the pandemic.
- **The exceptional circumstances** may compel responsible journalists to refrain from disclosing government-held information intended for restricted use – such as, for example, information on future measures to implement a stricter isolation policy.
- **Any restriction on access to official information** must be exceptional and proportionate to the aim of protecting public health.
- **Any prior restrictions on certain topics**, closure of media outlets or outright blocking of access to on-line communication platforms call for the most careful scrutiny and are justified only in the most exceptional circumstances.
- The pandemic should not be used to silence whistle-blowers or political opponents.
- **Malicious spreading of disinformation** may be tackled with ex post sanctions, and with governmental information campaigns.



INFORMATION MEANS HEALTH: The public has the need and right to know what decisions and measures are being taken to curb the spread of the virus and how they can engage and participate in those decisions, while keeping themselves safe and well.

INFORMATION MEANS PUBLIC ACCOUNTABILITY: Access to official information held by public authorities ensures accountability of public actors, opening their policies and actions to public scrutiny.

INFORMATION MEANS TRUST BUILDING: Transparent and accountable government policies based on public engagement and wide access to timely and reliable information help increase public trust in government.



RIGHT TO ACCESS INFORMATION AS INHERENT

PART OF ARTICLE 10: In line with the Court's case law there exists a right to freedom of information as an inherent element of the freedom to receive and impart information enshrined in Article 10 of the Convention.

THE TROMSØ CONVENTION: Requests for access to official documents do not need to give reasons and are to be dealt with promptly and refusals should be subject to a court or other independent review procedure.

IMPORTANCE OF GOVERNMENT DIALOGUE WITH THE MEDIA DURING COVID-19:

in times of crisis it is important for governments to engage in regular dialogue with media professionals and wider public and provide information through press conferences, briefings etc.



FREEDOM OF MOVEMENT FOR THE MEDIA:

The media's newsgathering activity is a necessary component of its "public watchdog" function and must be protected as such. Given that in a pandemic there is demand for information to be delivered fast, it is essential that media are allowed to continue to work despite restrictions, including for instance during curfew hours or from places that are not accessible to the public.

CRUCIAL ROLE OF MEDIA IN

DEMONSTRATIONS: Bearing in mind the crucial role of the media in covering public demonstrations, including in times of crisis and in the state of emergency, it is also essential to prevent any hindrance to such coverage, also by raising awareness of the police and other State agents.



PROBLEM OF DISINFORMATION: Global health emergencies such as the COVID-19 generate, rumours, mis- and disinformation to content with, which can lead to impulsive reactions by public authorities and excessive restrictions on content and dissemination of information.

**RESILIENCE AGAINST DISINFORMATION –
EDUCATION AND MEDIA LITERACY**

**RELIABLE OFFICIAL SOURCES OF
INFORMATION ARE BETTER THAN
RESTRICTIONS**

**HEALTH EMERGENCY SHOULD NOT SERVE
AS A PRETEXT FOR SILENCING CRITICAL
VOICES**

The human rights approach

Empowerment of quality journalism

- **Recommendation on promoting a favourable environment** for quality journalism in the digital age

Empowerment of media and information literacy skills

- **Study on supporting quality journalism** through media and information literacy

Ensuring compliance of online platforms

- **Recommendation CM/Rec(2018)2** on the roles and responsibilities of internet intermediaries

Awareness of artificial intelligence systems manipulative capabilities

- **Declaration on the manipulative capabilities** of algorithmic processes
- **Recommendation CM/Rec(2020)1** on the human rights impacts of algorithmic systems



How people consume COVID-19 news:

- ✓ **People consume more news** than usually, with a staggering 99% accessing COVID-19 news at least once a day.
- ✓ **People use more traditional media**, especially public broadcasters, to get their COVID-19 news.
- ✓ **Official sources are not only used but also trusted**, while the social media have taken a back seat.
- ✓ **Disinformation and confusion about COVID-19 are present** but people are more aware and some check other sources.

Source: Ofcom [weekly research](#)



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Promoting and ensuring respect for the right to freedom of expression and information as a foundation of democracy, an individual human right and a vital aspect of the rule of law.



Protection of Freedom of Expression

Guidelines of the Committee of Ministers of the Council of Europe on protecting freedom of expression and information in times of crisis

COVID-19 and media freedom – guidance based on the Council of Europe standards

Statement on Freedom of expression and information in times of crisis by the Council of Europe's Committee of experts on media environment and reform (MSI-REF)

Statement by the Commissioner for Human Rights: Press freedom must not be undermined by measures to counter disinformation about COVID-19

Thanks for your
attention !



further resources:

www.coe.int/freedomofexpression

www.coe.int/dataprotection

www.coe.int/cybercrime

www.coe.int/AI

Facebook Page

Information Society Group

 Albania - Albanie Tirana	 Estonia - Estonie Tallinn	 Lithuania - Lituanie Vilnius	 San Marino - Saint-Marin San Marino - Saint-Marin
 Andorra - Andorre Andorre-la-Vieille Andorre-la-Vieille	 Finland - Finlande Helsinki	 Luxembourg Luxembourg	 Serbia - Serbie Belgrade
 Armenia - Arménie Yerevan - Erevan	 France Paris	 Malta - Malte Valletta - La Vallette	 Slovakia - Slovaquie Bratislava
 Austria - Autriche Vienne - Vienne	 Georgia - Géorgie Tbilisi - Tbilissi	 Republic of Moldova - République de Moldova Chişinău	 Slovenia - Slovénie Ljubljana
 Azerbaijan - Azerbaïdjan Baku - Bakou	 Germany - Allemagne Berlin	 Monaco Monaco	 Spain - Espagne Madrid
 Belgium - Belgique Brussels - Bruxelles	 Greece - Grèce Athens - Athènes	 Montenegro - Monténégro Podgorica	 Sweden - Suède Stockholm
 Bosnia and Herzegovina Bosnie-Herzégovine Sarajevo	 Hungary - Hongrie Budapest	 Netherlands - Pays-Bas Amsterdam	 Switzerland - Suisse Bern - Berne
 Bulgaria - Bulgarie Sofia	 Iceland - Islande Reykjavik	 Norway - Norvège Oslo	 "The former Yugoslav Republic of Macedonia" "L'Ex-République yougoslave de Macédoine" Skopje
 Croatia - Croatie Zagreb	 Ireland - Irlande Dublin	 Poland - Pologne Warsaw - Varsovie	 Turkey - Turquie Ankara
 Cyprus - Chypre Nicosia - Nicosie	 Italy - Italie Rome	 Portugal Lisbon - Lisbonne	 Ukraine Kyiv - Kiev
 Czech Republic - République tchèque Prague	 Latvia - Lettonie Riga	 Romania - Roumanie Bucharest - Bucarest	 United Kingdom - Royaume-Uni London - Londres
 Denmark - Danemark Copenhagen - Copenhague	 Liechtenstein Vaduz	 Russian Federation - Fédération de Russie Moscow - Moscou	 Belarus - Bélarus Minsk - Minsk



 non-member state of the Council of Europe (Belarus)