

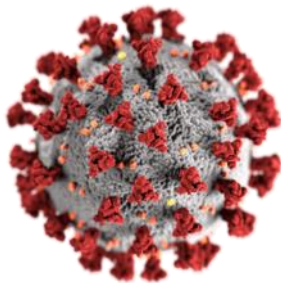
HUMAN RIGHTS,
DEMOCRACY
AND THE RULE OF LAW

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

DROITS DE L'HOMME,
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ET ÉTAT DE DROIT



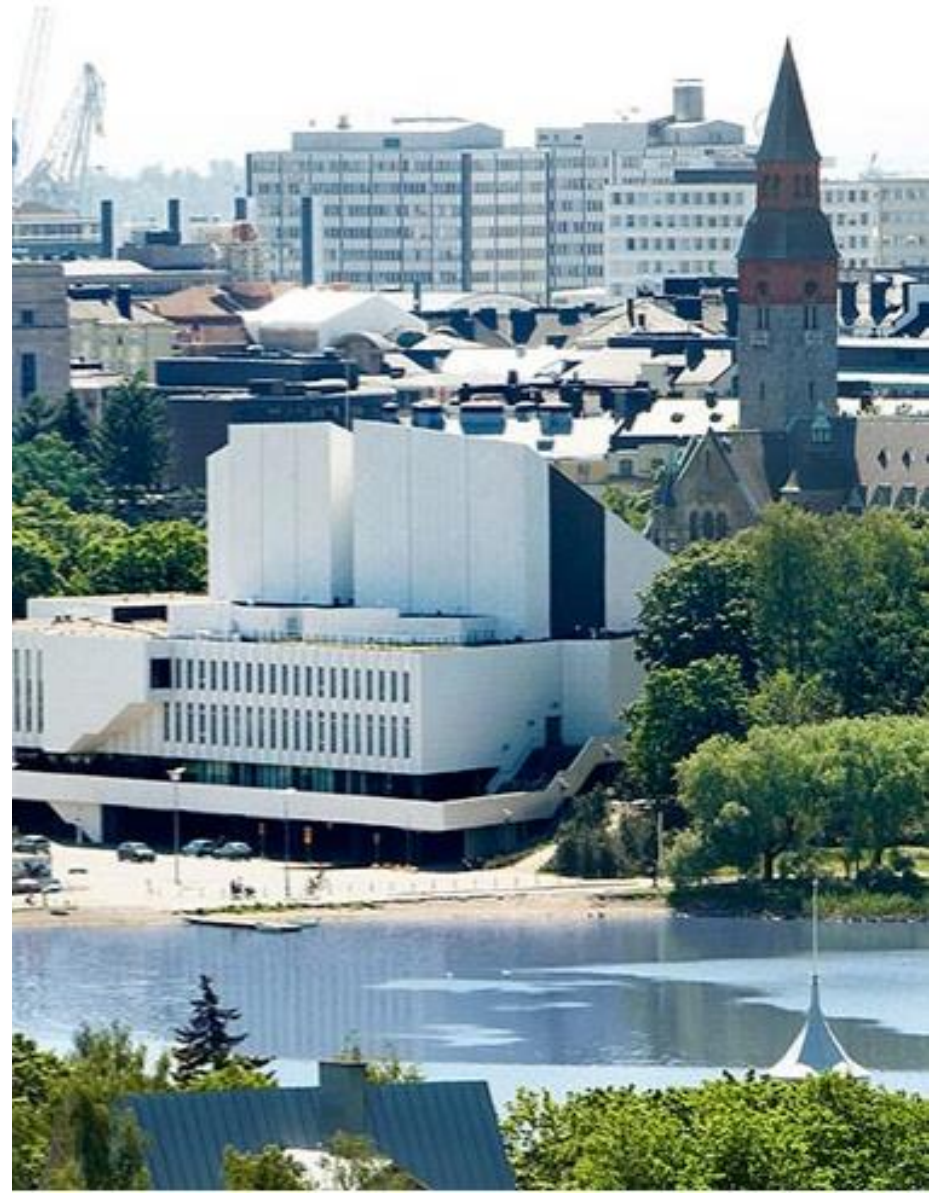
Presentation
September 2020

The impact of the sanitary crisis
on freedom of expression and
media freedom

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“A free and pluralist public debate is a precondition for democracy, and **strong action is required** to reverse the recent deterioration of freedom of expression in Europe”.

[Declaration](#) of the Committee of Ministers at its 129th meeting in Helsinki on 17 May 2019





Restrictions on free access to information are likely to:

- **Erode trust**
- **Undermine the efficiency** of crisis-response measures

Access to accurate, reliable, diverse and timely information:

- **Enables understanding** of the situation and the ability to make informed decisions
- **Limits rumors** and reduces the effect of disinformation
- **Fosters solidarity** and trust in measures taken to address the crisis

What restrictions are justified ?

- **Restrictions on freedom of expression must be narrowly construed**, so as not to unduly impede the free flow of information
- **Must have a clear legal basis** to protect against arbitrariness
- **Must be strictly necessary** to bringing the public emergency to a close





Reported obstacles

- Restricted access to press conferences
- Travel restrictions
- Press credentials not being recognised or prolonged

Responsibilities of states

- **engage in regular dialogue** with media professionals and the wider public through press conferences and/or videoconferencing

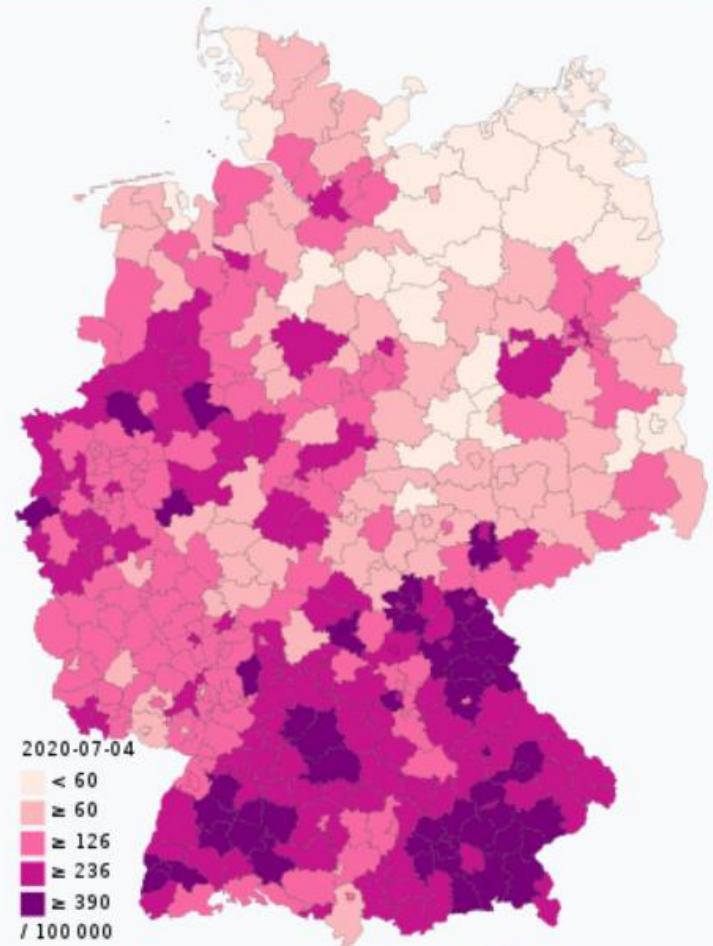
Responsibilities of states

- Address misleading and false information by themselves
- Provide comprehensive and reliable public health information
- Facilitate open and inclusive public debate

Transparency principle

- Contributes to preserving public health
- Improves public trust and confidence in the public health measures and in the public authorities concerned

COVID-19 pandemic in Germany



Confirmed cases per 100,000 inhabitants by district



The role of media during crisis

- Practice ethical and responsible journalism
- Promote verified and trusted sources of information
- Scrutinise governmental action

The role of public service media

- Remain an independent source of trusted information
- Contribute to social integration and understanding between various societal groups

Responsibilities of states

- Media professionals should not be required to hand over information or material gathered during the coverage of crisis situations
- nor should such material be liable to judicial seizure

Whistleblowers should be protected from retaliation for uncovering mismanagement of:

- Public health systems
- Public and private health related procurement

[Report](#) by the Secretary General of the Council of Europe





Reported threats

- Potential health risks
- Harassment, verbal and physical attacks, including by members of the public and politicians
- Force applied by police at demonstrations and possible arrests

Responsibilities of states

- Preventive measures
- Early-warning and rapid-response mechanisms
- Putting an end to impunity

The new infodemic

- Misleading statements based on half-truths amplified in social media
- Risks to public health and to public action

Multi-lateral responses

- Promoting reliable sources
- Cater to all social groups
- Education and awareness-raising concerning disinformation
- Fact-checking and content labeling and/or removal





Victims of harassment

- Marginalised populations, including older persons, Roma, LGBTI people, minorities, migrants and foreigners.
- Journalists, whistle-blowers, human rights defenders and even medical and health care professionals

Responsibilities of states

- Enact positive policy measures
- Condemn hate speech
- Clearly define prohibited conduct and enact sanctions

Electoral risks during pandemic

- A number of elections scheduled to take place during the COVID-19 outbreak were postponed
- Online campaigns sometimes lack transparency and may give rise to human rights violations

Preconditions for fair elections

- Debates, rallies and other public events allow direct communication between the political parties and the voters, encouraging voter engagement and public participation in the process





Factors restraining freedom of expression

- Censorship on COVID-19 related information
- Non-judicial takedown requests to blocking of whole websites
- Closures of media outlets and broadcasting suspensions
- Arrest of journalists and criminal sanctions

Responsibilities of states

- Restrictions must be clear, predictable and controlled by the judiciary

Positive effects of the crisis

- The pandemic has underscored the value of facts, expert knowledge and openness to diversity of opinions
- An opportunity for independent professional media to increase impact

Responsibilities of states

- Join efforts with media stakeholders, internet intermediaries, academia and civil society for helping the public identify disinformation and manipulation and foster a culture of solidarity, tolerance and understanding between different groups



Thanks for your
attention !



Further resources:

www.coe.int/freedomofexpression

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 Macédoirie" 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	

