



Declassified¹

AS/Cult/Inf (2020) 02

28 September 2020

Or. French

COMMITTEE ON CULTURE, SCIENCE, EDUCATION AND MEDIA

The impact of the COVID-19 pandemic on human rights and the rule of law

Rapporteur for opinion: Mr Bogusław SONIK, Poland, Group of the European People's Party

Appendices to the draft opinion

Appendix 1: Compilation of alerts published on the Council of Europe platform (with effect from 01/03/2020) concerning attacks on the media and journalists in the context of the pandemic

Category of attack	Number of alerts per member state	Brief description of representative cases
1. Attacks and pressure from state authorities and politicians		
Police action	Turkey (6)	Since the end of March, several Turkish journalists have been targeted by police for questioning and investigations into their coverage of Covid-19. On 31 March, a Kurdish journalist and activist and a local journalist from Van were summoned by police to answer questions about their coverage of the coronavirus and what they had posted on social media. Both journalists were released for a short period of time after being questioned. In the meantime, a new investigation was initiated against a correspondent of the Kurdish News Agency <i>Mezopotamya</i> for his reporting on children infected with Covid-19 and hospitalised in the same unit as other children at the public hospital in Mardin. On 25 March, a journalist from <i>Iz Gazete</i> was summoned by the cyber-crime police at İzmir to answer questions about his coverage of the Covid-19 outbreak. He was accused of "creating fear and panic among the public". On March 20, two journalists, from the <i>Halk</i> and <i>Pusulula</i> newspapers, were held in custody for reporting on the spread of Covid-19. The journalists were released later the same day.
	Azerbaijan (5)	On 13 April 2020, an Azerbaijani journalist and blogger from the online television channel <i>Kanal24</i> was arrested a few days after the police had asked him to remove reports on the social and economic consequences of Covid-19 from the site. The Interior Ministry claimed that the journalist had been arrested for refusing to comply with a legitimate request from the police and had been held in detention for 25 days. Previously, the journalist had produced video reports criticizing the government's lockdown measures. Another journalist, from <i>Reportyor.info</i> , was arrested for "violating lockdown rules" and detained for 30 days. He had also criticised local authorities and published interviews with citizens expressing frustration at the lack of financial support during the lockdown

¹ Document declassified by the committee on 25 September 2020.

		<p>period. A third journalist, from the online news agency <i>7gun.az</i>, was arrested while interviewing people about the economic impact of the lockdown. He was sentenced to 30 days in prison for violating lockdown rules, despite having official documents authorising him to do his job as a journalist. His editor claimed that the journalist had been ill-treated at the police station and that the police had examined the journalist's phone and deleted images and recordings. A fourth journalist, working for the daily <i>Azadlig</i>, was arrested by unidentified men in plain clothes on 17 April shortly after leaving the house of the opposition leader he had just interviewed. The men confiscated his SD card before releasing him. On 20 April, a fifth journalist was physically assaulted by unknown assailants while trying to interview residents about the economic consequences of the measures taken under Covid-19. His SD card was also stolen.</p>
	Serbia (1)	<p>In Serbia, a journalist from <i>Nova.rs</i>, was detained at Novi Sad police station; her laptop and mobile phones were seized during a search of her apartment and have not been returned. According to media reports, the journalist was detained for "causing panic and unrest" because of an article about the lack of basic equipment and poor working conditions during the Covid-19 pandemic at the local hospital, the Vojvodina Clinical Centre. The management of the clinical centre had reported her to the police. The journalist was detained on the first day of the application of a new regulation making it an offence for anyone to divulge information about the coronavirus epidemic without being "authorised" to do so by the prime minister's office. The prime minister apologised and undertook to withdraw the regulation in question.</p>
Threats and pressure from public authorities	Russian Federation (3)	<p>In the Russian Federation, on 13 April Chechen President Kadyrov made death threats against a <i>Novaya Gazeta</i> journalist who was investigating human rights violations in Chechnya on the pretext of fighting the Covid-19 pandemic. The journalist said in her article that Chechens in lockdown had stopped reporting symptoms of the coronavirus for fear of being labelled "terrorists". The Chechen President accused the journalist of writing "nonsense", blaming the Federal Security Service for not silencing her and calling <i>Novaya Gazeta</i> and its journalist "traitors" and "puppets of the West". Fearing for her life, the journalist appealed to the Prosecutor General but received no response. Instead of protecting the journalist, the Prosecutor General ordered <i>Novaya Gazeta</i> to remove the article from its website, which was done straight away. However, the Prosecutor General gave no justification for the claim that the article contained "false news".</p> <p>On 2 April 2020, a senior Russian defence ministry official threatened an Italian journalist who was investigating Russian support for the fight against coronavirus in the Italian region of Lombardy. In a series of articles published in the national newspaper <i>La Stampa</i>, the journalist had cast doubts that the Russian military presence in the city of Bergamo was intended solely for medical assistance, arguing that the Russian Federation's assistance was in fact an intelligence and propaganda operation. In response to this article, the Russian defence ministry representative said that the journalist and <i>La Stampa</i> were fomenting "Russophobia" and spreading false news, and openly threatened the journalist.</p> <p>There are similar examples in other parts of the Russian Federation. In an interview with state media on 17 April, the governor of the Tomsk region warned journalists that spreading "false news" during the coronavirus pandemic was extremism. "The government knows your names and where you live," he said. "If you cross the line, we will be forced to stop you... Don't play around."²</p>
	Turkey (1)	<p>According to Turkish media reports, President Erdoğan said after a cabinet meeting that the country had to be rescued not only from the</p>

² <https://www.rferl.org/a/russia-journalists-walk-dangerous-tightrope-covering-covid-pandemic/30570614.html>.

		coronavirus, but from “all media and political viruses too”, ³ referring to journalists and critics from opposition parties. President Erdoğan said that instead of contributing to the fight against the pandemic, journalists were throwing up false information and untruths and were therefore more dangerous than the virus itself. He accused the media of waging a war against their own country and working night and day to break the nation’s morale, warning that they would drown in their own pools of hatred and intrigue along with terrorist organisations. According to Reporters Without Borders, even though there are very few independent TV stations and newspapers left in Turkey, they are a thorn in the government’s side, which would continue to persecute them until there was no critical voice left at all.
	Slovenia (1)	The Slovenian Prime Minister recently launched vitriolic attacks on critical journalists, accusing public television of “spreading lies” about the pandemic. In March, he attacked an investigative journalist who described some of the government’s measures against the coronavirus as unlawful. An official government report retweeted a claim that the journalist was an “escaped psychiatric patient” and said he was suffering from “Covid-Marx/Lenin”. ⁴
False news: a pretext for muzzling the media	Russian Federation	<p>The Russian President told a government meeting that false rumours about the coronavirus were being “directed from abroad”.⁵ He told ministers that the Federal Security Service (FSB) had reported to him that false information was being planted to create panic, while in reality the situation was not critical. These statements take on special significance against the background of the new legislation – promulgated by President Putin – imposing severe sanctions on the media and individuals for disseminating ‘false news’ concerning Covid-19.</p> <p>At the same time, according to a report by the StratCom division of the European External Action Service, official and state-supported Russian entities were targeting the public in the EU and the wider neighbourhood with false news and conspiracy narratives about the Covid-19 pandemic. The report states that Russian official sources, state-controlled media and social media channels have been running a co-ordinated campaign to spread false information about the pandemic. The report adds that highly harmful disinformation is going particularly viral in smaller media markets within and outside the EU, where tech companies face fewer incentives to take adequate countermeasures. The report states that disinformation about Covid-19 is likely to have a direct impact on public health and safety.</p>
	Turkey	In Turkey, on 15 April 2020, the Radio and Television Supreme Council (RTÜK) imposed a penalty on Fox TV for the critical comments made during its coverage of the measures adopted by the State to deal with Covid-19. These comments referred in particular to the blocking of fundraising campaigns organised by opposition mayors. RTÜK also fined Fox TV for a programme allegedly spreading “false information” when the channel reported on the difficulty citizens were experiencing in obtaining bread during the lockdown.
Dissuasive effect of laws on false news: self-censorship of medical staff	Russian Federation	For fear of falling foul of President Putin’s new law on “false news” enacted on 1 April 2020, doctors and other health professionals in the Russian Federation are afraid of disclosing facts and figures about the Covid-19-related health crisis. In an interview with the editor-in-chief of the TV2 news agency in Tomsk, a doctor told him that “everything was normal” at his hospital. Later, however, she called him back to tell him that the hospital was desperately short of qualified staff and that earlier at the hospital she had been unable to speak openly.
	Hungary	A similar situation has arisen in Hungary, according to a report by that country’s Civil Liberties Union. Under the new “false news” legislation,

³ <https://www.dw.com/en/turkeys-erdogan-clamps-down-further-on-media-amid-coronavirus-crisis/a-53192898>.

⁴ <https://www.theguardian.com/world/2020/may/04/janez-jansa-new-pm-slovenia-in-mould-of-orban>.

⁵ <https://www.themoscowtimes.com/2020/03/04/putin-says-fake-coronavirus-rumors-organized-from-abroad-a69522>.

		health sector workers are afraid of being fired if they talk to the press. ⁶ For journalists, this is a significant hurdle in working with their sources. This harmful situation for media freedom is in addition to self-censorship among journalists – something that comes entirely naturally in an atmosphere of fear of reprisals or administrative or criminal sanctions.
“Filtering” of information by the public authorities	Czech Republic, Serbia, Italy	In the Czech Republic, Serbia and Italy, there were reports of journalists being prevented from attending press conferences, obtaining information from health authorities and documenting the operations of law enforcement officers.
	Serbia	The Serbian government announced that from 11 April 2020, journalists would be required to submit their written questions on the coronavirus pandemic by e-mail, in preparation for the daily press conference. The live transmission of the conferences is arranged by Radio-Television Serbia and the <i>Tanjug</i> News Agency and makes no provision for interaction or for asking follow-up questions. Journalists’ associations strongly criticised this violation of press freedom, arguing that the government was trying to restrict the right of access to information. They also called for a video conference system to enable journalists to ask questions live, as had been done in other countries.
	France	On 11 May 2020, several journalists and press photographers were denied access to the Gare du Nord in Paris and other French railway stations, where they planned to cover the conditions regarding travel on public transport following the lifting of the Covid-19 lockdown restrictions. The security services of the French National Railway Company (SNCF) prevented several journalists from accessing the crowded platforms of the RER-B regional line. The journalists who were turned away believe that the SNCF was trying to prevent them from taking and broadcasting pictures of the actual conditions for travelling on public transport, despite the government’s call for the necessary measures to be taken to ensure that the use of public transport did not lead to an increase in the spread of Covid-19.
	United Kingdom	A political journalist working for the UK news website <i>openDemocracy</i> , who for many years has had a special pass to the Palace of Westminster to meet MPs, was informed on 30 April 2020 that, as a reporter for <i>openDemocracy</i> , he would no longer be allowed to ask questions at the UK government’s daily press conferences to update the public on the Covid-19 pandemic. According to <i>openDemocracy</i> , the journalist would no longer be allowed to ask questions because <i>openDemocracy</i> was listed as a “militant” organisation. The journalist had recently reported serious flaws in the UK’s Covid-19 testing system.
	Russian Federation	Reporters Without Borders claims that, little by little, access by the press to information in the Russian Federation has been restricted. Since 17 March 2020, journalists have not been able to attend an event where President Putin is present without their temperature being taken at least three times. On 19 March, foreign journalists were banned from entering the Russian parliament, and courts began preventing the press from attending public hearings. This measure raises concerns because of its arbitrariness and lack of transparency.
2. Non-state attacks and pressure		
Physical assaults	Ukraine	In Ukraine, a country where there has been a shortage of protective masks during the Covid-19 pandemic, a journalist from <i>NewsOne TV</i> was physically assaulted on 24 March 2020 by the owner of a shop in the Khmelnytsky region while she was filming a report on the sale of protective masks. Earlier, the <i>NewsOne TV</i> team had been informed by local residents that the owner of a pharmacy had several large boxes containing such masks. Upon seeing the camera, the owner physically assaulted the reporter and damaged the microphone, claiming that the masks were not for sale and that they were for employees only. Doctors

⁶ <https://balkaninsight.com/2020/04/27/hungary-censoring-information-on-covid-19-report-says/>.

		diagnosed serious ligament injuries to the reporter and put a cast on her hand. The Ukrainian national police officially registered the injury and opened an investigation into the incident.
Online harassment	Slovenia	In Slovenia, an investigative journalist has been the target of a smear and hate campaign since 15 March 2020. The journalist has received several death threats from extreme right-wing groups. The harassment was prompted by a government retweet of a claim that the journalist was an “escaped psychiatric patient under quarantine”. <i>Nova24TV</i> , a Hungarian government-funded media outlet, whose editor-in-chief was recently appointed Slovenian Interior Minister, accused the journalist of questioning the government’s response to the health emergency and informing the population about the Covid-19-related situation, including the setting up of a “Slovenian Republic Crisis Cell”.
Legal harassment	Poland	Aside from the political and state sector, economic operators are also trying to use the objective of countering false news as a pretext to intimidate the media. For example, on 22 March 2020, two Polish journalists published an article in <i>Newsweek Poland</i> , reporting that the clothing company LPP had sent several hundred thousand protective masks to their subcontractors in China to supply the factories producing LPP clothing. The article analysed how LPP’s actions had deprived ordinary people in Poland of access to masks during the Covid-19 crisis. The clothing company issued a statement the same day stating that the article was untrue and misleading. LLP later stated that it had filed a lawsuit against the publisher of the weekly newspaper <i>Newsweek Poland</i> and the authors of the article. According to the press release, LLP was claiming damages of 3 million Polish zloty or nearly 1 million euros.
3. Attacks and pressure from mixed sources		
Violence against media professionals during demonstrations	Germany	The recent violent attacks against media professionals during demonstrations across Europe have set a worrying trend. In particular, there has been an upsurge in attacks against journalists and media professionals during demonstrations in Germany, ⁷ and in Slovenia, Poland and Italy. ⁸ In Germany, the film crew and bodyguards of the ZDF satirical news programme “Heute show” were attacked during a demonstration in Berlin on 1 May 2020, which resulted in four media professionals being hospitalised. On 6 May, during an unauthorised demonstration against the Covid-19 lockdown, an ARD camera team was attacked outside the Reichstag building in Berlin. On 9 May, a right-wing demonstrator attacked WDR journalists during an anti-lockdown demonstration in Dortmund.
	Slovenia	In Slovenia, the Interior Minister, Aleš Hojs, called on journalists and media professionals reporting on the anti-lockdown demonstrations to face criminal charges.
	Italy	In March in Turin, a photojournalist working for <i>La Stampa</i> was threatened and had his SD card stolen while documenting a demonstration against restrictions to combat the coronavirus in a local street market.
	Poland	In Warsaw on 8 May 2020, Paweł Rutkiewicz, a journalist with <i>Gazeta Wyborcza</i> , was arrested by police during a demonstration, despite showing his press card.

⁷ <https://mappingmediafreedom.org/index.php/country-profiles/germany/>.

⁸ <https://www.ecpmf.eu/media-workers-protection-covering-demonstrations-protests-mfrr-statement/>.

Appendix 2: State of Emergency and changes to the legal framework which impact on freedom of expression and media freedom

Member State	Declaration of State of Emergency (SoE)	Changes to the legal framework
Armenia	The SoE was declared on 16 March (until 16 April). On 20 March 2020, the MFA notified the SG of derogations under Art. 15 ECHR.	Legislation obliging to publish only information provided by the authorities regarding the pandemic. On 13 April, the government declared that earlier imposed restrictions on media coverage had not been renewed.
Azerbaijan		Amendments obliging the owner of any internet information resource to prevent the publication of false information online.
Bosnia and Herzegovina		Newly adopted decrees aimed at blocking the flow of information that could cause panic.
Hungary	On 11 March 2020, the government declared the SoE. On 30 March 2020, the National Assembly passed an act that made the SoE indefinite and allowed Prime Minister Orbán to rule by decree during it. On 17 June 2020, the government announced the end of the SoE.	Amendment to the criminal code: crime to disseminate "false information" or distorts information in a way that obstructs the effectiveness of the authorities' response to the epidemic is punishable by one to five years in prison.
Republic of Moldova	On 17 March 2020, the Parliament approved the decision by the Government to declare a SoE (until 15 May 2020). On 20 March 2020, the MFA notified the SG of derogations under Art. 15 ECHR.	Decision adopted by the Parliament conferring special powers to coordinate media activities, during the period of the state of emergency.
Romania	The President signed a decree on 14 March 2020 declaring a 30-day SoE.	A decree authorises the authorities to delete the content and to block websites where this content provides "false information" concerning the development of Covid-19 and the preventive measures.
Russian Federation		Amendments to the administrative and penal codes to impose harsh new sanctions on legal persons media and individuals for the dissemination of "false information" related to Covid-19 crisis.
Serbia	The SoE was declared by the President on 15 March 2020. On 7 April 2020 the MFA notified the SG of derogations under Article 15 ECHR.	Decision limiting information on Covid-19 to official sources.
Turkey		Draft law on new economic measures to address Covid-19 containing specific obligations for social media platforms. Draft law on the regulation of the application of criminal law on 24 March 2020. The bill proposes the release of about a third of the 300,000 Turkish detainees.