
IMS book series – 2021
Defending journalism

COVID-19 and the media: A pandemic of paradoxes

*Human rights impacts of COVID-19
on public interest media*

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List of acronyms

CEDAW	Convention for the Elimination of all Forms of Discrimination Against Women
CERD	Committee on Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
CPJ	Committee to Protect Journalists
ECHR	European Convention on Human Rights
FLIP	Foundation for Press Freedom
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICFJ	International Centre for Journalists
IFJ	International Federation of Journalists
IHRL	International Human Rights Law
ILO	International Labour Organisation
INSI	International News Safety Institute
IPI	International Press Institute
IWMF	International Women's Media Foundation
MIL	Media and Information Literacy
OHCHR	Office of the United Nations High Commissioner for Human Rights
RISJ	Reuters Institute for the Study of Journalism
RSF	Reporters Without Borders
SoJ	Safety of Journalists
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
WHO	World Health Organization

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We are indebted to our interviewees and each of the IMS Programme Managers and affiliates who shared their valuable knowledge of the varying contexts in which IMS operates. The IMS COVID-19 Task Force merits a special mention: its members convened in crisis to ensure that our local partners' exceptional response to the pandemic would be documented, made visible, and evaluated as a learning experience from which to develop future ideas – the hallmark of our work at IMS.

IMS is additionally grateful to all those who contributed their time, expertise, and patience to finalise this report, including our fall 2020 intern Agnes Von Unge, copy editor Mike Ormsby, and the IMS Communications Unit.

Lastly, we are grateful to the Ministry of Foreign Affairs of Norway for the financial support that made this research possible.

Foreword

by Benazir Shah

Features Editor at Geo Television and recipient of the 2013 United Nations Correspondents Association award in print media

One day, when we look back at the coronavirus pandemic that paralyzed most of the world, I hope we remember all the lives we lost but could have saved.

I hope we remember how our healthcare systems failed us. Financially crippled, overburdened, and under-staffed, they collapsed under the weight of expectations.

I hope too, that we remember the cost of telling the truth, especially when people's lives depended on it.

In the last three years, Pakistan's media has been working under a climate of fear. Today, the country's undeclared censorship is closing in, from all sides, on journalists.

The red lines keep changing. What could have been said in 2018, could not be said in 2019. What could have been said yesterday, cannot be said today.

Earlier, the forbidden themes were clear: religion, and Pakistan's powerful military. But in 2018, when cricketer-turned-politician Imran Khan's political party rose to power, anything that did not fit with the ruling party's narrative was deemed a red line.

Those who did not toe the line were hounded by government officials on social media and by Twitter accounts claiming affiliation with the ruling party.

I have been in the media industry for over a decade, yet the kind of online harassment I face today is unprecedented.

I must admit, I am not a health reporter, but I became one in March 2020. How could I not? The coronavirus pandemic was the biggest story of our lifetime.

For the next few months, I visited a coronavirus isolation ward and a testing center in Pakistan's Punjab province. I spoke regularly to doctors and healthcare workers tending to the infected.

Soon after the outbreak of the virus, medics and government healthcare officials agreed privately that the pandemic was raging in Pakistan and the government was not doing enough to stop it. The prime minister is also on record as calling the deadly virus "just a flu".

Then, there was the data. Statistics from Pakistan's most-populous province did not add up. The fatality figures were modified overnight, without clarification. Districts and cities were reporting more recoveries than the total number of sick.

Testing was another concern. In early June, senior government officials had promised to test 50,000 people per day in a country of over 207 million people. It never happened. Even today, in total, Pakistan has not exceeded the 50,000 mark.

But government officials were not open to criticism.

And this is where IMS' support for good public interest journalism affirms our purpose – we need to maintain pressure and deliver reliable information that holds those in power to account.

Last year, when I shared an article about a quarantine facility in Pakistan's northwestern province that lacked basic hygiene and cleanliness, the provincial minister for health tweeted back. In his tweet, sent to over 100,000 followers, he questioned my credentials as a reporter.

His query was retweeted by other senior government officials and ministers. For the next few weeks, my Twitter timeline was flooded with expletives and threats from accounts claiming to be affiliated with the ruling party's social media wing. Attempts were also made to hack my account.

When I highlighted how Pakistan's coronavirus data suffered from inconsistencies and unexplained discrepancies, government officials accused me of peddling "fake news" and of getting "paid for lying".

As reporters, we have the right to question the government. It is also important to remember that public access to information is a fundamental right, especially during a health emergency. Yet, attempts were made to intimidate journalists asking legitimate questions on social media.

The government insisted its response to the coronavirus was a success and was prepared to go after anyone who disagreed.

To date (finalized February 2021), Pakistan has lost 11,000 people, while over half a million have been infected. Admittedly, the pandemic did not cause the kind of havoc one might have expected in a developing nation such as Pakistan, but when 11,000 people die on your watch, is this really a "success"?

The toxic online environment created by government officials, ministers, and anonymous social media accounts have made it difficult for me to work. Sometimes, I have even hesitated to open my Twitter account. Other times, I have contemplated leaving media altogether.

I should not be afraid to do my job.

IMS has taken a clear stand on supporting journalism with the potential and intent to bring positive change and this report serves to illustrate IMS' role as a bridge between local media partners and journalism that can further accountability and human rights. Public interest media became more important than ever during the pandemic and I was certainly not the only journalist under fire.

Executive summary

Following the COVID-19 pandemic, amid collapsing revenues and a rising torrent of on-line misinformation and gender-based hate speech, States have a human rights-based obligation to ensure the survival of public interest media, most urgently through subsidies that can be funded by proper taxation of multinational tech companies.

That is the leading conclusion of a new report by IMS (International Media Support), which assesses the impact of the COVID-19 pandemic on the operation of the global media sector. Drawing on reports from over 30 IMS partners worldwide, on surveys conducted by international journalism watchdogs through 2020, and supported by in-depth interviews with eight journalists working in public interest media in select IMS partner countries, this report provides comprehensive insight into what it terms ‘a pandemic of paradoxes’.

Among such paradoxes, the pandemic put journalists at the frontline of supplying essential health information to massively expanded audiences in need of reporting they could trust,¹ even as the ensuing collapse in economic activity decimated advertising revenues,² leaving public interest media vulnerable to bankruptcy or to takeover by media barons with a political agenda.³ As the IMS Philippines’ partner Puma reported succinctly: “We are producing more content on less resources”.

Journalists themselves were pushed to the brink, with seven in ten reporting the psychological impacts of dealing with the pandemic as the most difficult aspect of their work.⁴ Yet, in one of the largest such surveys conducted in 2020, the International Centre for Journalists (ICFJ) also found the top three overall emotional reactions to the pandemic were actually positive: a renewed commitment to the profession; stronger bonds with friends and family; a deeper appreciation for life.⁵

According to the leading watchdog, the year of this deadly virus was the second safest on record for journalists for nearly two decades,⁶ but only if deaths of journalists who contracted COVID-19 during their course of work are not counted. When they are included, as this report shows, 2020 was by far the deadliest year on record for media. Furthermore, as ever, the documented killing of journalists in the course of their work, not including COVID-19, remained heavily gendered: nine in ten of those killed in 2020 were men.⁷

Physical attacks against journalists were at a relatively low level – just three percent of some 1,400 ICFJ respondents reported any offline violence associated with their work,⁸ and other monitoring groups reported average levels⁹ – but online violence was at an all-time high, and overwhelmingly targeted at women. The largest survey to date on the

1 Nielsen et al. (2020, April 15)

2 UNESCO (2020a)

3 Radcliffe (2020, June 1)

4 Posetti et al. (2020a)

5 Ibid

6 CPJ (n.d.)

7 Ibid and INSI (2020)

8 Posetti et al. (2020a)

9 IPI (n.d.); Index (n.d.)

issue found 73 percent of women journalists had experienced online abuse, harassment, threats, and attacks in 2020.¹⁰

Disturbingly, one in five who participated in the ICFJ survey reported being targeted with offline abuse and attacks they believed were connected to online violence they had experienced. But it appeared COVID-19 had simply exacerbated an already growing problem: in two earlier surveys, less than one in five women said online violence was much worse in 2020 than the year before.¹¹ “Physical threats against journalists are lower this year, but against women journalists the growth in online harassment has been exponential. But that was occurring before the pandemic, it’s not related to COVID,” said Jonathan

Bock, Executive Director of IMS’ partner organisation in Colombia, the Foundation for Press Freedom (FLIP).

COVID-19 had an additional, heavily gendered impact on media: how the story was covered. Three quarters of the global healthcare work force are women,¹² yet a King’s College London study of nearly 150,000 articles on COVID-19 concluded that for every mention of a well-known female scientist, 19 male counterparts were mentioned.¹³ “If five people are analysing the COVID situation, it’s amazing if there’s one woman giving voice to half the population,” said Henok Fente, Director of MERSA Media Institute, an IMS partner in Ethiopia.

Several media safety watchdogs noted that online hate speech against women journalists correlated to what the World Health Organisation (WHO) termed the ‘infodemic’ of misinformation, and deliberate lies spread like an online virus throughout social media.¹⁴ In massive samplings of nearly 200 million social media posts in 64 languages related to COVID-19, Italy’s Bruno Kessler Foundation found an

average of 40 percent were unreliable,¹⁵ and that 40 percent were produced by online bots or automated software.¹⁶

Accurate, reliable, and timely information thus became, literally, a matter of life and death. “One of my interviewees for the radio show said to me, ‘You have to tell us where to go, what to do, how to protect our family from getting COVID,’” Sosena Tesfaye of Ethiopia’s Erka Media told IMS. Yet state officials, i.e. those people with the most reliable information and greatest responsibility to distribute it, were also the most likely source of inaccurate, unreliable information, in many contexts.¹⁷

To assess such complex and diverse impacts, this report adopts a human rights-based approach, tracing the inter-dependent relationships between the legal obligations accepted by States Parties to the major treaties of International Human Rights Law (IHRL). This method seeks to clarify the human rights interests at stake when public

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life and death.

10 Posetti et al. (2020a)

11 Ibid; IFJ (2020, July 23)

12 WHO (2008, February)

13 King’s College London (2020, October 30)

14 Posetti et al. (2020a)

15 UNESCO (2020a)

16 Ibid

17 Posetti et al. (2020a)

interest media is threatened, and has informed the five recommendations that conclude the report.

As well as the immediate need to subsidise public interest media, IMS urges States to recognise and guarantee freedom of information, not only as a fundamental human right in itself, but also as a crucial element of their obligation to fulfil the right to health. Furthermore, States should end impunity for the killing of journalists by imposing targeted sanctions on individuals culpable of grave violations of human rights, and must put a price on misinformation and hate speech through effective regulation of social media firms and prosecution of individuals in cases of criminal conduct online.

Introduction

Like most questions that the onslaught of the COVID-19 pandemic posed to people and their governments around the world, the question of how the virus impacted the operation of the media resulted in few straightforward answers.

As in biology, so in business: COVID-19 exacerbated underlying poor health conditions wherever it found them, driving some already weakened media companies out of existence as advertising revenues plummeted.¹⁸ Yet at the same time, the pandemic triggered in other newsrooms a rapid adaptation to their new environment, and swift innovations in their business models to diversify revenue that will likely help inoculate them against future economic shocks.

The vast wave of human suffering resulting from COVID-19 swept up journalists just as it did doctors and nursing staff, leaving seven in ten reporting the psychological

impacts of dealing with the pandemic as the most difficult aspect of their work. Yet, in the ICFJ's report, 'Journalism and the Pandemic' – one of the largest surveys of journalists conducted in 2020 – the top three overall emotional reactions to the pandemic were actually positive: a renewed commitment to the profession; stronger bonds with friends and family; a deeper appreciation for life.¹⁹

Amid the deluge of disinformation unleashed on profit-seeking social media – an online 'infodemic' as the WHO called it, running parallel to the offline pandemic²⁰ – there has been a scramble for truth amid the rising flood of Twitter bots,²¹ resulting in increased trust of public-interest media,²² defined by IMS as editorially independent media that strives to produce and distribute content that informs the public about issues that shape their lives. However, levels of trust in all media remain startlingly low: across 26 countries surveyed

by Pew in the early months of the pandemic, all respondents bar those in Malaysia reported they were more likely to trust their friends and family as sources of information about COVID-19 than they were to trust the media.²³

In countries around the world, journalism was considered an "essential service", meaning journalists with permission could continue reporting exempt from restrictions that kept most of the population in lockdown. Yet the eight journalists interviewed by IMS for this report were in unanimous agreement that COVID-19 had made first-hand news-gathering significantly more difficult, a finding reflected in most of the large surveys of journalists carried out during 2020.²⁴

... there has been
a scramble for
truth amid the
rising flood of
Twitter bots ...

18 UNESCO (2020a)

19 Posetti et al. (2020a)

20 WHO (2020, September 23)

21 UNESCO (2020a)

22 Nielsen et al. (2020, April 15)

23 YouGov (2020, May 18)

24 IFJ (2020, May 7); IFJ (2020, July 23); Noorlander (2020, September 1); Posetti et al. (2020); RSF (2020, June 29); RSF (2020, June 12); The Coalition for Women in Journalism (2020, April 29); UNSECO (2020)



Even as independent, public interest media became more important, and as audience numbers soared,²⁵ commentators warned that the pandemic could be an ‘extinction event’ for media,²⁶ and nine in ten journalists found themselves subject to austerity measures, including salary cuts and redundancies.²⁷ The journalism that audiences said was most vital to them, such as that produced by local newspapers and radio stations, was also the most likely to be driven out of business.²⁸

Accurate, reliable, and timely information became, literally, a matter of life and death. Yet state officials, i.e. those people with the most of that precious commodity at their disposal, and the greatest moral responsibility to distribute it, were also the most likely sources of inaccurate, unreliable information, in many contexts.²⁹ They were also more likely than not to attempt to restrict press freedoms and to blame the messenger for the message.³⁰ The pandemic of 2020 followed a long resurgence in authoritarianism, where-in Freedom House’s global index registered a net decline in civil and political freedoms around the world for the fourteenth year in a row³¹

“There is no officially imposed censorship. But there are difficulties getting some information from government. Authorities are very reluctant to give data to journalists, so there is a kind of *de facto* censorship.”

As IMS interviewee, Karunarathna Paranawithana, a Sri Lankan former MP and secretary to the Ministry of Mass Media put it: “There is no officially imposed censorship. But there are difficulties getting some information from government. Authorities are very reluctant to give data to journalists, so there is a kind of *de facto* censorship. From the very beginning of the pandemic, government wanted to get credit and show the world they fully controlled the virus. So now, they do not want to highlight that the situation is escalating. They want to control information.”

Reporting for the United Nations Human Rights Council, former Special Rapporteur David Kaye wrote of the pandemic being also, “a crisis of free expression [...] facilitated by information policies that weakened the infrastructures of warning and reporting. Individuals and their communities, however, cannot protect themselves against disease

25 UNESCO (2020a); IMS (2020)

26 Silverman (2020, March 23)

27 Posetti et al. (2020a)

28 Silverman (2020, March 23)

29 Posetti et al. (2020a)

30 Human Rights Council (2020, April 23)

31 Repucci (2020)

when information is denied to them, when they have diminished trust in sources of information, and when propaganda and disinformation dominate the statements of public authorities.”³²

Further such pandemic paradoxes emerged in the assessment of the impact of COVID-19 on the media.

The year of this deadly virus was, according to the leading watchdog, the second safest on record for journalists for nearly two decades. At the end of December 2020, the Committee to Protect Journalists (CPJ) reported that 32 media workers had been killed with confirmed motivation in 2020, down from a peak of 76 in 2009, and the second lowest figure since 2002.³³ As in all previous years on record, the death toll was heavily gendered – nine in ten of journalists killed were men. However, none of the leading journalism safety watchdogs kept a public tally of journalists who died having contracted COVID-19 in the course of their work. Research for this report suggests that at least 200 journalists may have died, thus making 2020 the profession’s deadliest year on record.³⁴

Just three percent of respondents to the survey of 1,406 journalists in 125 countries by the ICFJ during May and June 2020 reported being physically attacked or detained, arrested or charged.³⁵ However, if offline violence against journalists was at relatively low levels during the pandemic, the online infodemic brought with it a torrent of threats against the media, overwhelmingly targeting women journalists.

In the biggest international audit of online violence against women journalists to date, the ICFJ and the United Nations Educational, Scientific and Cultural Organization (UNESCO) surveyed 1,210 female media workers through 2020 and found 73 percent of participants said they had experienced online abuse, harassment, threats and attacks.³⁶ No exclusive survey of male media workers’ experience of online abuse was taken through 2020, but an analysis in 2016 by The Guardian of 70 million comments left by readers since 2006, the largest-ever such survey, found that of the ten regular journalists who received most abuse, eight were women.³⁷

However, it appears that COVID-19 has simply exacerbated an already growing problem rather than being a significant cause of it: just 16 percent of women respondents to ICFJ’s June survey said the online abuse they suffered was “much worse than normal”, a figure supported in the International Federation of Journalists’ (IFJ) survey of 558 women journalists, also in June, which found 18 percent of respondents said their online abuse had increased.³⁸

Five of the eight journalists interviewed by IMS for this report said they felt harassment of journalists, particularly online, had increased during 2020, but not necessarily directly due to the pandemic. “Physical threats against journalists are lower this year, but online harassment is higher than last year. And against women journalists the growth in online harassment has been exponential. But that was occurring before the pandemic, it’s not related to COVID,” said Jonathan Bock, Executive Director of FLIP, IMS’ partner organisation in Colombia.

32 Human Rights Council (2020, April 23)

33 CPJ (2020, November 30)

34 See Chapter 3

35 Posetti et al. (2020a)

36 Posetti et al. (2020b)

37 Gardiner et al. (2016, April 12)

38 IFJ (2020, July 23)

In April, the IFJ surveyed 1,308 journalists; more women than men said their stress and anxiety had increased, but nearly twice as many men as women reported that legal restrictions impacted their work.³⁹ Just one in ten, of both men and women, said COVID-19 had increased gender inequalities in the profession,⁴⁰ but the figure rose to 50 percent of respondents in IFJ's June survey of exclusively women journalists.⁴¹

However, a drastic lack of female representation in media coverage was a consistent finding across all major surveys of COVID-19's impact. In London's Times Higher Education magazine of 15 May 2020, 35 female scientists reported that the scientific response to COVID-19 had been characterised by an "extraordinary level of sexism and racism", that media outlets prefer to quote male scientists instead of female ones, and that there is a particular bias against women of colour.⁴² As Henok Fente, Director of Ethiopia's MERSA Media Institute told IMS: "Women's voices are not represented in media coverage. Most analysts are male. If five people are analysing the COVID situation, it's amazing if there's one woman giving voice to half the population."

Equally consistent, across a range of survey respondents, was the finding that most journalists felt underpaid in 2020, and that financial hardship, due to COVID-19, was the principal driver of stress and a leading cause of gender inequality in the profession.⁴³

"There are lots more women journalists in Ukraine than men. It's basically a female profession," says IMS interviewee and former investigative journalist Daryna Shevchenko, now a media development consultant. "But that's because journalism as a profession is not very well paid."

Two thirds of the 558 women journalists interviewed by the IFJ said that the primary vehicle for improving gender equality in the media was economic: better salaries for women, and a better balance between work and home life.⁴⁴

Mira Milosevic and Michael J. Oghia, of the Global Forum for Media Development, said the COVID-19 crisis left journalism in a "dire" situation in 2020, because of "... the perfect storm of disinformation, market destabilisation, digital repression of critical voices, and the disruption of our daily lives." In contrast, IMS' partner in Lebanon, Daraj, framed the challenge of the pandemic as an opportunity to diversify its content and win over new audiences.

"In this period, where the world is on alert and in lockdown, we have an opportunity as independent media to try and win back the loyalty of the people and become the reference, become the reliable source of information," Daraj's CEO and co-founder Alia Ibrahim told IMS' Deputy Director Andreas Reventlow in April.⁴⁵

In this pandemic of paradoxes, journalists were driven to the brink of despair even as their professional resolve was galvanized like never before; public interest media became crucial at the very moment it became economically impossible for so many; and the greatest threat to public trust in governments so necessary to tackle the pandemic was, most often, government itself.

To paraphrase the famous opening lines of *A Tale of Two Cities*, Dickens' great

39 IFJ (2020, May 7)

40 Ibid

41 IFJ (2020, July 23)

42 Buckee et al. (2020, May 15)

43 See Chapter 5

44 IFJ (2020, July 23)

45 Global Network Initiative (2020, April 29)

novel of societies in upheaval, the impact of COVID-19 on the media may well be described as having been ‘the best of times’ and ‘the worst of times’, an ‘age of wisdom’ and ‘an age of foolishness’, an ‘epoch of belief’, an ‘epoch of incredulity’, a ‘season of Light’ and a ‘season of Darkness’, a ‘winter of despair’ and a ‘spring of hope’.

Amid such a picture of complexity and contradiction, with no easy answers in sight, the question arises: how best to clarify the issues at stake? For IMS, as with many leading NGOs, the answer is a human rights-based approach. Such an approach is best understood as that which focuses on IHRL for a project that is not, in principle at least, a human rights project. The aim of a rights-based approach is the full development of individual human beings, and ensuring consistency of government and NGO action with IHRL.⁴⁶

For IMS, a rights-based approach means supporting public interest media not simply for the sake of developing good journalism, but because good journalism has the potential and intent to bring positive change through ensuring accountability of those exercising power and protecting people’s human rights.⁴⁷

This publication is the fifth in IMS’ *Defending Journalism* series, which IMS has undertaken in its Global Safety Hub with the aim of identifying, documenting, and sharing good practices and lessons learned in work being done around the world to promote the safety of journalists (SoJ).⁴⁸

This latest report seeks to build on IMS’ SoJ work by providing a comprehensive assessment of the human rights impact of the COVID-19 pandemic on public interest media in general, and in four IMS partner countries in particular. The report adopts a thematic analysis, with insights from IMS partner reports and in-depth interviews to inform five specific, rights-based recommendations that IMS believes are crucial to securing the future of public interest media. A discussion of the methodology used in this report follows.

Chapter 1 is a thematic analysis of the pandemic’s impact on freedom of information – a foundational human right – and outlines how State responses have enabled or infringed this right, the subsequent apparent tension between the right to health and the right to information, and how human rights bodies offer guidance on the best approach for policymakers to follow.

Chapter 2 surveys the huge and increasing problem of misinformation that has accompanied the growth of social media and been exacerbated by the pandemic, reveals how it now represents a threat to the right to health, and assesses the extent to which it can be considered a threat to freedom of information. The chapter also offers a rights-based approach to the tensions between freedom of information, the right to express oneself, and unlawful hate speech and discrimination.

46 This definition is based on Condé, H. V. (2004) *A Handbook of International Human Rights Terminology*, University of Nebraska.

47 IMS (2020)

48 The first report, *Defending Journalism: How national mechanisms can protect journalists and address the issue of impunity, a comparative analysis of practices in seven countries*, was published in 2017. In November 2019, IMS published *The safety of women journalists: Breaking the cycle of silence and violence*, a study on how gender-specific threats against women journalists are being tackled in nine countries. *Safer together: Considerations for cooperation to address safety in the media support, humanitarian and human rights sectors* was published in December 2019. Finally, in April 2020, IMS published *Shared responsibility: Safeguarding press freedom in perilous times*, an analysis of multi-stakeholder efforts to improve the safety of journalists.

Chapter 3 analyses the various SoJ issues that accompanied the pandemic of 2020, such as physical offline safety, mental health, online abuse, and state surveillance; it outlines best practice as set out by international human rights bodies.

Chapter 4 surveys the pandemic's drastic impact on the viability of public interest media, which many journalists, surveyed through 2020, agreed was the single most significant threat to their work. As well as crunching numbers, the chapter examines how threats to the business of public interest media are also threats to the plurality of opinion so vital to the promotion of democratic societies.

Appendix (A) offers an interesting discussion on the advantages of a human rights-based approach to an analysis of the impact of the pandemic on public interest media, as well as an outline of the appropriate and key human rights set out in the major treaties of IHRL. Appendix (B) includes a survey of opinions from journalists, interviewed by IMS, on the status of public interest media in their respective countries by the end of the year of pandemic. Collating the main findings from each preceding thematic chapter, the report closes with five specific, evidence-based recommendations to States and international actors; IMS believes these are key lessons from the year of COVID-19, which should be implemented in order to secure the human rights required for the proper operation of public interest media.

Methodology

IMS puts the strengthening of public interest media at the core of its mission; public interest media is editorially independent and strives to produce and distribute content that shapes lives to serve society without particular political, commercial or factional interest.⁴⁹ In 2020, there was no story of greater public interest than the COVID-19 pandemic.

Safety of Journalists (SoJ) is a strategic priority within IMS' core mission, particularly the intersection between public interest media, SoJ, and human rights, including gender equality, freedom of information, and the right to privacy. In 2016, in pursuit of its priorities, IMS initiated the Global Safety Hub to support the implementation of the United Nations Plan of Action for the Safety of Journalists and the Issue of Impunity (UN Plan of Action).

The UN Plan of Action calls for a global response to the unacceptably high level of personal risk that journalists and media workers face for exercising their right to freedom of expression, prioritising a gender-sensitive and human rights-based approach.

In-depth research and analysis are the building blocks of the Global Safety Hub, through its *Defending Journalism* publications. The objectives of this report are to analyse how the COVID-19 pandemic has impacted public interest media, particularly how government responses have threatened freedom of information and the economic viability of independent journalism, and how accountable reporting has fared in an age of social media misinformation. Human rights law provides a framework in which such impacts can be analysed, so the research aims to provide a reference to States' main obligations to media during a national health crisis as established under the treaties of International Human Rights Law and as further elucidated by treaty monitoring bodies and the UN's Special Rapporteurs.

Having assessed those impacts, the research identifies threats and opportunities to the future of public interest media, then makes a series of evidence-based recommendations grounded in human rights law and aimed at States and international actors in the media development sector.

To meet these objectives, two approaches were taken. Firstly, desk research of existing reports from 33 IMS partners through 2020 and surveys of COVID-19's impact on the media from leading monitoring groups; this research was as comprehensive as time would allow. Reporting in early 2021, the aim was to give IMS' readers the best possible overview of COVID-19's impact on public interest media as it appeared during a turbulent year, providing resources for further research. Secondly, in order to contribute original research, and to further development work with media groups and journalists in countries where it operates, IMS conducted surveys in Colombia, Ethiopia, Sri Lanka, and Ukraine; these four were selected for geographical spread, to achieve as broad a survey as possible, and because IMS has an interest in increasing research on media in their respective continents. Each country selected is also undergoing a period of transformation in its politics, society, and media.

The report's author and editors decided that the original research in these four

countries would be based on a survey of 15 indicators, worded to reflect the strategic priorities above. Indicators would also assess the impact of COVID-19 on elderly journalists, on those suffering chronic health conditions, or on those of Asian origin, categories identified by Amnesty International⁵⁰ and the International Labour Organisation (ILO) as being particularly impacted and therefore at particular risk from harm during the pandemic. One woman and one man were chosen from each survey country, their ages ranging from early twenties to late fifties. Interviewees were selected as a mix of both representatives from existing IMS partner organisations and of individual journalists recommended to IMS for their insights on COVID-19's impact on the media. During a one-hour video conference interview, the author asked each participant to rate their agreement or disagreement with each indicator, which allowed for the collection of comparable quantitative data between the four countries, albeit of extremely limited sample size. After rating each indicator, each participant was asked to explain their rating, giving as many concrete examples from their own experiences as possible, while allowing for examples from knowledge gained during their work. This provided the qualitative data that informs the thematic analyses in each chapter of this report. A copy of the survey and tabulated results are available in Appendix (B).

The interviews focused on a specific time period: from the start of the global response to the COVID-19 pandemic around mid-March 2020, until early November 2020 when the interviews were conducted. After clarifying their answers, interviewees could choose to amend their rating and scores were fixed at the conclusion of each interview. The author's additional questions were informed by the Gender-Sensitive Indicators for Media as set out by UNESCO.⁵¹

The aim of the original research was to provide a narrow but in-depth analysis of media's situation in a selection of IMS priority countries, to set against reporting gathered from 33 IMS partners worldwide and the wide-ranging general conclusions drawn from the comprehensive survey of existing research in the public domain. The report was finalised in early February 2021 and may not reflect developments since.

50 Amnesty (2020, March 12); ILO (2020, March 18)

51 UNESCO (2012)

Chapter 1:

Freedom of information – Censorship, civil society, and the right to health

The immediate response of the State where COVID-19 first emerged was to censor any information about the novel coronavirus that caused it. Whistleblower doctors, including Li Wenliang from Wuhan Central Hospital, were arrested in late December 2019 after attempting to alert fellow medics to the danger, and many, including Dr Li, died from the disease.⁵² Local Communist Party officials failed to inform the media of the outbreak, while those in Beijing moved to censor a number of related keywords on the country's tightly controlled, billion-user WeChat platform.⁵³

By 5 January 2020, a team at the Shanghai Public Health Clinical Centre had sequenced the virus, but the vital information was not available publicly until researchers leaked it a week later. A study by the University of Southampton found that had China not delayed acting on the discovery of the outbreak by two or three weeks, cases could have been reduced by 85 to 95 percent.⁵⁴ “Without the control and censorship imposed by the authorities, the Chinese media would have informed the public much earlier of the severity of the coronavirus epidemic, sparing thousands of lives and perhaps avoiding the current pandemic,” said Reporters Without Borders (RSF).⁵⁵

There can hardly be a more profound example of the importance of freedom of information and public interest media than the consequences of its absence in China, which is ranked 177 out of 180 in the 2020 RSF World Press Freedom Index.⁵⁶ Unfortunately, China is not alone in censoring the media's freedom, which has deteriorated around the world over the past decade, including in some of the most influential democracies, such as the US, Brazil, and India, according to Freedom House's latest report.⁵⁷

“Freedom of expression is a cornerstone upon which the very existence of a democratic society rests. It is indispensable for the formation of public opinion,” argued the Inter-American Court of Human Rights in its 1985 Advisory Opinion. “It represents, in short, the means that enable the community, when exercising its options, to be sufficiently informed. Consequently, it can be said that a society that is not well informed is not a society that is truly free.”⁵⁸

52 Hegarty (2020, February 6)

53 Brennan (2020, March 25)

54 Shengjie (2020, March 11)

55 RSF (2020, March 25)

56 Ibid

57 Repucci (2019)

58 Inter-American Court of Human Rights (1985, November 13)

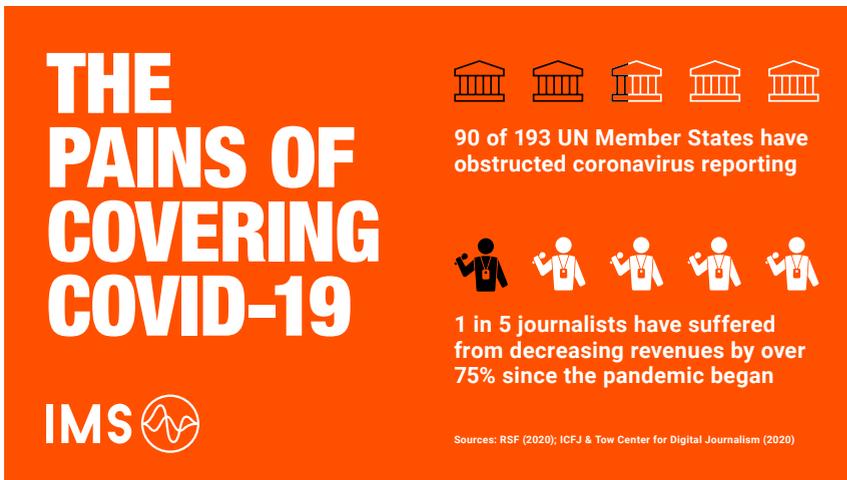
What, then, are the State's obligations to keep the public educated about the COVID-19 pandemic, or to ensure that healthcare professionals have access to global information about the virus and how to address it? May a State impose restrictions to ensure that the public receives only "legitimate" information sanctioned by government authorities? In response to these challenges, many States, including the four surveyed by IMS for this report, resorted to various forms of censorship. IMS' eight panellists were in unanimous agreement that COVID-19 had made first-hand, in-person news gathering significantly more difficult. This was the only indicator on which their opinions converged.

Attacking the messenger

In a report at the end of June, four months after the pandemic began, an RSF survey found no fewer than 90 of the 193 UN member states had obstructed coronavirus coverage, or in other ways violated the media's freedom of speech.⁵⁹

As of late November 2020, the International Press Institute (IPI), through its Tracker on Press Freedom Violations Linked to COVID-19 coverage, recorded some 473 instances of media freedom violations related to the pandemic, including arrests and charges, censorship, restrictions on access to information, excessive 'fake news' regulations, and verbal or physical attacks.⁶⁰

Over the same time period, Index on Censorship recorded some 245 verified incidents of violations of media freedom related to COVID-19, including 51 attacks against journalists by the State and members of the public, and 47 incidents of journalists not being allowed to report.⁶¹



⁵⁹ RSF (2020, June 29)

⁶⁰ IPI (n.d.)

⁶¹ Index (n.d.)

RSF's 'Tracker 19' has documented attacks against at least 125 journalists in 29 countries, including expulsions, arrests, interrogations, police violence, withdrawing of press passes, demands for public apologies, and seizing electronic devices.⁶² (See also Chapter 3.)

In countries led by populists, it was often the president that led attempts to censor the media. In the United States, Donald Trump verbally attacked a number of journalists in his daily press conferences during the pandemic,⁶³ while Brazil's Jair Bolsonaro became notorious for his harassment of the media rather than dedication to combatting COVID-19.⁶⁴

"Rappler is under attack from the Duterte administration. It faces legal threats, from cyber libel to a challenge to its ownership and therefore its very existence and ability to operate," reported IMS's popular online news partner in the Philippines, referring to pressure from populist President Rodrigo Duterte. By January 2021, Rappler editor Maria Ressa had been convicted of cyber libel and was on bail pending an appeal, while facing two other such charges.⁶⁵ (See also Chapter 3.)

In its June 2020 survey of 1,406 journalists in 125 countries, the ICFJ found 10 percent of respondents had been publicly abused by a politician or elected official during the period.⁶⁶ As Sushma Raman, Executive Director of Harvard Kennedy School's Carr Center for Human Rights Policy, observed in June, the "global deterioration in press freedom" tracks the decline in democratic freedoms both in long-established repressive regimes, such as Venezuela, Egypt, Bangladesh or Russia, but also in established democracies, such as Argentina, Australia, the UK, and the US.⁶⁷

"It is critical that government and industry leaders step up before it is too late," wrote Raman. "Politicians, police, and other government officials and agencies must be held accountable for words and actions that cause harm to individual journalists and reduce freedom of the press."⁶⁸

In Turkey, prosecutors opened criminal investigations into senior doctors, who had given interviews on the dangers of COVID-19, alleging they had issued "threats to create fear and panic among the public".⁶⁹

"This is no time to blame the messenger," said UN High Commissioner for Human Rights, Michelle Bachelet. "Rather than threatening journalists or stifling criticism, States should encourage healthy debate concerning the pandemic and its consequences".⁷⁰

In India, Narendra Modi told reporters in a video conference to focus on positive coverage during the country's battle with the coronavirus. The police in Mumbai went further, passing an order banning "any person inciting mistrust towards government functionaries and their actions taken in order to prevent spread of the COVID-19 virus".⁷¹

In Sri Lanka, ruled by powerful brothers Gotabaya and Mahinda Rajapaksa as president and prime minister since elections in 2019, the Inspector General ordered police to arrest anyone who allegedly criticised or highlighted "minor shortcomings" of officials involved in the pandemic response, or who shared "fake" or "malicious" messages. On 25

62 RSF (n.d., a)

63 RSF (2020, April 8)

64 RSF (2020, April 16)

65 France 24 (2021, January 14)

66 Posetti et al. (2020a)

67 Raman (2020, June 29)

68 Ibid

69 Human Rights Watch (2020, June 10)

70 UN News (2020, April 24)

71 The Economist (2020, June 13)

April 2020, the Human Rights Commission of Sri Lanka wrote a letter to the police informing them that any arrest for the mere criticism of public officials or policies would be unconstitutional. Nevertheless, a number of individuals were subsequently arrested for such posts on their Facebook pages.⁷²

Controlling the message

“State censorship comes from the government’s control of the news,” said IMS interviewee Hana Ibrahim, editor of Sri Lanka’s independent Daily Express and Weekend Express newspapers. “The government has complete control over the COVID narrative. You have access to their sources, but you don’t have access to the sources you want [...] Journalists have not been able to go anywhere near hospitals as they’re all government hospitals and the army has surrounded them. You have to get permission from the army, and there’s only some doctors you can talk to [...] The government wants ever more control, and that includes control of the press. It makes private media impotent by not granting it the same access as state media, and the private media that is given access is already in the pocket of the Rajapaksas.”

Fellow Sri Lankan and former MP Karunarathna Paranawithana warned IMS that the country’s government was becoming ever more militarised: “Now the country is on a very big security footing. The Health Ministry is now run by an army person, the whole COVID response is run by the army. The mind-set of the government is a security driven mind-set [...] They changed the constitution in the direction of making autocracy [...] the president’s power has been increased, and in many ways, the independent judiciary is being curtailed.”

From the occupied Palestinian territories, IMS’ partners Metras, an online media platform, and Filastiniyat, an organisation focusing on female journalists based in the Gaza Strip, reported that state of emergency laws had likewise securitised the response to COVID-19, eroding the freedom of media to cover the pandemic and providing grounds for authorities to arrest media workers accused of negative reporting that threatens “national spirit, national security and societal fabric”.

Similarly, in China, as part of the State’s pandemic response efforts, President Xi Jinping directed Communist Party members and local authorities to ensure that the Internet was “always filled with positive energy”, resulting in the erasure of scores of online articles containing so-called ‘negative facts’ about that response.⁷³

In a toolkit released in April 2020, the Council of Europe, the 47-member international organisation whose members have ratified the European Convention on Human Rights (ECHR), linked an erosion of freedom of speech and information during the pandemic, with censorship.

“Official communications cannot be the only information channel about the pandemic. This would lead to censorship and suppression of legitimate concerns. Journalists, media, medical professionals, civil society activists and public at large must be able to criticise the authorities and scrutinise their response to the crisis.”⁷⁴

72 OHCHR (2020, June 3)

73 Hsu (2020, June 3)

74 Council of Europe (2020, April 7)



Photojournalists for ABS-CBN take part in a protest outside the Philippine congress on 6 July 2020 in Quezon City, Metro Manila, Philippines. The Philippine congress was deciding whether to allow ABS-CBN, the country's biggest and leading broadcaster that has been critical of President Rodrigo Duterte, to resume operations after it was shut down in May 2020 over alleged constitutional violations.
Photo: Ezra Acayan/Getty Images

In Colombia, by contrast, President Iván Duque Márquez largely succeeded in channelling all COVID-19 information through himself.

“All information goes through the president in his daily one-hour television show, just like Maduro or Chavez,” said IMS interviewee Jonathan Bock, referring to the current and former presidents of neighbouring Venezuela. “And of course, no questions are allowed during the show. It’s been totally impossible to have access to ministers or health officials [...] So it’s not manipulation of information as such, but it’s information only according to the government’s interests.”

In Ethiopia, IMS interviewee Henok Fente said that while there had been no specific restrictions on media coverage, such as the censorship witnessed in China, “there is restriction on access to information. Most of the information the media gets is processed. Raw data here is very limited, particularly data on the impact of COVID-19 on the economy. And it is certainly not proactively disclosed to the media.”

Fente told us that COVID-19 restrictions had directly held up efforts to reform Ethiopia’s Freedom of Information law, which although good on paper, suffers from “zero implementation”. Fente added, “We are looking to introduce safeguards, like penalties for public officials who do not respond to freedom of information requests, but we could not meet in person due to COVID protocols. We had a first meeting online, but COVID has limited the capacity of media advocacy groups to get together and push our agenda.”

Some states took this centralising of COVID-19 information to the extreme. The

government of Armenia, for example, introduced a regulation threatening a EUR 1,000 fine for the publication in the media of information, about COVID-19, from non-official sources. Following international criticism, the government backed down.⁷⁵

Direct and indirect acts of state censorship had a chilling effect on the operation of a free media, with 48 percent of respondents to ICFJ's survey reporting their sources had expressed fear of retaliation for speaking to journalists in connection with COVID-19.⁷⁶

IMS panellists also reported a degree to which the relentless negativity of the COVID-19 story drew them into deliberate acts of ignoring certain news in favour of more empowering subject matter. "Sometimes, journalists on the front line who were affected by the virus at the beginning had shocking experiences," said IMS interviewee Sosena Tesfaye of Ethiopia's Erkab Media, who focused on reporting the stories of those who survived COVID-19 rather than those who died. "With that kind of information, I may decide that it is not important for audience to know, so I would cut out such information. It only creates fear, stigma and discrimination in society."

At Colombia's *El Espectador* newspaper, Gloria Castrillon, editor in charge of reporting on the country's peace process, told IMS that editors had taken a "conscious decision" to adopt a similarly positive approach. "There was lots of discussion on how to report without creating despair or a loss of hope. So, we tried to reach a balance, between news of deaths and what was going on in hospitals, with other stories about how to deal with the pandemic, stories of businesses adapting, advice from psychologists."

In Ukraine, Eugene Zaslavsky, Executive Director of the Media Development Foundation, told IMS that many of his partners in regional media had told him of similar concerns: "They talk to me a lot about self-censorship, saying, 'I can't report on this case or that as it will increase panic.' They believe they need to protect people."

Writing for London's Independent newspaper, journalist Madeline Palacz noted, "An inherent conflict exists in the reporting of the COVID-19 pandemic: the conflict between the requirement to report the news accurately, and the ethical obligation to ensure that such reporting does not unnecessarily stoke public fear. This is not always an easy conflict to resolve."⁷⁷

Silencing voices

Some States, deliberately and by default, simply stopped journalists reporting on the pandemic. Reporters Without Borders (RSF) recorded 267 journalists, 120 citizen journalists, and 12 media assistants imprisoned in connection with their work as of end December 2020.⁷⁸ The CPJ reported 274 journalists as imprisoned in connection with their work in 2020, though down from 978 in 2010.⁷⁹ At least 201 journalists have been arrested and/or charged related to COVID-19 coverage, according to the International Press Institute (IPI) as of end December 2020.⁸⁰

Algerian journalist Meriem Chorfi and her two male colleagues were arrested and

75 Mejlumyan (2020, March 23)

76 Posetti et al. (2020a)

77 Palacz (2020, March 17)

78 RSF (n.d., b)

79 CPJ (n.d.)

80 IPI (n.d.)

charged with an “attack on national unity” and “dissemination of publications which may harm the national interest” for their work on the pandemic.⁸¹ The Guardian’s Cairo correspondent Ruth Michaelson had her press accreditation revoked and was forced to leave the country after Egyptian officials accused her of “misreporting and spreading panic” over COVID-19 by using an “unreliable study.”⁸²

Egyptian journalist and editor-in-chief of the al-Diyar newspaper Mohamed Monir was detained and charged in June with spreading false news, joining a “terrorist organization”, and misusing social media after he criticized his country’s handling of the pandemic.⁸³

In Ukraine, the National Council for Television and Radio Broadcasting revoked the license of Priyami FM, a radio station associated with the Russian-backed opposition, a move RSF condemned as a “dangerous step towards censorship.”⁸⁴

In Zimbabwe, IMS partner Bustop.tv reported its journalists being arrested for using their 2019 press cards to work during lockdown. In Jordan, IMS partner 7iber reported a sense of discrimination when online media, such as itself, were granted only two permits for journalists to work, while traditional media groups were awarded far more. From Lebanon, IMS partner Daraj reported regular arrests of journalists, including its own reporters, who were released the same day, “but the patterns are very scary.” Iranian authorities shut down the Jahan e-Sanat newspaper after it published an interview with an epidemiologist who claimed there had been an official cover-up of the extent of the COVID-19 pandemic in the country.⁸⁵

In Nicaragua, and across the Pacific in the Philippines, independent media were simply barred from attending government COVID-19 press conferences, according to the Centre for Media, Data and Society.⁸⁶

IMS interviewee Gloria Castrillon told us that most of her sources on Colombia’s complex peace process can only be reached by travel to remote corners of the country, far from the capital Bogotá, but lockdown made this impossible, even as violence increased:

“Two things we can say for sure that happened during the pandemic were that the number of killings of social leaders increased and internal displacement increased as communities came under siege from criminal groups,” said Castrillon. “There was a massacre of an indigenous group in Narino, but we have not been able to travel outside the capital due to restrictions. There are communication connectivity problems in many of the areas I report on. Now restrictions are lifted and I am planning to travel, but many communities are reluctant to receive us through fear of contagion.”

In Syria, IMS partners Arta FM and Rozana reported further restrictions on journalists accessing news sources as COVID-19 lockdown protocols were added to emergency laws – already in place due to the decade-long civil war – that severely limit the mobility of journalists.

Eugene Zaslavsky also drew attention to the importance to Ukrainian journalists of physical access to sources of news: “We work a lot with regional media and I can say for sure that if you can only talk with people in Ukraine who can install Zoom, then it will

81 The Coalition for Women in Journalism (2020, April 17)

82 Safi (2020, March 26)

83 Associated Press (2020, June 16)

84 RSF (2020, September 7)

85 Motevalli (2020, August 10)

86 Nemeth (2020, April 1)

not be a lot of people you can talk to. You need to go to places.” His fellow Ukrainian journalist Daryna Shevchenko, a partner at Jnomics Media Consulting, noted that even when possible, online interviews gave journalists “much less information in terms of non-verbal communication and how a person looks than when you talk in person.” IMS’ partner in the Philippines, PumaPodcast, agreed that online interviews were not the same quality as in-person, but that on the plus side, the migration to journalism online has compelled many expert sources to break out of their comfort zones and embrace new technologies.

IMS interviewee Henok Fente said the Ethiopian government had shut down the Internet and telephone services several times in 2020: once for three months from January in the Oromia region after the military took control following clashes with the rebel Oromo Liberation Front⁸⁷, and once for the entire country, including text messaging, for most of July after the killing of a popular Oromo musician.⁸⁸ In early November, Ethiopian Prime Minister and Nobel Peace Prize winner Abiy Ahmed repeated the shutdown of all communications in the northern Tigray region after declaring a state of emergency in response to an ambush on the military by the Tigray People’s Liberation Front.⁸⁹ “The government can do this unchallenged,” said Fente, “civil society here is still very weak after 27 years of totalitarian control.” In Myanmar, another Nobel Peace Prize winner, Aung San Suu Kyi, and her military-backed government, blocked access to 221 news websites, including several leading media outlets, on grounds of spreading “fake news.”⁹⁰ As early as March 2020, the Council of Ministers in Jordan issued a decree to stop the printing and circulation of all newspapers, magazines, and other publications, ostensibly on public health grounds, a move swiftly adopted by Oman, Morocco and Yemen.⁹¹

A less obvious, but no less damaging exercise in blocking access to freedom of information – one for which journalists themselves bear direct responsibility – came in the form of preventing women’s views from being voiced in the media. Some 75 percent of the global healthcare work force are women,⁹² but 72 percent of senior executives in global health are men.⁹³ These statistics show that though women are vulnerable to the many hardships that the virus presents, it is largely men who develop the policy responses. It was therefore incumbent upon media to redress this stark gender inequality by promoting women’s perspectives in coverage of the COVID-19 pandemic. Unfortunately, it appears the very opposite happened all too often.

In a snap survey from February 2020, Women in Global Healthcare reported that for every three men quoted in media coverage of the early pandemic, only one woman

... for every three men
quoted in media
coverage of the early
pandemic, only one
woman was quoted.

87 Human Rights Watch (2020, March 9)

88 Access Now (2020, July 16)

89 Mutambo (2020, November 5)

90 RSF (2020, May 6)

91 CPJ (2020, March 25)

92 WHO (2008, February)

93 Global Health 50/50 (2019)

was quoted.⁹⁴ In London's Times Higher Education magazine of 15 May 2020, 35 female scientists reported that the scientific response to COVID-19 had been characterised by an "extraordinary level of sexism and racism" and that media outlets preferred quoting male rather than female scientists, and showed particular bias against women of colour.⁹⁵

The trend has been documented elsewhere. A report published in September, by the French Ministry of Culture and the ministry responsible for gender equality, found that during the country's coronavirus lockdown in spring "newspapers devote[d] a predominant place to male personalities in their content." More than 83 percent of the people pictured on the front pages of major newspapers during this period were men, who also wrote the majority of opinion pieces.⁹⁶

A study by the Global Institute for Women's Leadership at King's College London used big data processes to analyse almost 147,000 articles on COVID-19 published by leading British, Australian, and US media outlets between March and July 2020.⁹⁷

In coverage of science, technology, engineering, and mathematics (STEM) and economics – two areas particularly relevant to the pandemic – for every mention of a well-known female STEM expert, 19 male counterparts were mentioned. For every reference to a well-known female economist, five male economists were named.

Henok Fente, Director of IMS Ethiopia partner MERSA Media Institute said, "Women's voices are not represented in media coverage. Most analysts are male. If five people are analysing the COVID situation, it's amazing if there's one woman giving voice to half the population." Ethiopia is still largely a rural society, noted Fente, and lack of connectivity and available resources in remote rural areas leaves most women excluded from the digital information exchange. The UN Secretary-General has called on Member States to make available more information disaggregated by gender, as a means to combat the pandemic.⁹⁸

The rights approach: Free speech saves lives

Article 19(1) of the International Covenant on Civil and Political Rights (1966) (ICCPR) states: "Everyone shall have the right to hold opinions without interference." States Parties to the Convention to protect freedom of opinion can, thus, never lawfully derogate from this obligation. Article 19(2) ICCPR states that: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." The Article 19 freedom of expression encompasses not only the right to impart opinion and information, but also the right to seek and receive such content; in other words, a right of access to information.⁹⁹

There are 173 States Parties to the ICCPR, including all the States mentioned in this chapter, except Myanmar and Oman who never signed the Covenant. China signed the Covenant in 1998 but never ratified it, meaning its government does not recognise the legal obligations therein.

94 Women in Global Health (n.d.)

95 Buckee et al. (2020, May 15)

96 Bachelot-Narquin et al. (2020, September 15)

97 King's College London (2020, October 30)

98 Guterres (2020, April)

99 Article 19 (2020, May 11)

The obligation on States Parties to protect the rights set out in the ICCPR is immediate.¹⁰⁰

Implementation of the ICCPR is monitored by the Human Rights Committee; its 18 members are not judges but legal experts in human rights. If a State Party has ratified ICCPR's First Optional Protocol then an individual, subject to the jurisdiction of that State Party, who alleges their ICCPR rights have been violated can communicate directly with the Committee. The Committee has no power to order a State Party to do anything but it can make recommendations, which States usually follow. The Committee also issues General Comments on the scope and content of any particular right in the Covenant.

The Human Rights Council, in contrast, is a body created by the UN General Assembly to monitor human rights in all UN Member States, whether or not they have ratified human rights treaties. The 47-member Council is made up of UN Member States elected by the General Assembly for three-year terms by region.

In its resolution 21/12, the Human Rights Council recognised that freedom of expression is essential to a democratic society and a basic condition for development.¹⁰¹ Similarly, the UN General Assembly, in its resolution 68/163, emphasized the relevance of free media in building inclusive knowledge societies and democracies and fostering good governance.¹⁰²

“In certain circumstances, information saves lives. By contrast, lies and propaganda deprive individuals of autonomy, of the capacity to think critically, of trust in themselves and in sources of information, and of the right to engage in the kind of debate that improves social conditions. Worst of all, censorship can kill, by design or by negligence,” wrote David Kaye, former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. “An environment dominated by censorship, the root of which is distrust of the public’s capacity to think critically, is toxic to public support.”¹⁰³

Public access to information is also an element of Goal 16 of the 2015 UN General Assembly Sustainable Development Goals (SDGs).¹⁰⁴ Criticising the censorship imposed by Asian states, including Sri Lanka, on press freedom during the pandemic, Michelle Bachelet, UN High Commissioner for Human Rights (OHCHR), said, “In these times of great uncertainty, medical professionals, journalists, human rights defenders and the general public must be allowed to express opinions on vitally important topics of public interest, such as the provision of health care and the handling of the health and socio-economic crisis, and the distribution of relief items [...] This crisis should not be used to restrict dissent or the free flow of information and debate.”¹⁰⁵

Article 12 of the International Covenant on Economic, Social and Cultural Rights (1966) (ICESCR) states that everyone has the right to “the enjoyment of the highest attainable standard of physical and mental health”.

States have a positive obligation to take steps for the “prevention, treatment and control of epidemic, endemic, occupational and other diseases”. The obligation under the

100 The Human Rights Committee views the ICCPR’s rights as being capable of immediate application by judicial and political actors, thus requiring States Parties to secure and protect those human rights without delay.

101 Human Rights Council (2012, October 9)

102 UNGA (2014, February 21)

103 Human Rights Council (2020, April 23)

104 UNESCO (2019, November 12)

105 OHCHR (2020, June 3)

ICESCR is for the ‘progressive realisation’ of the rights therein.¹⁰⁶ In its General Comment 14, the Committee on Economic, Social and Cultural Rights (CESCR) – the UN body tasked with monitoring implementation of the ICESCR – said that measures to control an epidemic was a core obligation of the right to health, an obligation from which the State has no lawful derogation.¹⁰⁷

There are 171 States Parties to the ICESCR, including all the States mentioned in this chapter, except Oman which never signed the Covenant. The US signed the Covenant in 1977 but has not ratified it.

The CESCR has made clear that access to health-related information is crucial to fulfilling the right to health. Providing “education and access to information concerning the main health problems in the community, including methods of preventing and controlling them” is considered an “obligation of comparable priority” to the core obligations of the right to health.¹⁰⁸

“Equitable access to trusted health information is critical to keeping people safe and informed during the COVID-19 pandemic,” said Dr. Tedros Adhanom Ghebreyesus, Director-General of the WHO. In pursuit of this goal, the WHO partnered with the Wikimedia Foundation, the non-profit that administers Wikipedia, to expand the public’s access to the latest and most reliable information about the pandemic.¹⁰⁹

WHO infographics, videos, and other public health assets were freely licensed

to Wikipedia, meaning its more than 250,000 volunteer editors can build on and expand the site’s COVID-19 coverage, which currently offers more than 5,200 coronavirus-related articles in 175 languages.¹¹⁰

UNESCO has urged all public authorities “to provide media access to officials, documentation and all possible and available information resources [...] This means that rather than supporting the imposition of limitations or conditions to the right to freedom of expression and freedom of information,

“Equitable access to trusted health information is critical to keeping people safe and informed during the COVID-19 pandemic”

the current context of public health crisis requires that public authorities, including the judiciary, provide special protection to the different angles of the exercise of such right. In other words, freedom of expression and unfettered access to public information are to be considered as powerful instruments to fight the pandemic and improve the health of the population in the current difficult circumstances.”¹¹¹

106 The CESCR views the concept of ‘progressive realisation’ as requiring the State Party to take steps over time and to the maximum of available resources toward fulfilling those human rights.

107 CESCR (2000, August 11)

108 CESCR (2000, August 11)

109 WHO (2020, October 22)

110 Wikimedia Foundation (n.d.)

111 Ibid

And as IMS Gender and Programme Development Advisor, Emma Lygnerud Boberg, pointed out, freedom of expression to fight the pandemic includes prioritising a gender-sensitive approach to news coverage, without which “media risk contributing to a deepening of the crisis and of reversing equality gains for women all over the world.”¹¹²

Complete Internet shutdowns, such as those imposed by the Ethiopian authorities, are a clear breach of IHRL, as they fail to meet the requirements of the three-part test of legality, legitimacy, and proportionality required for such a derogation. (See Appendix A.) According to former UN Special Rapporteur Kaye, “Internet shutdowns are an affront to the freedom of expression that every person is guaranteed under human rights law. Internet shutdowns during a pandemic risk the health and life of everyone denied such access – and that of others with whom they come in contact. They are an affront to the right of everyone, especially health-care workers, to access health information. There is no room for limitation of Internet access at the time of a health emergency that affects everyone from the most local to the global level.”¹¹³

In August 2020, by contrast with other state practices that sought to restrict freedom of information, Ukraine ratified the Council of Europe Convention on Access to Official Documents, the first binding international legal instrument to recognise a general right of access to official documents held by public authorities. As the tenth State Party to ratify, Ukraine thereby also activated the convention for the entire world, making it an internationally binding document.¹¹⁴ Notably, the Convention has yet to be signed by the majority of its founding members, including Denmark, France, Germany, and the UK.¹¹⁵

112 Storm Refsing (2020, March 26)

113 Human Rights Council (2020, April 23)

114 Council of Europe (2020, August 27)

115 Council of Europe (n.d., a), as of 29 December 2020

Somalia: Radio broadcasts raise awareness on COVID-19

IMS' long-term engagement with strategic partners across Somalia resulted in an immediate response to the challenges posed by COVID-19 by realigning activities to mitigate potentially devastating consequences.

Journalists and media workers faced difficulty reporting on the pandemic as the Federal Government of Somalia initially provided lower death tolls than the situation in the country projected. As this led to a general lack of access to accurate information, media and media associations, including IMS' strategic partner, the Somali Media Association (SOMA), took action to ensure that information from humanitarian agencies, independent medical and health professionals and local communities was delivered across the country.

SOMA has also dedicated much of the content on its long running programme co-produced by its members in different regions to cover the pandemic. The weekly one-hour programme has contained stories on COVID-19 and its impact on ordinary people's lives through local panel discussions with health officials and medical and public health experts, as well as live call-ins from audiences in the regions. The content-sharing programme is broadcast by 29 SOMA member radio stations located from Kismayo in the south, to Beledweyne on the border with Ethiopia, to Bosaso on the northern coast of Puntland.

Radio Ergo, a humanitarian broadcaster supported by IMS, has furthermore filled information gaps across the country. As only

a minority of people in largely urban-based centres have access to the internet, radio is the most effective means of reaching large numbers across Somalia.

Radio Ergo has national coverage on shortwave radio reaching even the most remote rural parts of the country. At the onset of the outbreak of COVID-19, Radio Ergo launched a range of special programming designed to inform different communities about the facts, risks, and means of protection against the virus. These have included a weekly mini-sermon by a respected Islamic leader who explained how Islamic wisdom aligned with following medical advice could slow the spread of the pandemic. Radio Ergo has also produced a radio drama series presenting various scenarios one could face during the pandemic with an entertaining slant. The broadcaster also opened its toll-free call-in platform to callers with questions about the virus, which were answered on-air by medical professionals.

Safety and protection of journalists has remained a key priority in Somalia. The Somaliland Journalists Association (SOLJA) has developed practical professional guidelines on how to report safely during the pandemic and these have been distributed to more than 400 journalists across Somaliland. SOMA produced a similar guidebook, which at least 500 journalists have received and PPE has been distributed to over 1,000 journalists and media workers across Somalia by Somali Independent Media Association (SIMHA), SOMA, and Media Association of Puntland (MAP).

Chapter 2:

The Infodemic – Misinformation, discrimination, and the threat to democracy

Faced with informing audiences about an unknown virus infecting tens of millions of people around the world, with no cure or even, initially, an established treatment plan, the core values of journalism – the importance of accuracy, facts, and clarity – became essential to humanity in a way rarely experienced in modern times. However, as Nic Newman for the Reuters Institute for the Study of Journalism (RISJ) pointed out, in a seemingly obvious but profound statement on the nature of the digital era: “Journalists no longer control access to information. Greater reliance on social media and other platforms gives people access to a wider range of sources and ‘alternative facts’, some of which are at odds with official advice, misleading, or simply false.”¹¹⁶

Social media platforms provide politicians with a means to communicate directly with their electorate, by-passing the usual scrutiny of media. In the hands of its perhaps most infamous proponent, the result has been a torrent of untruth: by the end of his four years in office, the Washington Post’s Fact Checker database had recorded over 30,000 false or misleading claims by former US President Donald Trump, with nearly half of these communicated at campaign rallies or through his now suspended Twitter account.¹¹⁷

In the context of the COVID-19 pandemic, social media became the principle vector for dangerous misinformation. In a speech delivered at the Munich Security Conference on 15 February 2020, WHO’s Director-General noted that “fake news spreads faster and more easily than this virus, and is just as dangerous”¹¹⁸, an assertion backed up by a study published in *Science* magazine.¹¹⁹

Of the 15 indicators IMS asked its eight interviewees to score, five respondents strongly agreed with the statement that COVID-19 had significantly increased misinformation. Only one respondent disagreed, making this indicator the second on which there was greatest consensus. Falsehoods in circulation can be categorised as both disinformation, produced and shared with malicious motivation, and as misinformation, when lies are spread without bad intentions. Misinformation will be used to describe both types.

¹¹⁶ Newman (2020)

¹¹⁷ Kessler (2021, January 24)

¹¹⁸ Adhanom Ghebreyesus (2020, February 15)

¹¹⁹ Vosoughi et al. (2018, March 9)

The problem

It is hard to overstate the scale of the misinformation problem. A study by the Bruno Kessler Foundation, based on a machine learning analysis of 112 million public social media posts in 64 languages related to the COVID-19 pandemic, found 40 percent of posts came from unreliable sources.¹²⁰ A second study of over 178 million tweets related to COVID-19 found almost 42 percent were produced by Internet bots – software applications that run automated tasks – and that 40 percent of the total were “unreliable”.¹²¹

Over a quarter of the most viewed YouTube videos on COVID-19 contained misleading information, reaching millions of viewers worldwide, according to findings published in May in the *British Medical Journal*.¹²²

As of end December 2020, the Coronavirus Misinformation Tracking Centre listed 385 websites in the US, UK, France, Italy, and Germany that were publishing materially false information about the virus.¹²³ Usual suspects such as Russia and China were active in creating, spreading, and amplifying disinformation narratives. Russia had been targeting Europe, the US, and Africa.¹²⁴

A survey by the ICFJ, of 1,406 journalists in 125 countries, found that politicians and elected officials were identified by 46 percent of respondents as a top source of misinformation, along with government agencies and their representatives (25 percent), and State-linked troll networks (23 percent), highlighting a serious lack of trust in political and governmental actors as the pandemic took hold.¹²⁵ Sampling from some 225 pieces of misinformation in the early months of the pandemic, the RISJ found that prominent public figures played “an outsized role in spreading misinformation about COVID-19”, accounting for one in five of the claims, but nearly 70 percent of the impact those claims made in terms of social media engagement.¹²⁶ “Disinformation from the government included ministers announcing in the first few months of the pandemic that Ethiopia had discovered a cure for COVID-19,” said IMS interviewee Henok Fente.

Facebook was most frequently identified in the ICFJ survey as a prolific disinformation vector (66 percent), while heavily partisan or State-run traditional news media was identified by one in three respondents as a major driver of disinformation.¹²⁷ Even in Germany, where trust in government institutions is among the highest in the world,¹²⁸ a survey by the Friedrich Naumann Stiftung in July 2020 found that one in three Germans believed traditional media were concealing facts about the pandemic due to pressure from the government.¹²⁹

Indeed, public trust in traditional media remained startlingly low in long-established democracies: in the UK and France, just one in three respondents to a YouGov survey in May said they trusted the media on COVID-19 information, way behind the government, friends and family, or healthcare professionals. Across 26 countries, all except respondents in Malaysia reported they were more likely to trust their friends and family

120 UNESCO (2020a)

121 Ibid

122 Oi-Yee Li et al. (2020, May 14)

123 NewsGuard (n.d.)

124 Cherevko (2020, June)

125 ICFJ (2020, July)

126 Brennen et al. (2020, April 7)

127 ICFJ (2020, July)

128 Edelman (2020, May 20)

129 Noorlander (2020)

than the media on information on COVID-19.¹³⁰ However, it should be noted that a low level of trust in the media does not necessarily mean a lack of public support: between 2015 and 2019, Pew's research showed that support for the independence of media grew by 19 percent in France and the UK, the highest in any nations surveyed.¹³¹

In Ukraine, where IMS has been supporting public interest media for the past decade, the annual media consumption survey by Internews, supported by USAID, found that more than 80 percent of respondents had been exposed to false rumours and disinformation about COVID-19, including that the coronavirus was a bioweapon made in a Chinese or a US laboratory, or that the media had invented it, or that the launch of 5G Internet technology had caused it.¹³²

"In Ukraine, we have media connected to Russia and they are very technically equipped, very good at distribution and very good at troll farms," said IMS interviewee Eugene Zaslavsky. "Every party except maybe two is engaged in a war through Facebook and Instagram. The pandemic has been a fuel for them. Our media literacy level is still low here: at one point in Kiev all the taxi drivers believed that COVID was a myth, that it didn't exist."

Dangerous to health and democracy

As the WHO noted, the 'infodemic' of misinformation that has accompanied the pandemic constitutes a serious risk to public health and public action.¹³³ "We're not just battling the virus," said WHO's Director General Ghebreyesus, "we're also battling the trolls and conspiracy theorists that push misinformation and undermine the outbreak response."¹³⁴ Reliable, accurate, and accessible information about the pandemic is essential to reducing the risk of transmission of the virus by enabling the public to respond en masse to public health advice.

At its most direct level, misinformation kills: some 700 people were reported to have died in Iran from drinking methanol alcohol after misinformation spread on social media claiming doing so would counter the virus,¹³⁵ while Americans drank bleach after their president suggested it might be an effective prevention.¹³⁶ Brazil's President Bolsonaro's video on Facebook, claiming with no evidence that anti-malarial drug hydroxychloroquine cured COVID-19 patients, received over six million views.¹³⁷

Similarly, Human Rights Watch criticised Mexican President Andrés Manuel López Obrador for "putting the people of Mexico in grave danger with his reckless disregard for providing accurate information" on the pandemic, including encouraging people to continue hugging and to go to restaurants.¹³⁸

But, as one of the greatest philosophers of 20th century totalitarianism Hannah Arendt warned about the propaganda of her own era, it is the erosion of a belief in truth, and of the collective action this belief makes possible, that is perhaps the most sinister outcome of the global misinformation pandemic.

130 YouGov (2020, May 18)

131 Connaughton (2020, May 1)

132 Internews (2020, October 16)

133 WHO (2020, February 2)

134 Adhanom Ghebreyesus (2020, February 8)

135 ABC News (2020, April 28)

136 Smith-Schoenwalder (2020, June 5)

137 Goodman & Carmichael (2020, July 12)

138 Human Rights Watch (2020, March 26)

Interviewed in 1974, Arendt said, “If everybody always lies [...] nobody believes anything any longer. [...] And a people that no longer can believe anything cannot make up its mind. It is deprived not only of its capacity to act but also of its capacity to think and to judge. And with such a people you can then do what you please.”¹³⁹

Independent, trusted journalism is key to supplying credible information within this infodemic, and to combating myths and rumours. Without it, false content can run rampant. In Ethiopia, IMS interviewee Henok Fente linked the increased work of journalists tackling misinformation to their increased vulnerability as targets for harassment: “On

a daily basis, journalists here are working to debunk myths about COVID-19, such as, that eating garlic is a cure. And when they publish that, they get harassed on social media.”

For many in public interest media, the infodemic that has accompanied the pandemic represents nothing less than an existential threat. As IMS interviewee Gloria Castrillon noted: “Disinformation is increasing in Colombia with the proliferation of blogs associated with the radical right. The purpose is to destroy independent media like my newspaper.” Her countryman

“The discrediting of public information is getting higher and higher every year, it’s like a contagion we’ve caught from situations in other countries.”

Jonathan Bock agreed: “The discrediting of public information is getting higher and higher every year, it’s like a contagion we’ve caught from situations in other countries.”

Under pressure to address their role in spreading misinformation, social media platforms attempted to stem the tide: in India, Facebook launched a Coronavirus Information Centre at the top of its News Feed while directing user searches for ‘coronavirus’ to the WHO’s resource page; WhatsApp (owned by Facebook) took similar measures and donated USD 1 million to the International Fact-Checking Network; Twitter broadened its guidelines on unverified claims that incite people to engage in harmful activities, such as those increasing the risk of contracting COVID-19.¹⁴⁰

But since each major platform has its own policies for how content is flagged, fact-checked, and then potentially removed, the outcome is inconsistent: misinformation taken off one platform may still appear on rival platforms, sowing further confusion and suspicion among users.

¹³⁹ The New York Review (1978, October 26)

¹⁴⁰ Khan (2020, July 5)



Misinformation discriminates

Misinformation also contributes to the stigmatising of, or discrimination against, vulnerable groups, including those infected with COVID-19. Sosena Tesfaye, manager of Ethiopia's Erka Media, told IMS that when she wished to interview survivors of COVID-19 for her radio programme, she had first to gain permission from the authorities, and then permission from the individuals themselves.

“First, to get hold of officials is very difficult. They say they are too busy; they say they are worried journalists will mislead the public. Then I must also have the consent from the person who has recovered. And it is difficult to get their permission. Sometimes they say, ok, but then two days later they have turned their phone off. Most people are not willing to be interviewed due to the stigma and discrimination against them, from their community, for having contracted COVID. People believe if you have survived COVID then you can still infect others. It's a lack of knowledge.”

On 8 May 2020, United Nations Secretary-General António Guterres warned that “the pandemic continues to unleash a tsunami of hate and xenophobia, scapegoating and scare-mongering” and urged governments to “act now to strengthen the immunity of our societies against the virus of hate.”¹⁴¹

Government leaders and senior officials in some instances have directly or indirectly encouraged hate crimes, racism, or xenophobia by using anti-Chinese rhetoric, ac-

Anti-lockdown conspiracy theorists and COVID-19 deniers protest in Trafalgar Square on 29 August 2020 for personal freedoms and against the government and mainstream media who, they say, are behind disinformation and untruths about the pandemic in London, England. Photo: Richard Baker / In Pictures via Getty Images

¹⁴¹ United Nations Statements and Messages (2020, May 8)

ording to Human Rights Watch.¹⁴² Several political parties and groups, including in the United States, United Kingdom, Italy, Spain, Greece, France, and Germany have also exploited the COVID-19 crisis to advance anti-immigrant, white supremacist, ultra-nationalist, anti-Semitic, and xenophobic conspiracy theories that demonise refugees, foreigners, prominent individuals, and political leaders.

Discrimination has not been limited to Asians or people of Asian descent. In early April 2020, Chinese authorities in the southern city of Guangzhou, Guangdong province, which has China's largest African community, began a campaign to forcibly test Africans for the coronavirus, and ordered them to self-isolate or to quarantine in designated hotels. Landlords then evicted African residents, forcing many to sleep on the street, and hotels, shops, and restaurants refused African customers.¹⁴³

In India and Sri Lanka, where leaders have done little to stop rising anti-Muslim discrimination in recent years, many apparent cases of COVID-19-related attacks and discrimination against Muslims have been reported.¹⁴⁴ Several government officials have made stigmatising public comments about Sri Lanka's minority Muslim community, including claims that Muslims are responsible for deliberately spreading the pandemic, along with calls for boycotts of Muslim businesses. The Sri Lankan government issued a rule on 27 March 2020 that anyone who died from COVID-19 complications must be cremated, which is at odds with Islamic religious practice. The WHO has said that cremation should be "a matter of cultural choice and available resources" and is not necessary to prevent the spread of COVID-19.¹⁴⁵ IMS interviewee Hana Ibrahim noted that "the government has stoked the racist profiling on social media, that blames COVID-19 on Muslims, by linking the virus' spread to Muslim funerals."

Less prominently debated in Sri Lanka has been the significantly disproportionate impact of COVID-19 on older journalists and those with chronic health conditions, according to IMS interviewee Karunarathna Paranawithana.

"In the big state-run media, journalists are retired here aged 55 and then they usually do some translating or contract work in the provinces. But with everyone in media reducing staff, those jobs are the first to go and so many don't have a means of earning [...] Those with chronic health conditions, like diabetes, have been particularly hard hit as the government closed all private-run small pharmacies and so the government pharmacies in the big hospitals quickly ran out."

The infodemic of 2020 also created a context conducive to increased persecution of LGBT persons, according to the OHCHR: "Hate speech explicitly or implicitly inciting violence against LGBT persons has been on the rise, including discourse by prominent political or religious leaders blaming the pandemic on the existence of LGBT persons in the community."¹⁴⁶

Misinformation can thus act as a vehicle for increasing stigma and discrimination of vulnerable groups. However, surveys have shown that, even when not aimed specifically at stigmatising vulnerable groups, misinformation discriminates in its impacts on certain communities. According to polling for the UK's Royal Society for Public Health, people from Black, Asian or minority ethnic backgrounds were significantly less likely (57

142 Human Rights Watch (2020, May 12)

143 Ibid

144 Ibid

145 WHO (2020, March 24)

146 OHCHR (2020, May 17)

percent) than white respondents (79 percent) to say they would be happy to receive the COVID-19 vaccine, despite being disproportionately more likely to get infected with the virus. The Royal Society for Public Health said there was an issue with anti-vaccination messages being ‘specifically targeted at different groups, including different ethnic or religious communities’.¹⁴⁷

A study of some 5,000 respondents in the UK, Ireland, US, Spain, and Mexico, published in the Royal Society Open Science in October, concluded that “misinformation about COVID-19 is a major threat to public health”. The study found that “having higher numeracy skills” was associated with lower susceptibility to coronavirus-related misinformation, and that there was “a clear link between susceptibility to misinformation and both vaccine hesitancy and a reduced likelihood to comply with health guidance measures”.¹⁴⁸

States’ responses

Ironically, but perhaps not surprisingly, it has been those States whose leaders are most often associated with misinformation and an absence of accountability that have reacted most excessively to the infodemic they themselves have propelled.

Russia amended its Criminal Code imposing fines of up to RUB 2 million (about EUR 22,000) and five years in prison on anyone ruled to have deliberately spread “false information” about serious matters of public safety such as COVID-19. The law is not limited to the duration of the pandemic. Within the first three months of the amendment, nearly 200 cases were launched against journalists, including arrests, fines, and orders to remove information from the public domain.¹⁴⁹

Ethiopia’s new law prohibiting misinformation is so broad that, according to Human Rights Watch, it gives the authorities discretionary power to declare any piece of information false, and to justify their crackdown on free speech.¹⁵⁰ As noted in Chapter 1, Sri Lankan police were empowered to arrest individuals accused of sharing “fake news” about the pandemic, and duly arrested, among others, a woman accused under the country’s Computer Crimes Act of spreading a false rumour that President Gotabaya Rajapaksa had contracted the virus.¹⁵¹

Colombia’s resolution 385, declaring a “health emergency” throughout the country until 30 May 2020, ordered television and radio stations and all other mass media to disseminate information provided by the Health Ministry.¹⁵²

On 20 January 2020, before COVID-19 became a pandemic, the Ukrainian Ministry of Culture, Youth and Sports published a draft law on combating disinformation and regulating media activity. The draft law introduces criminal liability for spreading disinformation and, according to the Ministry of Culture, is aimed at responding to Russian disinformation campaigns against Ukraine. However, the Union of Journalists of Ukraine warned that the law would legalise state interference in the media and restrict media workers’ rights.¹⁵³ As of end November 2020, the law had yet to be passed.

147 The Argus (2020, December 16)

148 Roozenbeek et al. (2020, October 14)

149 Noorlander (2020)

150 Human Rights Watch (2020, May 6)

151 Gunatilleke (2020, April 16)

152 International Center for Not-For-Profit Law. (n.d.)

153 Council of Europe (2020, January 27)

In April, EU Member State Hungary indefinitely prolonged its state of emergency, allowing Prime Minister Viktor Orbán to rule by decree, which included powers to criminalise the spreading of “false information” with a sentence of up to five years in prison.¹⁵⁴ Following international outrage, the state of emergency was revoked in late May but reimposed in November.

Other countries that amended their criminal code to introduce jail sentences for disseminating false information included Algeria, where first-time offenders during a health emergency can receive five years in prison, and Zimbabwe, where the sentence can be twenty years.¹⁵⁵

In total, the IPI identified 17 countries that have passed what it terms “excessive fake news regulations”.¹⁵⁶ The IPI also noted, “On the one hand, while many of these laws stem from an understandable desire to combat falsehoods, their vague definition and broad scope means that they can be easily manipulated to censor critical reporting”.¹⁵⁷

The rights approach: Protecting free speech, promoting truth and prohibiting discrimination

Freedom of speech is a central pillar of international human rights law and includes the public’s right to information. To lie through misinformation is to exercise freedom of speech: there is no human right to truth.

However, lies in the public domain can be damaging to an individual’s reputation or business and are thus prohibited under civil libel or defamation laws, and under international human rights law (IHRL) if they amount to hate speech or discrimination. In some countries, such as Poland, defamation, whether against a private individual or a public official, is still a criminal offence.

In Ethiopia, the much anticipated reform to the nation’s media laws that went before parliament in December 2020 includes provision for the decriminalisation of defamation, which would attract only civil liability, and be subject to a range of defences including truth and statements made in the public interest, a development IMS interviewee Henok Fente described as being of “far reaching significance for the progress of media freedom in the country.”

This is a complex area of law, and one where competing rights clash.¹⁵⁸ Lies, whether public or private, rarely amount to defamation or hate speech. However, lies in the public domain can also clearly infringe on the public’s right to freedom of information, if that right contains the assumption that information imparted by those exercising public powers is neither a lie made intentionally nor recklessly as to the truth of the matter.

In 2017, in a joint statement on fake news, disinformation and propaganda, freedom of expression monitors of the United Nations, the Organisation for Security and Cooperation in Europe, and the Inter-American Commission for Human Rights, set out a series of simple and seemingly obvious points:

154 Facsar (2020, April 7)

155 International Center for Not-For-Profit Law. (n.d.)

156 IPI (n.d.)

157 Wiseman (2020, October 22)

158 Article 19 (2020, March)

“State actors should not make, sponsor, encourage or further disseminate statements which they know or reasonably should know to be false (disinformation) or which demonstrate a reckless disregard for verifiable information (propaganda) [...] State actors should, in accordance with their domestic and international legal obligations and their public duties, take care to ensure that they disseminate reliable and trustworthy information, including about matters of public interest, such as the economy, public health, security and the environment.”¹⁵⁹

However, the same group, responding to the pandemic, warned against attempts to criminalise misinformation related to COVID-19: “[A]ny attempts to criminalise information relating to the pandemic may create distrust in institutional information, delay access to reliable information and have a chilling effect on freedom of expression”¹⁶⁰

In his report, *Disease pandemics and the freedom of opinion and expression*, former UN Special Rapporteur Kaye argues that the penalisation of disinformation is disproportionate, fails to achieve its goal, and instead deters individuals from sharing what could be valuable information.¹⁶¹

Antonina Cherevko, in a briefing paper for IMS in June 2020,¹⁶² wrote, “Quite often disinformation laws are just a variation of defamation legislation specifically aimed at protecting the ‘good name and reputation’ of the governments and used selectively to target ‘uncomfortable’ dissenting voices”.

In its May 2020 report on Journalism, Press freedom and COVID-19, UNESCO argued that if States derogate from the right to freedom of information, they must meet a three-part test: “Authorities must only seek to restrict content pursuant to an order by an independent and impartial judicial authority, and in accordance with due process and standards of legality, necessity and legitimacy. States should also refrain from establishing laws or arrangements that would require the proactive monitoring or filtering of content, which is both inconsistent with the right to privacy and likely to amount to pre-publication censorship.”¹⁶³

The Human Rights Commissioner of the Council of Europe urged Council of Europe member States to ensure that “measures to combat disinformation are necessary, proportionate and subject to regular oversight, including by Parliament and national human rights institutions. Measures to combat disinformation must never prevent journalists and media actors from carrying out their work or lead to content being unduly blocked on the Internet. Those countries which have introduced restrictions that do not meet these standards must repeal them as a matter of urgency.”¹⁶⁴

Rather than criminalising misinformation, projects such as CoronaFakes, a partnership between IMS and the Regional Press Development Institute (RPDI), a Ukrainian NGO, work to expose lies and promote accountable information and media literacy.¹⁶⁵ The project aims to provide the general public - social media users - with a platform to verify information about COVID-19 and prevent the spread of misinformation through prompt fact-checking and verification of suspicious or viral messages in the media and social networks.

159 OHCHR (2017, March 3)

160 OHCHR (2020, March 19)

161 Human Rights Council (2020, April 23)

162 Cherevko (2020, June)

163 UNESCO (2020a)

164 Council of Europe (2020, April 3)

165 See platform in Ukrainian: <https://coronafakes.com/>

In Zimbabwe, IMS partner ZimFact's central mission is to verify news and information in the public arena. In an April report to IMS, the group said its small staff was struggling with "floods of fake information on social media platforms", but it saw opportunities in the "greater understanding by stakeholders of the dangers of false information and the importance of fact-checking". As well as improved cooperation with officials and the UN, ZimFact reported a rise in public demand for fact-checked information and based on this, hoped to build a stronger media literacy programme.

While the right to exercise free speech in the form of misinformation is a central protection of IHRL, where that speech amounts to an incitement to hatred or results in discrimination against a protected group or characteristic, it may be a breach of IHRL and, often, of domestic legal protections as well. Laws prohibiting hate speech are discussed in Chapter 3.

The International Convention on the Elimination of All Forms of Racial Discrimination (1966) (ICERD) obligates States Parties to "condemn racial discrimination" and undertake measures aimed at "eliminating racial discrimination in all its forms and promoting understanding among all races".

Under Article 1 of ICERD, "racial discrimination" is defined broadly as "any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life." Article 4 ICERD obligates States Parties to make incitement to racial discrimination an offence punishable by law. States Parties "shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination."

The Committee on the Elimination of Racial Discrimination (CERD) has long criticised States Parties for failing to enact the necessary legislation required to implement Article 4,¹⁶⁶ though several Parties, mainly from Europe, have entered reservations that Article 4 does not require measures that infringe freedom of speech.¹⁶⁷ There are 181 States Parties to ICERD, including all States mentioned in this chapter. Finally, Articles 3 ICCPR and ICESCR obligate States Parties to "undertake to ensure the equal right of men and women to the enjoyment of all" the civil, political, economic, social, and cultural rights set forth in the two Covenants.

166 CERD (1985, August 23)

167 ICERD (1966, March 7)

Zimbabwe: Separating fact from fiction

Robert Mugabe imposed an increasingly ruinous rule on Zimbabwe for four decades, until a military coup ousted him in 2017. Since then, misinformation has been described as a 'tsunami'. Now, as elsewhere, misinformation has become part of the country's political game.

"Most often it is the elite who benefit from mis- and disinformation," said Lifaqane Nare, Head of Programmes at ZimFact, an IMS partner, and the country's first fact-checking platform, established in 2018. "Government uses disinformation to portray its handling the COVID-19 pandemic as exemplary. Opposition parties use false stories to try and discredit the government's work."

Zimfact is a non-partisan news and information fact-checking platform, founded on the principles of impartiality and independence, and has worked closely with IMS since its inception. The platform's 'Promise Checker' tracks the delivery status of government programmes, pre- and post-election. This has boosted both accountability and the provision of accurate, fair, balanced information.

In October 2020, President Emmerson Mnangagwa was quoted in *The Herald*, Zimbabwe's largest newspaper, as declaring that the WHO had ranked his country one of the best in the world for its COVID-19 response. He claimed that a ranking of 102 represented a high score, compared with nations that had scored single digits.

However, on its website and Facebook page, ZimFact quickly declared this claim to be false. "In fact, the WHO had done no such thing, but the president was giving the impression his handling of COVID-19 has been so good, that it was even being commended by bodies such as the WHO," said Lifaqane Nare.

Zimbabwe's opposition has also been caught misleading the public for political gain. In a speech in November, Tendai Biti, second Vice President of the Movement for Democratic Change Alliance, criticised the government's handling of the pandemic, claiming Zimbabwe had the world's lowest per capita rate of COVID-19 testing. ZimFact duly crunched the numbers and found Zimbabwe actually had better rates of testing than several of the regional countries that Biti had cited.

In a country where the trickle of official information is either slow or non-existent, where inflation runs rampant, corruption is endemic, and lives are lived at the very edge, the rapid growth in access to social media has given Zimbabweans the ideal means to vent their frustrations and air their opinions.

As the first cases of coronavirus hit Zimbabwe, the most popular stories on WhatsApp, Facebook, and Twitter suggested that Africa's warm climate would keep the virus away or that Africans would be immune. Later, as the virus spread, so too did stories of alternative cures, such as inhaling steam, for which there was no evidence.

Africa's fact-checkers have been mobilising: the continent's first, Africa Check, launched in Johannesburg in 2012 and has been joined by a dozen other platforms, including in Nigeria, Ghana, Kenya, Namibia, Mozambique, and Egypt.

"We need to make it easier to find reliable information," said ZimFact founder Cris Chinaka during a panel for African fact-checkers, in Cape Town in 2019. "Misinformation flourishes when reliable information is scarce or mistrusted".

Chapter 3:

Safety of journalists – Offline killers, online violence, and the prohibition of hate

Reporting on the impacts of the pandemic has required journalists to expose themselves to the risk of infection, and although fewer journalists were recorded as killed in 2020 in connection with their work than at almost any time in the past decade, even a conservative estimate of 200 journalists, who died after contracting COVID-19 because of their work, makes the year the most lethal year on record.

In 2017, IMS published an extensive comparative analysis of how well national mechanisms protect journalists and address the issue of impunity in seven countries notoriously dangerous for the media: Afghanistan, Colombia, Iraq, Indonesia, Nepal, Pakistan, and the Philippines.¹⁶⁸ As part of IMS' longstanding commitment to promoting a holistic approach to SoJ, and in adopting a human rights-based and gender-sensitive approach, this report on the impact of COVID-19 includes its impacts on the right to life and to a safe working environment; on the right to health, including mental health; on the right to be free of discrimination, including through hate speech online, particularly as it manifests as gender discrimination. There was a strong consensus among IMS interviewees - five in agreement, one neutral, and two in disagreement - that harassment of journalists had increased due to COVID-19.

Right to life

All the major watchdogs agreed that, according to their established measures, 2020 was the second safest year on record since 2002 in terms of the number of journalists who were killed in connection with their work. RSF recorded 47 journalists, four media assistants, and one citizen journalist killed in connection with their journalistic work through 2020, down from the highest total of 88 journalists killed in 2007, but up from 40 journalists killed in 2019. Overall, 2020 was the fourth lowest figure for journalists killed, according to RSF since it began recording the totals in 2000.¹⁶⁹

The CPJ recorded the killing in 2020, with confirmed motivation, of 32 journalists

¹⁶⁸ IMS (2017, October)

¹⁶⁹ RSF (n.d., b)

(30 men and 2 women) rising to 49 when unconfirmed motives were included.¹⁷⁰ That compares to the highest CPJ total of 76 journalists killed with confirmed motivation in 2009, and down from a low of 21 journalists killed in 2002. It is a slight increase on the figure of 26 killed in 2019.

According to a UNESCO report released on 2 November 2020 to mark the International Day to End of Impunity for Crimes against Journalists, in the first nine months of 2020, 39 journalists were killed (36 men, 3 women).¹⁷¹ That figure compares with 57 journalists killed in 2019 (52 men, 5 women). Latin America and the Caribbean region accounted for the highest proportion of those deaths. In 2018, UNESCO recorded 99 killings (92 men, 7 women).¹⁷² Finally, the International News Safety Institute (INSI) put the 2020 figures at 47 journalists killed (45 men, 2 women).¹⁷³

Near total impunity for the killers of journalists continued to be the norm through 2020: CPJ recorded complete impunity in 86 percent of cases, while for the 10-year index period ending August 31, 2020, CPJ recorded 277 journalists as being murdered for their work worldwide and in 83 percent of those cases no perpetrators were successfully prosecuted.¹⁷⁴

However, none of the major media safety watchdogs made specific reference to journalists dying after having contracted COVID-19 in connection with their work. The CPJ categorises deaths of journalists as either through 'crossfire', 'murder', or 'dangerous assignment'. The latter category did not record any deaths of journalists who had contracted COVID-19 on assignment. The CPJ does not have a publicly available database of journalists who have contracted COVID-19. INSI disaggregates its data on journalist deaths by the rather grisly categories of 'decapitated', 'shot', 'blown up', 'stabbed', or 'strangled', but makes no mention of COVID-19.

Although none of the major watchdogs have yet compiled verified statistics linking the deaths of journalists to their having contracted COVID-19 in connection with their work, an analysis of news and other reports suggested the virus has taken a heavy toll on media workers.

In Latin America alone, a total of 171 journalists were reported to have died from the virus, according to the regional office of the IFJ.¹⁷⁵ Particularly hard hit was Peru, where at least 82 reporters died from the virus between 16 March – when the country imposed a lockdown – and 17 August, according to the National Association of Journalists of Peru. Many were over 65 years old, and several were retired. The Association estimated that more than half of those who died had not contracted the virus because of their work as journalists, based on their movements, illness within their families, and other factors.¹⁷⁶

Between 1 March and the end of 2020, the Press Emblem Campaign said it had recorded the deaths of 602 journalists in 59 countries, based on information from local media, national associations of journalists, and regional Press Emblem Campaign correspondents. However, it stressed that it was unable to differentiate between journalists who had contracted COVID-19 due to their reporting work, and those who had not.¹⁷⁷ The Poy-

170 CPJ (n.d)

171 UNESCO (2020, November)

172 Ibid

173 INSI (2020)

174 Beiser (2020, October 28)

175 Nalvarte (2020, September 28)

176 Torchia (2020, August 20)

177 Press Emblem Campaign (2021, January 5)

nter Institute for Media Studies began listing published obituaries of journalists and media employees around the world who had died with COVID-19. As of end November 2020, the list totalled some 145 names.¹⁷⁸

The difference in figures between Poynter and the Press Emblem Campaign is significant. But even if a lower figure of around 400 journalists dying with COVID-19 in 2020 is adopted, and even if, as in the estimate of the National Association of Journalists of Peru, only half of that number had contracted COVID-19 as a result of their work, then at least some 200 journalists can be estimated to have died, worldwide, from having contracted COVID-19 in the course of their profession.

That number, if added to the CPJ count of 32 journalists killed through 2020 with confirmed motivation, would give a total death toll of 232, making 2020 by far the single deadliest year for journalists since 1992 when the CPJ began its tally of such data. The deadliest year for journalists, according to CPJ measurements, was 2009 when 76 journalists were killed with confirmed motivation in the course of their work.¹⁷⁹

The CPJ said media workers “are often potentially exposed to infection through travel, interviews, and the locations they find themselves working in” and recommended the use of protective equipment, as well as hygiene and social distancing measures, to reduce the chance of infection in the field.¹⁸⁰

However, according to the ICFJ June 2020 survey of 1,406 journalists, a third of respondents said their news organizations had not supplied a single piece of protective equipment for field reporting.¹⁸¹ IMS partner Myanmar Now reported in April that its journalists had received “minimal protective equipment for covering news during the COVID-19 crisis.” In IMS’ small sample of eight journalists, five agreed that journalists reporting from the frontlines of the pandemic had adequate access to personal protective equipment, while three disagreed.

“At the beginning of the lockdown there was a big hustle around masks,” said IMS interviewee Daryna Shevchenko from Ukraine, “but quite soon after, there were international grants to help newsrooms supply masks for journalists, so the situation got better.”

IMS managed to source a private donation of approximately 10,000 face masks from a medical supply company in Sweden, Gibson Medical. IMS appealed to Gibson Medical to support the safety of journalists in the face of the pandemic and is grateful for its generosity, as all panellists agreed that in the absence of international support, journalists had been left to purchase PPE for themselves – a further financial burden on already stretched incomes.

“For a junior reporter in Ethiopia, the salary might be 4,000 to 5,000 Birr per month (EUR 110),” said IMS interviewee Henok Fente. “Because of COVID the media has lost 60 to 90 percent of its advertising revenue which has impacted its ability to provide PPE. So, a junior reporter will be spending about 20 percent of their salary on masks and hand sanitisers.” Fente pointed to reform of the labour laws in Ethiopia – making provision of PPE to employees obligatory – as a positive development. Fente’s MERSA Media Institute, in partnership IMS, conducted seven training and experience-sharing workshops for journalists through 2020 on safety during COVID-19, and on how to report its impact on marginalised communities, issues impacting women, plus fact-checking and debunking

178 Hare (2020, December 17)

179 CPJ (n.d.)

180 CPJ (2020, August 14)

181 Posetti et al. (2020a)



Meal delivery service worker during the pandemic in Hong Kong, China holding bundles of Apple Daily newspaper for clients to show supports of press freedom and freedom of speech on 11 August 2020. Photo: Billy H.C. Kwok/Getty Images

misinformation. MERSA also produced booklets in Ethiopia's major languages on safety guidelines and the rights of journalists during COVID-19.

In Colombia, "journalists at the majority of national media outlets had access to masks, gloves, shields and sometimes gowns," said IMS interviewee Gloria Castrillon, "but it was most likely that regional media outlets did not provide protective equipment for journalists, so they had to buy it for themselves." FLIP's director Jonathan Bock said his organisation had supplied 200 sets of PPE to regional journalists and freelancers, citing the relative cost to lower paid journalists who might earn only EUR 270 per month. In the early months of the pandemic, when supplies were low, those journalists would have to spend around EUR 40 per week on PPE. In Sri Lanka, IMS interviewee Karunarathna Paranawithana put the price of a mask at EUR 0.22 and the average daily wage of a journalist at EUR 11.

The physical safety of journalists continued to be an aspect of the profession in which gender inequality manifested itself starkly. A similar figure of male journalists (two percent) to female journalists (three percent) reported being physically assaulted in connection with their work during 2020.¹⁸²

However, as can be seen from the figures above, men are overwhelmingly more likely to be killed in connection with their work as journalists, accounting for an average of 9 in 10 deaths of journalists (not including deaths from COVID-19), a proportion that remains consistent over many years of such records. In an analysis of over three million cases, research published in *Nature* found that while there was no difference between the

number of men and women with confirmed cases of COVID-19, men were three times as likely to require intensive care and had a greater chance of dying.¹⁸³

Beyond the relative roles of biological health, British medical journal *The Lancet* pointed to the dangers of the strong beliefs, norms, attitudes, and stereotypes of masculinity that contribute to poor health among men. According to *The Lancet*, “these beliefs create social barriers that prevent men from seeking medical services and that expose them to greater risks” and those harmful masculinity norms are negatively influencing gender equality gains and government policy.¹⁸⁴

As IMS’ Emma Lygnerud Boberg pointed out in a blog post from August 2020, such toxic masculinity norms include requiring men to be “invulnerable, strong and self-sufficient” and to “show no weakness”, which can include, at its most toxic, the refusal to wear face masks during the pandemic, as manifested by authoritarian leaders such as President Trump or President Bolsonaro.

“Media mirror and often amplify these masculinity norms, but also has the power to change them,” said Boberg. “When reporting on the pandemic, media should be mindful not to replicate or amplify harmful masculine stereotypes.”¹⁸⁵

It may be assumed that male journalists are not immune to the problematic beliefs in masculinity that manifest in wider society, and thus, beyond any difference between numbers of male and female reporters, such beliefs may play a significant role in the far greater likelihood of men, rather than women, dying while reporting. Public interest media have a duty to challenge such harmful gender norms and thereby improve the physical security of their own journalists.

Right to health

There was a large degree of consensus from major surveys and from IMS’ interviewees that the most significant overall impact of COVID-19 on journalists was on their mental health. In 2020, journalists around the world faced increased pressure, with extended hours, relentless fact-checking, fears over job security, and the trauma of reporting on severe illnesses.

“The overload and constant flow of negative information about COVID-19 is creating a significant psychological pressure on our journalists,” reported IMS partner in Armenia, Medialab in April 2020. And media managers were also suffering: “Managing deadlines and the timely delivery of certain projects was severely disrupted,” reported IMS partner in Tunisia, Inkyfada. “Forward planning has also been rendered difficult. Maintaining a steady work pace in this anxiety-inducing context is a management challenge.”

ICFJ’s analysis of 1,406 vetted survey completions during the pandemic’s first wave found 70 percent of respondents rated the psychological and emotional impacts of dealing with the COVID-19 crisis as the most difficult aspect of their work, while 82 percent reported at least one negative emotional or psychological reaction as a result of the pandemic. The next most-frequently nominated concerns were unemployment or other financial impacts (67 percent), and intense workload (64 percent).¹⁸⁶

183 Peckham et al. (2020)

184 *The Lancet* (2019, November 16)

185 Lygnerud Boberg (2020, August 12)

186 Posetti et al. (2020a)

Those findings correlate to a much smaller survey by British media analyst John Crowley who focused on 130 journalists from a dozen countries around the world. When asked about the pandemic's effect on their mood, 77 percent of respondents reported some kind of work-related stress.¹⁸⁷

"The machine works but it is dry," reported an IMS partner in Egypt, in a memorable description of the shift to working remotely through computers. "We hold two meetings online daily, which is a great benefit to our workflow, with less time wasted than usually happens when in the office. But there is no room for creative thinking, personal reflections, deep interactions. No inspiration, laughs, and shared cigarettes and bread in our beautiful sunny, green balcony facing the lemon, orange and mango trees." In Zimbabwe, IMS partner MISA captured the paradox succinctly: "There is a strange mix of flexibility but also added pressure to deliver when working from home."

“There is a strange mix of flexibility but also added pressure to deliver when working from home.”

Balancing work and home-schooling/childcare responsibilities had been a serious concern for four in ten of ICFJ's respondents, but the findings had not yet been disaggregated by gender to uncover the stark difference in lockdown's impact on working conditions of men and women.

The lockdown imposed in many nations around the world at the outbreak of COVID-19 was described by one leading commentator as a "disaster for feminism",¹⁸⁸ due principally to the fact that, with children at home and the elderly most vulnerable to the virus, women were far more likely to sacrifice their jobs to look after family members young and old. According to the ILO, globally women perform three quarters of total hours of unpaid care work, more than three times as much as men.¹⁸⁹ In the Asia Pacific region, that figure rises to 80 percent. The media is no exception.

"Women have been disproportionately affected by COVID restrictions, not because they are women journalists but because they are women. Men here still have no awareness of sharing the care of the home or the children and so women end up doing double or triple work," said IMS interviewee Gloria Castrillon of Colombia's *El Espectador* newspaper.

In a survey by the IFJ conducted during the last week of April among 1,308 journalists – 42 percent of whom were female – from 77 countries, women were slightly more likely than men to report increased levels of stress due to COVID-19; 63 percent compared to 55 percent, respectively.¹⁹⁰

In a later IFJ survey published on 23 July and sampling 558 women journalists, a small majority (56 percent) said COVID-19 had increased inequality in their industry, with

187 Crowley & Garthwaite (2020)

188 Lewis (2020, March 19)

189 ILO (2018, June 27)

190 IFJ (2020, April 30)

the balance between private and professional life seen as the principle area in which inequality has increased. A higher percentage, 77, said their stress had increased, principally due to doing multiple jobs while working from home.¹⁹¹

From Jordan, IMS partner Al Hudood reported that although working from home had long been part of its operations, the greatest challenge for its journalists was how to balance work and childcare at home. Likewise, in Syria, amid a decade-long civil war, IMS partner Arta FM said work from home had not been easy for journalists with children or family members to look after, often living without enough space and with poor Internet connections.

However, despite the heavy toll of stress and anxiety that COVID-19 exacted on journalists, ICFJ found that the top three emotional and psychological reactions to the pandemic identified by respondents' were actually positive: an increased sense of commitment to the importance of journalism (61 percent); valuing their friends and family more than before COVID-19 (46 percent); experiencing a deeper appreciation for life (42 percent).¹⁹² Again, the smaller survey by Crowley appeared to support those findings, with one in three of his respondents saying their experience of lockdown on their work as journalists had been positive.¹⁹³

Offline violence and threats

Journalists reporting on COVID-19 were subjected to a range of physical attacks and threats while covering the pandemic. The IPI's Tracker on Press Freedom Violations Linked to COVID-19 Coverage reported 201 arrests of journalists by end December 2020, just under half of them in the Asia Pacific region, and 178 verbal or physical attacks.¹⁹⁴ To the same date, Index on Censorship recorded 51 attacks against journalists by the State and members of the public, and 63 arrests.¹⁹⁵ During the first six months of 2020, in its Platform to promote the protection of journalism and safety of journalists, the Council of Europe reported 104 incidents, a rise from 64 incidents reported over the first six months of 2019. The Platform said 32 of the incidents in 2020 were related to journalists reporting on COVID-19.¹⁹⁶

In Ukraine, RSF described a "wave of attacks against reporters covering the coronavirus lockdown", apparently by members of the public.¹⁹⁷ "In Ukraine, journalists get a lot of hate speech," said IMS interviewee, Daryna Shevchenko. "People shout things like, 'You suckers want us all to panic and die.'" In Russia, the President of the Republic of Chechnya reportedly issued death threats against a journalist who had reported on human rights violations committed under the pretext of combating COVID-19.¹⁹⁸

From Sri Lanka, Hana Ibrahim highlighted the case of Indunil Usgoda Arachchi, a journalist for the Ravaya newspaper, whom Ibrahim said was harassed by the army and felt threatened after reporting on the military's policy of entering people's homes, often

191 IFJ (2020, July 23)

192 Posetti et al. (2020a)

193 Crowley & Garthwaite (2020)

194 IPI (n.d.)

195 Index (n.d.)

196 Council of Europe (n.d., b)

197 RSF (2020, April 10)

198 DW Akademie (2020, April 23)

after midnight, to forcibly remove to quarantine those suspected of having contracted COVID-19. Karunarathna Paranawithana, IMS interviewee and a former official at Sri Lanka's Ministry of Mass Media, said he knew of one journalist, Sampath Samarakoon, the editor of Vikalpa online news site, who felt compelled to leave the country having been put under surveillance by the government and having received threats over his critical coverage, although unrelated to COVID-19.

COVID-19 brought with it what UN Women called the 'Shadow Pandemic', an intensification of violence, particularly domestic violence, against women and girls.¹⁹⁹ Even before the pandemic, UN Women estimated that, worldwide, one in three women experience physical or sexual violence by an intimate partner. None of the major media surveys collated for this report contained information on domestic violence against women journalists, and no IMS interviewee raised the subject. However, it is unlikely that women journalists emerged unharmed from this 'Shadow Pandemic'.

Online violence and threats

The ICFJ and UNESCO report of November 2020 is the most comprehensive such survey to date, and warned that "Online violence is the new frontline in journalism safety – and it's particularly dangerous for women."²⁰⁰ Gathering responses from 1,210 journalists and media workers identifying as women, and including many nations from the global south, ICFJ's report found that 73 percent of participants said they had experienced online abuse, harassment, threats, and attacks.²⁰¹ Of that number, one in five reported being targeted with offline abuse and attacks that they believed were connected with the online violence they had experienced.

The murders of Maltese investigative journalist Daphne Caruana Galizia²⁰² and prominent Indian journalist Gauri Lankesh²⁰³ in 2017, both of whom had been the targets of prolific, gendered online attacks before they were killed, stand as grave warnings of how online abuse can translate into fatal, offline violence.

No exclusive survey of male media workers' experience of online abuse was taken through 2020. But in 2016, The Guardian analysed 70 million comments left by its readers since 2006, and in the largest ever such survey, found that of the ten regular journalists who received most abuse, eight were women.²⁰⁴

ICFJ's report confirmed that women journalists are "at much greater risk in the course of their work, especially on digital platforms. In the online environment, we see exponential attacks – at scale – on women journalists, particularly at the intersection of hate speech and disinformation".²⁰⁵ (See Chapter 2.)

However, it appears that COVID-19 has simply exacerbated an already growing problem, rather than being the significant cause of it: just 16 percent of women respondents to ICFJ's June survey said the online abuse they suffered was "much worse than

199 UN Women (n.d.)

200 Posetti et al. (2020b)

201 Posetti et al. (2020b)

202 Garside (2018, April 17)

203 Romig (2019, March 14)

204 Gardiner et al. (2016, April 12)

205 Posetti et al. (2020, November 25)

normal”,²⁰⁶ a figure supported by a survey of 558 women journalists by the IFJ, also in June, which found 18 percent of respondents said their online abuse had increased.²⁰⁷

Prior surveys appear to back up a conclusion that online violence against women journalists would have been increasing in 2020, with or without COVID-19. In 2014, when online violence against journalists began to be documented, a survey of nearly 1,000 women journalists conducted by the International Women’s Media Foundation (IWMF) and the INSI, and supported by UNESCO, found that 23 percent of female respondents had experienced “intimidation, threats or abuse” online in relation to their work.²⁰⁸ Eight in ten of the women journalists surveyed said they felt their work had grown more dangerous because of social media and its role in audience engagement and news distribution, a sentiment that can only have increased as socially distanced newsgathering moved online.

A follow-up survey conducted by IWMF and Trollbusters in 2018, involving a smaller but still substantial sample, found that 63 percent of female respondents had been harassed or abused online at least once.²⁰⁹ By 2020, from ICFJ’s latest findings, the figure had risen to 73 percent of women journalists. Although these surveys cannot be directly compared, when viewed collectively the pattern reflects other research suggesting that gendered online violence against women journalists has worsened significantly over the past decade.

Five of the eight journalists interviewed by IMS for this report said they felt harassment of journalists, particularly online, had increased during 2020, but not necessarily directly due to the pandemic. “Physical threats against journalists are lower this year, but online harassment is higher than last year,” said Jonathan Bock from Colombia. “And against women journalists the growth in online harassment has been exponential. But that was occurring before the pandemic, it’s not related to COVID.”

“We do have threats and harassment of journalists,” said IMS interviewee Gloria Castrillon, “but in Colombia the harassment is not related to the pandemic but to the political polarisation. The peace agreement is polarising in Colombia, as is the US election. The handling of the pandemic was not so much.”

The 2012 UN Plan of Action on the Safety of Journalists and the Issue of Impunity recognises that female journalists “also face increasing dangers, highlighting the need for a gender-sensitive approach. In carrying out their professional duties, they often risk sexual assault, whether in the form of a targeted sexual violation, often in reprisal for their work; mob-related sexual violence aimed against journalists covering public events; or the sexual abuse of journalists in detention or captivity. Furthermore, many of these crimes are not reported as a result of powerful cultural and professional stigmas.”²¹⁰

Online violence and threats against women journalists have had a particularly chilling effect, with four in ten telling IWMF in 2018 that they subsequently avoid reporting on certain stories, while nearly 30 percent have considered leaving the profession as a result.²¹¹ “It began a spiral of silence. Anyone who was critical or asked questions about extrajudicial killings was attacked, brutally attacked. The women got it worst,” said Maria Ressa, a former CNN war correspondent, describing years of enduring an online

206 Ibid

207 IFJ (2020, July 23)

208 Barton & Storm (2014)

209 Ferrier (2018)

210 UNESCO (2012)

211 Ibid

harassment campaign directed at her for investigating extra judicial killings in the Philippines.²¹² As the November ICFJ report noted, online violence against women is thus “both a genuine gender equality struggle and a freedom of expression crisis”. (See Chapter 1.)

State surveillance

While several interviewees felt unable to give any sure answer to the question of whether COVID-19 had increased state surveillance of journalists, there was serious concern raised by others that measures taken by their government to combat the spread of the virus, such as tracking citizens’ movements through mobile phone data, could be used against the media.

“Investigative journalists say, yes, surveillance has increased,” said IMS Ukraine interviewee Eugene Zaslavsky. “But it was not the pandemic. It was planned before the pandemic.” Both Zaslavsky and countrywoman Daryna Shevchenko gave the example of investigative journalist Mykhailo Tkach. His *Skhemy* programme on Ukraine’s main public television channel, UA:Pershyi, was known to have annoyed senior politicians through its exposure of corruption in Ukraine.

In August, Tkach discovered holes in the ceiling of his flat, which experts concluded were drilled to install surveillance equipment.²¹³ A week later, a car used by *Skhemy*’s journalists was set on fire while parked in Brovary, a town 25 kilometres east of Kiev. Concerned when no effective investigation ensued, Tkach filed an official complaint about police inaction.²¹⁴ Both interviewees also mentioned court orders for wire taps of journalists’ phones, sought by Ukraine’s Interior Ministry, that had been successfully resisted after an activist campaign. “Investigative journalists have sometimes received a message with the script of their phone call on it,” said Zaslavsky.

Gloria Castrillon told IMS the Colombian state spies on its journalists “with or without a pandemic”, but Jonathan Bock worried that the government’s corona app, which tracks citizens’ movements and which they need to enter shopping malls or take a flight, suffered from a “lack of transparency about how the data is managed, and who is in charge of protecting the information”, though he stressed he was not aware of “direct spying on journalists because of the pandemic.”

In Sri Lanka, IMS interviewee Hana Ibrahim said she was aware of being under surveillance and gave the example of lawyer and journalist Hejaz Hezbollah who was arrested in July under the Prevention of Terrorism Act.²¹⁵ “They monitored him going to an ATM and then called him to say they thought he had become infected because he had visited that ATM where another infected person had been,” said Ibrahim. “They told him to stay at home, and when he did, they came and arrested him.” Hejaz Hezbollah has ties to the father of two of the suicide bombers that struck Christian churches and hotels in Colombo on Easter Day in 2019.

In its annual report, Freedom on the Net, Freedom House found that governments around the world had used the COVID-19 pandemic “as cover to expand online surveillance and data collection, censor critical speech, and build new technological systems of

212 Posetti (2017)

213 Radio Free Europe/Radio Free Liberty (2020, August 14)

214 RSF (2020, August 20)

215 Ruwanpathirana (2020, July 15)

social control". This "rapid and unchecked rollout of artificial intelligence and biometric surveillance to address the public health crisis has created new risks for human rights", the report concluded, citing China as the world's worst abuser of Internet freedom for the sixth year in a row.²¹⁶ "History has shown that technologies and laws adopted during a crisis tend to stick around," said Adrian Shahbaz, director for technology and democracy and a co-author of the report. "As with 9/11, we will look back on COVID-19 as a moment when governments gained new, intrusive powers to control their populations."²¹⁷

The rights approach: Violence is censorship; outlawing gendered hate speech; restricting surveillance

The ICCPR contains a number of obligations relevant to the safety of journalists, including the right to life (Article 6) and to freedom from torture (Article 7). States Parties are also obliged to guarantee individuals' freedom from arbitrary detention (Article 9) and ensure the right to a fair trial (Article 14). The ICCPR further requires States Parties to guarantee freedom from "arbitrary or unlawful" interference in an individual's privacy, of particular importance for protecting journalists' private communications, their access to and use of anonymity and encryption tools.²¹⁸

Violence against journalists is also an attack on the Article 19 right to freedom of expression. "The protection of the media is a protection of the public's right to information, not only a protection owed to the reporters themselves," noted David Kaye, the former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.²¹⁹

In its 2018 resolution 39/6 on the safety of journalists, the Human Rights Council recognised that the work of journalists "often puts them at specific risk of intimidation, threats, harassment and violence, including the targeting of their family members, which often deterred journalists from continuing their work or encouraged self-censorship, consequently depriving society of important information".

The Council strongly condemned "the prevailing impunity for attacks and violence against journalists and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes, and calls upon States to develop and implement strategies for combating impunity for attacks and violence against journalists".²²⁰

ICESCR's Article 12 right to health includes both physical and mental health. Thus, States should ensure that psychosocial support is available to journalists for the mental health consequences of COVID-19's impact on their work.

On 5 July 2018, the Human Rights Council adopted resolution 38/5, which addresses discrimination and violence against women in digital contexts, including the impact on their freedom of expression, calling on States to integrate gender perspectives and

²¹⁶ Freedom House (2020, October 14)

²¹⁷ Ibid

²¹⁸ Chocarro (2020, November 2)

²¹⁹ Human Rights Council (2020, April 23)

²²⁰ Human Rights Council (2018, September 27)

to ensure the “early, full and effective participation of women and girls in the development and implementation of national policies [...] in the area of digital technologies and creating monitoring and accountability mechanisms to ensure implementation of gender-sensitive policies and regulations”²²¹

Importantly, the founding treaties of IHRL do not contain prohibitions on hate speech that would clearly address online violence directed at women journalists.

ICCPR Article 20 defines unlawful hate speech as “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.” However, under ICCPR, gender is not a basis for constituting unlawful hate speech.

The 2012 Rabat Plan of Action outlined a six-part threshold test that authorities may use when balancing freedom of expression against prohibition of hate speech. The test to be applied to each individual speech act takes into account: (1) social and political context; (2) status of the speaker; (3) intent to incite the audience against a target group; (4) content and form of the speech; (5) extent of its dissemination; (6) likelihood of harm, including imminence.²²²

Article 1 of the Convention for the Elimination of all Forms of Discrimination Against Women (1979) (CEDAW) defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” Article 2 CEDAW obligates States Parties to “pursue by all appropriate means and without delay a policy of eliminating discrimination against women”. There are 189 States Parties to CEDAW, including all the States mentioned in this chapter. Only six UN Member States have not ratified the Convention, including Iran, Somalia, and the US.

In 1997, the Committee of Ministers of the Council of Europe, the 47 Member States who have ratified the European Convention on Human Rights (ECHR), adopted a recommendation on hate speech that defined it as “speech likely to produce the effect of legitimising, spreading or promoting racial hatred, xenophobia, anti-Semitism or other forms of discrimination or hatred based on intolerance”.²²³ Accordingly, the European Court of Human Rights has confirmed that it “may be considered necessary in certain democratic societies to sanction or even prevent all forms of expression which spread, incite or justify hatred based on intolerance”.²²⁴

In 2008, the European Council, the body that defines the overall political direction of the EU, issued a Framework Decision that: “Certain serious manifestations of racism and xenophobia must constitute an offence in all EU countries and be punishable by effective, proportionate and dissuasive penalties.”²²⁵ The Decision defined criminal hate speech as including “public incitement to violence or hatred directed against a group of persons or a member of such a group defined on the basis of race, colour, descent, religion or belief, or national or ethnic origin”.²²⁶ As with the earlier definitions, gender was not included as grounds for prohibiting hate speech.

221 Human Rights Council (2018, July 17)

222 Human Rights Council (2013, January 11)

223 Council of Europe (1997, October 30)

224 *Erbakan v Turkey* (2006) § 56

225 Council of the European Union (2008)

226 *Ibid*

A July 2020 study for the European Parliament concluded that despite the grave threat to individual rights, human dignity, and equality represented by hate speech, EU Member States have diverging rules and national public administrations are torn by disagreements on values. The report proposed that new EU law was required to counter hate speech and hate crimes within the EU.²²⁷

In its most comprehensive report into the issue, published in September 2020, the UN Plan of Action on Hate Speech defined it as “any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor”.²²⁸

For the first time, the UN’s definition of hate speech included gender as a form of protected characteristic, and therefore would cover targeted online violence against women journalists. But as a definition only, the UN’s Plan is not an obligation recognised by States as international law. This struggle to agree an international legal prohibition on hate speech, that would protect journalists, is reflected in certain national jurisdictions.

In the UK, the fine lines between freedom of speech, prohibited discrimination, and hate crime have long been debated. The police and the Crown Prosecution Service in England and Wales have agreed the following definition for identifying and flagging hate crimes: “Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person’s disability or perceived disability; race or perceived race; or religion or perceived religion; or sexual orientation or perceived sexual orientation or transgender identity or perceived transgender identity”.²²⁹

The definition is broad and thereby allows for a degree of flexibility in the judicial process. Importantly, a criminal offence must first have been committed, such as an assault (which in English law need not be physical, merely a threat of violence) and the ‘hate crime’ element increases the severity of the offence and sentence.

The UK’s Equality Act 2010 introduced nine “protected characteristics”: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. Any person who, because of a protected characteristic, treats another person less favourably than he or she would treat others, will have acted unlawfully unless that person can show their action to have been “a proportionate means of achieving a legitimate aim”. The Act does not establish criminal liability, but claimants can sue for civil remedies.

The UK’s Law Commission, however, has made clear that it does not view the current domestic legislation as protecting women from hate speech and therefore recommended in September 2020 that ‘sex’ or ‘gender’ be added to the list of the protected characteristics under which the Crown Prosecution Service will seek to prosecute offences as a hate crime.²³⁰

However, although it appears that in both the EU and the UK legislators are moving towards a definition that would criminalise gender-based hate speech, both IMS interviewees Henok Fente and Hana Ibrahim cautioned against replicating such moves in their own nations of Ethiopia and Sri Lanka.

“In a country with a history of repression, like ours, still recovering from the hang-

227 Bayer & Bard (2020, July)

228 United Nations (2020, September)

229 The Crown Prosecution Service (n.d.).

230 United Kingdom Law Commission (n.d.); Grierson (2020, September 23)

over of authoritarian control, we don't like the idea of hate speech laws," said Fente. "I don't think criminalising hate speech is going to help public interest journalism in the Ethiopian context." Ibrahim agreed: "We already have a repressive government of a military mindset that has arrested people for their social media posts, so introducing hate speech laws will just likely further infringe freedom of expression and assembly."

Finally, in addressing the human rights implications of State surveillance of journalists, UN General Assembly (UNGA) Resolution 72/175 of 2017 on the Safety of Journalists and the Issue of Impunity emphasised that in the digital age "encryption and anonymity tools have become vital for many journalists to exercise freely their work and their enjoyment of human rights, in particular their rights to freedom of expression and to privacy, including to secure their communications and to protect the confidentiality of their sources".

The Human Rights Council has called upon States "to comply with their obligations under international human rights law and not to interfere with the use of such technologies, and to refrain from employing unlawful or arbitrary surveillance techniques, including through hacking".²³¹

Special Rapporteur Kaye set out several elements he said were key to ensuring that any State surveillance is conducted consistently with IHRL, including the principle that: "Any authorisation of surveillance should be contained in precise and publicly accessible laws and only be applied when necessary and proportionate to achieve a legitimate objective (such as protecting public health)". Kaye added, "Authorisation of surveillance of specified individuals should be based on independent evaluation, preferably by a judicial authority, with appropriate limitations on time, location, manner and scope".²³²

In May 2020, Brazil's Supreme Court ruled that Executive Order No. 954, a provisional measure mandating the massive sharing of personal data from telecommunication companies, with the Brazilian Institute of Geography and Statistics, was incompatible with basic principles of privacy and data protection.²³³

231 UNGA (2018, January 29)

232 Human Rights Council (2020, April 23)

233 Access Now (2020, May 12)

Pakistan: Deadly rise in online assaults against female journalists



An Indian national previously stranded in Pakistan following the closure of border due to coronavirus lockdown speaks to the media upon her return, at India-Pakistan Wagah Border post on 9 July 2020 near Amritsar, India. Photo: Sameer Sehgal/Hindustan Times via Getty Images

Pakistan was the second most dangerous country in which to be a journalist in 2020. According to IFJ, and not counting deaths of journalists from COVID-19, only Mexico was more deadly. Over a period of three decades from 1990, when such records began, Pakistan has ranked as the fourth most deadly country, with 138 journalists confirmed as killed in connection with their work.

Freedom Network, an IMS partner in Pakistan, says that over the past decade not a single killer of a journalist has been convicted, with the CPJ highlighting “corruption, weak institutions, and a lack of political will” as reasons for the on-

going impunity. In late 2020, the High Court in Sindh acquitted the four men who had been convicted, in 2002, of the murder of US journalist Daniel Pearl, after evidence emerged the prosecution had misled the court.

Now, in the first reported cases, women journalists in Pakistan have been killed as a direct consequence of their work. In November 2019, twenty-seven-year-old Arooj Iqbal was shot dead in Lahore, just hours before publication of the first issue of a local newspaper she had founded. The chief suspect, according to RSF, is her ex-husband, also a newspaper editor. Family members told RSF he was furious

that Iqbal had started her own publication. According to RSF, Iqbal is the first woman journalist to be murdered in Pakistan because of her job.

In September 2020, Shaheena Shaheen, a talk show host on Pakistani Television and editor of a local magazine, was shot dead at her home in Balochistan. Again, police said the principal suspect was her husband, who had dropped her off at hospital in critical condition then fled into hiding.

The killings come amid a deluge of online assaults against women journalists, including threats of death and rape. In September 2020, The Coalition for Women in Journalism reported that most online violence against women journalists followed their reporting on alleged failings by the ruling party led by former cricketer and now Prime Minister Imran Khan.

"I never, ever, faced such trolling and online abuse, until I started reporting on COVID," said Benazir Shah, a senior reporter with Pakistan's Geo News TV channel. Shah also wrote the Foreword for this IMS report. In a video produced by IMS' partner Lok Sujag, she tells how she came under sustained attack from officials and their followers after having questioned the reliability of the government's COVID-19 data.

"Once a government minister or official accuses you, a trend of online abuse starts right away," said Shah.

"Some MPs of the ruling party picked up private pictures of me from Facebook and shared them on Twitter. They accused me of taking money from their rivals to defame the government. The abuse continued for weeks. They tag journalists, saying we are spreading fake news. This makes us vulnerable to attacks."

For some years, through its partnership with Freedom Network, IMS has supported a network of safety hubs in key press clubs in Pakistan. To journalists who have been threatened, these offer training and resources for pre-empting threats, relocation within country, plus medical or legal aid, through the Pakistan Journalists Safety Fund. By such rapid assistance mechanisms, the Hubs and the Fund have helped hundreds of journalists to avoid potentially vicious, even fatal, reprisals.

In 2020, IMS also expanded its public interest journalism support programme in Pakistan by helping to establish the Digital Media Alliance of Pakistan (DigiMAP), a group of non-legacy media and independent public interest journalism startups that chart professional standards in digital journalism and explore business viabilities. This includes helping Lok Sujag improve its institutional development strategies, professional showcasing of public interest content, and outreach to new audiences.

Chapter 4:

Business instability – Public interest media’s struggle to survive

IMS interviewee Henok Fente cited the painful image invoked by one Ethiopian media owner to describe the impact of COVID-19 on his business: “Just like COVID patients in intensive care, media here is gasping for air to survive.” The bitter irony for owners and journalists is that, even as demand for their media services has soared, larger audiences do not mean larger revenues. Layoffs, furloughs and the closure of hundreds of local newsrooms, from Australia²³⁴ to the US,²³⁵ have hit all media sectors worldwide. A significant majority of IMS’ interviewees agreed that the financial viability of the media in their country had become more precarious due to COVID-19.

Audiences up, revenues down

Both The New York Times and The Washington Post reported a 50 percent increase in web traffic in April alone, while traffic to the Financial Times’ website grew 250 percent year-on-year in the month. The number of unique visitors to The Guardian’s website almost doubled from a record of 191 million in February 2020 to 366 million in March.²³⁶

According to IMS’ research among partner organisations, Iraq’s Al Menasa newspaper grew its audience by 25 percent, while there was a near 50 percent increase in readers of pan-Arabic news site Daraj.²³⁷ “There is too big a demand for content,” reported Daraj in April. “We often have to give up on very important stories due to lack of resources. Covering 22 countries and keeping up with the spectrum of topics has been one of the biggest challenges.” That challenge, however, has also meant an opportunity to diversify Daraj’s content: “The audience is listening, and as is the case in a time of crisis, it is more willing to accept change. We see that as a great opportunity to put on the table all the topics that we consider of major importance to our editorial strategy, such as environment, gender, poverty eradication, and education.”

An annual study by Internews found “record audiences” for Ukrainian media in the first few months of the pandemic, but a sharp decline by August as news fatigue set

²³⁴ Meade (2020, May 18)

²³⁵ Hare (2021, February 5)

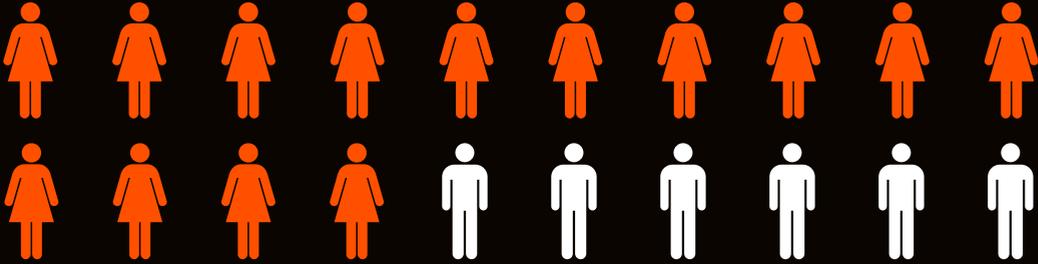
²³⁶ UNESCO (2020a)

²³⁷ International Media Support (n.d.)

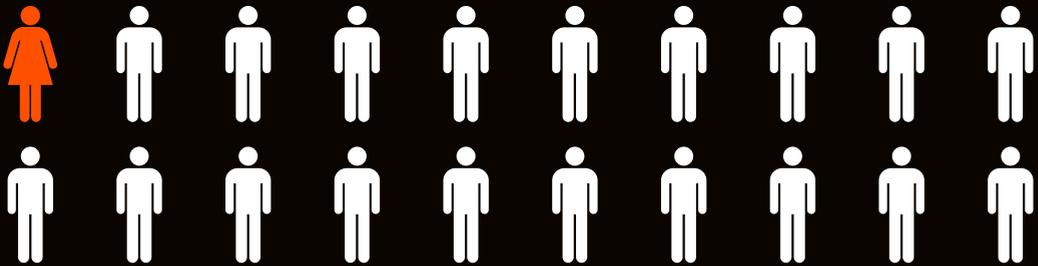
**WOMEN
ON THE
FRONTLINES,
NOT IN THE
HEADLINES**

IMS 

70% of workers in health sector are women



5% of women scientists are quoted in media



Sources: WHO, GHWN, WGH (2019); King's College London (2020)

in.²³⁸ Ukrainian media analyst Eugene Zaslavsky told IMS it had been a “boom time” for certain media, such as *New Times* magazine whose subscriptions increased from a few thousand to 15,000.

Arta FM, IMS partner in Syria, found its radio listenership and social media following had reached an all-time high, as the pandemic boosted its reach to a captive audience. In the occupied Palestinian territories, IMS’ partners Wattan and 7amleh (The Arab Center for Social Media Advancement) both reported increased traffic to their websites. From Morocco, an IMS partner reported visitors to its website and Facebook page had more than doubled in the first few months of the pandemic.

However, one in five of 1,406 journalists with knowledge of their news organisations’ financial losses, and questioned by the ICFJ in June, reported that revenue was down over 75 percent since the pandemic began, while 40 percent said revenues were down by over half.²³⁹ Overall revenues at *The Guardian* had fallen by GBP 25 million by July 2020.²⁴⁰

In the UK, the Secretary of State for Digital, Culture, Media and Sport, Oliver Dowden, said the pandemic had caused the “biggest existential crisis” in the history of the press, as local and national newspapers experienced circulation decline.²⁴¹ **Buzz-Feed** announced it was ending its news operations in the UK, as well as in Australia, partly because of a slump in advertising revenue due to the pandemic. Industry commentators GroupM forecast that the global advertising economy would shed a total of USD 70 billion in 2020, falling nearly 12 percent, excluding US political advertising.²⁴²

IMS interviewee Fente put the decline of media advertising revenue in Ethiopia at between 60 to 90 percent and cited the closure of JTV and magazine *Kumneger* as two of the immediate casualties. Furthermore, broadcasters compelled to run government information campaigns during the first two months of the pandemic reported losing some EUR 3.36 million of advertising space, said Fente.

“Business models were not strong to begin with, and so media have been heavily impacted by the loss of ad revenue. Online consumption has gone through the roof, but the monetisation strategy was not there,” said Fente.

Both legal and practical hurdles stand in the way of Ethiopia’s online media businesses, he said. As part of its three-year legal reform process initiated in 2018, Ethiopia’s parliament in December 2020 received from the government the draft Freedom of the Media Proclamation that would, among other reforms, legalise the collection of revenue by online media. The process of reform had already been stalled by a year, said Fente, hampering media’s ability to monetise their websites. Widely flouted copyright laws compound the problem by allowing content aggregators to copy and share original content.

From the occupied Palestinian territories, IMS’ partner Wattan reported an acute financial crisis due to the complete suspension of advertising, on which the organisation relies for some 70 percent of its revenues, even as traffic to its website increased. In Pakistan, IMS’ partner HumSub, a website featuring diverse comment articles, said the biggest challenge of COVID-19 had been monetising its increased traffic: “We are overworked and generating high volumes of quality content focused on the heightened need for information from our readers. But we do not generate enough resources to even pay our staff. The

238 Internews (2020, October 16)

239 Posetti et al. (2020a)

240 Waterson (2020, July 15)

241 Drury (2020, April 18)

242 McClellan (2020, June 22)

challenge is how to translate extra traffic into either paying customers or business subscribers.” Shakeel Qarar, president of the National Press Club in Islamabad, told *Voice of America* in April that some newspapers and TV stations had not paid their staff for ten months.²⁴³

An IMS partner in Algeria reported not only a suspension of advertising contracts, but also the loss of revenue from their wider media production services, such as filming of events, due to the latter’s cancellation. Likewise, in Tunisia, IMS’ partner Inkyfada lost income from the cancellation of its training and advisory services.

By contrast, the pandemic has been a boon to Big Tech: the seven most valuable US technology companies, including Facebook, Apple, Microsoft, and Alphabet (Google’s parent company), added a staggering EUR 2.8 trillion to their market capitalisation, a figure that, were they a State, would make them the fifth wealthiest in the world.²⁴⁴ As it fuelled an infodemic of misinformation,²⁴⁵ Facebook saw its advertising revenue to the year ending September 2020 jump by 22 percent.²⁴⁶

Internet reliance

Readers have more time to spend online and people are more reliant on the Internet than before, reported an IMS partner in Egypt. But where Internet has been slow and unreliable, or where data bundles are expensive for consumers and journalists alike, the Internet can be a barrier to the growth of online media. In Zimbabwe, IMS’ partner Zimbabwe Association of Community Radio Stations reported difficulties uploading audio files onto social media platforms due to slow Internet speeds, while fellow Zimbabwean media group MISA cited power cuts and the high cost of setting up Internet connections, at reporters’ homes, as a practical hurdle to operations. For a podcast producer like IMS’ partner PumaPodcast in the Philippines, lack of access to studio facilities through most of the year meant journalists recording their interviews from home on very basic equipment. In the Sahel, news site Sahelien.com reported that domestic Internet connections were simply not fast enough to allow their journalists to work from home. Furthermore, Sahelien.com reported that the relative absence of an online media culture in the region, due to poor Internet provision, made it less likely that important sources would give interviews not conducted in person, thus hampering access to information. (See Chapter 1.)

Adapting to survive

Nine in ten respondents to ICFJ’s June survey reported their news organisation had enacted at least one COVID-19-related austerity measure, including job losses, salary cuts, and outlet closures.²⁴⁷ In the US, despite adding 160,000 new subscribers between March and October, *The Atlantic*, based in Washington DC, laid off 68 employees, equivalent to 17

²⁴³ Gul (2020, April 21)

²⁴⁴ Levy (2020, December 31)

²⁴⁵ See Chapter 2

²⁴⁶ Adams (2020, October 30)

²⁴⁷ Posetti et al. (2020a)

percent of its staff.²⁴⁸ In Ukraine, IMS' interviewee Daryna Shevchenko said the independent Internet television station Hromadske, established in June 2013, had been forced to cut staff from 150 in 2019 down to 90 by November 2020.

"The main challenge to independent media in Ukraine is sustainability," said Shevchenko, "it's all donor support and so it's not stable. To me, the answer is reader revenue – making the audience pay for the work and diversifying to do commercial work as well."

Shevchenko had already been working with Hromadske to diversify its business prior to the pandemic, launching a paid membership programme which she said now has some 500 contributors per month, generating modest revenues of around EUR 3,000 per month. Commercial projects, such as filming and streaming corporate events, generates a little extra revenue for Hromadske, but donor funding remains the NGO's largest source of revenue, said Shevchenko.

As an IMS partner in Egypt pointed out: "Our readers are afraid of losing their jobs and have financial insecurities that might affect their ability to pay for the mobile app we plan to launch." However, the organisation, led by citizen journalists, noted that "this is a moment of major reshuffling all over the world. Such moments are an opportunity for change. There is an opportunity to connect with official sources, gain credibility, reposition ourselves and grow the audience".

In the neighbouring Gaza Strip, IMS' partner Filastiniyat echoed the sentiment that despite the financial hardship it entailed, the pandemic was also an opportunity "for reflection and strategic thinking" and for "online training and capacity-building for staff", especially in the use of technology to reach new audiences. Indeed, paradoxically, the pandemic of social distancing had left Filastiniyat's journalists feeling more connected to the world than before: "The main opportunity this pandemic provided was to think out of the prison they live in. Following the global news contributes to understanding that the world doesn't revolve around the Gaza Strip. What happens in the world affects them. They are not alone anymore, being besieged and isolated".

"There has never been a better time to collaborate with other media and organisations that share our values," agreed IMS Lebanon partner Daraj, a sentiment also echoed in Zimbabwe: "Collaboration with other partners is an opportunity to build long-term relationships," said IMS partner, Bustop.tv. Diversifying its business model led Daraj, for the first time, to work as a media production company and to collaborate with Jordanian-based satirical publication Al Hudood, in an effort to grow its audience and tap another source of income.

In Tunisia, IMS' partner Inkyfada saw the pandemic as "a good opportunity to re-view priorities and focus on what constitutes the most added value to our audience and our business model". In Pakistan, IMS' partner Dawn framed the COVID-19 pandemic as an opportunity to capitalise on the migration of media to digital formats: "The old media

“... this is a moment of major reshuffling all over the world. Such moments are an opportunity for change.”

establishment of newspapers and TV journalism in Pakistan is also weakening and losing audiences and revenues. The peculiar circumstances thrown up by the COVID-19 situation offer an opportunity to fast-track adaptation towards the shift to digital journalism and deepening professionalism by linking journalism with public interest.”

In Colombia, IMS interviewee Jonathan Bock reported advertising revenues down by some 70 percent compared to five years earlier, forcing at least five local radio stations to close and three big newspapers, including *Diario La Opinión*, to suspend contracts with their staff, meaning salaries are no longer paid but staff are not made redundant. Gloria Castrillon, a senior journalist at Colombia’s second-largest newspaper *El Espectador*, told IMS that the print edition had been forced to stop for several months.

“We were not able to circulate our print edition due to the lockdown, and so, many readers cancelled their subscriptions. I believe this increased the spread of misinformation, as many of those readers would not read our paper online. The good news was that we did add new digital subscribers and began to organise events for subscribers online. This helped us survive without having to fire any journalists.”

ICFJ’s June survey found seven percent of respondents reporting that their outlets had ceased print editions, while one in ten reported reduced print runs due to the impacts of COVID-19-induced budget constraints. “We had to let six members of staff go,” said Hana Ibrahim, founding editor of Sri Lanka’s *Ceylon Today* and now editor of the *Daily Express*. “I’ve only got five staff left, three on contracts and two freelancers. Every time there was a lockdown we had to cancel our print edition as it could not be delivered and this hit our advertising revenues very hard. We now have a greater digital presence.”

Cuts to salaries and to staff jobs undermine industry efforts to improve gender equality in the media, according to two out of three women journalists surveyed by the IFJ in late June. “Cutting funds always leads to more inequality, along gender, race, and class lines,” one respondent said.²⁴⁹

Threats to independence

Several commentators warned that severe financial pressure on media was particularly alarming coming at a time when the editorial independence of private as well as public service media in many parts of the world was already considered fragile, with the concentration of media ownership in the hands of a few large entities and a resulting decrease in media pluralism.²⁵⁰

Public interest media is threatened when financially powerful media barons seek to acquire such outlets for their own political purposes, as IMS interviewee Hana Ibrahim knows only too well. One of the founding editors, in 2011, of the independent English-language newspaper *Ceylon Today*, she quit the job less than four years later after the paper’s owner went from being a critic of the ruling Rajapaksa family to, in Ibrahim’s opinion, “a nationalist MP for the Rajapaksas” and the paper became “an arm of the government”. The change coincided, she said, with a lifting of the asset freezes to which the paper’s owner had been subjected for his opposition to the Rajapaksas.

“Without support, the losses sustained by local news media could have a pro-

²⁴⁹ IFJ (2020, July 23)

²⁵⁰ Noorlander (2020)



Journalists wearing protective face masks as a preventive measure against the COVID-19 coronavirus work in Kyiv, Ukraine on 17 March 2020. Photo: STR/NurPhoto via Getty Images

foundly negative impact on the type of society we live in,” argued Damian Radcliffe, the Carolyn S. Chambers Professor in Journalism at the University of Oregon. “This is not hyperbole. Evidence suggests that without a vibrant local news industry, public officials are potentially less accountable than they should be, fewer people run for office, and citizens become less engaged with elections.”²⁵¹

As well as financial sustainability, if public interest media is to achieve its purpose of distributing content that informs the general public about issues that shape their lives, then that media’s own team of reporters and editors should reflect the diversity of the society it serves. Public interest media have a duty to assist States in their obligations to fulfil the human rights to equality of opportunity between men and women and those of non-binary gender.

Three of IMS’ survey countries revealed stark gender imbalances in the media, according to interviewees. In Ethiopia, Henok Fente said significantly more men than women worked as journalists, across the board. In Sri Lanka, there tend to be more women than men working at the mid-level of media companies, said Hana Ibrahim. But at the level of owners and editors, she said there were very few women. Ukraine’s media sector, by contrast, is dominated by women, according to both IMS interviewees. “We give scholarships from my programme to journalists who can move from West Ukraine to East Ukraine, and the proportion of men and women in our calls and competitions is 90 percent women

²⁵¹ Radcliffe (2020, June 1)

to ten percent men,” said Eugene Zaslavsky of the Media Development Foundation. His countrywoman Daryna Shevchenko agreed: “There are lots more women journalists in Ukraine, it’s a female profession, including editors and owners. Journalism is not very well paid. There are not many guys in journalism schools.” Shevchenko said living costs in Kiev were about EUR 550 per month, while a journalist at top-paying Radio Free Europe would earn an average of EUR 700 per month. Journalists in Ukraine’s other regions would earn only around EUR 200 per month. “Many journalists in Kiev can’t afford to rent their own place so they share,” said Shevchenko.

In response to the drastic declines in media revenue, over a dozen funders, NGOs, and platforms have mobilised to support journalists and media organisations with financial support, including a Rapid Response Fund set up by Internews; a USD 3 million fund collaboration between the European Journalism Centre and the Facebook Journalism Project; and nearly USD 40 million in funding allocated to more than 5,600 publishers in 115 countries through the Google News Initiative Journalism Emergency Relief Fund.²⁵²

While such efforts are a vital lifeline to help public interest media survive the pandemic, some industry analysts see them as simply treating the symptoms of the media’s underlying ailment, rather than tackling its root cause, which is largely driven by the business model of the social media platforms themselves. (See Recommendations.)

“It would be a great mistake to think that the industry has saved itself, or that it will be able to in the nearby future,” wrote Rieneke Van Santen, a media consultant, on Poynter in July 2020. “Governments need to step in and commit themselves to supporting independent media and press freedom projects for the coming years if they want to save journalism.”²⁵³

The rights approach: Diversity secures viewpoints and audiences

Private actors, such as media companies, are not subject to IHRL: there is no international treaty on business and human rights, as yet. States have legal obligations to fulfil human rights, while businesses, according to the UN Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, have a “responsibility to respect” IHRL.²⁵⁴

As IHRL makes clear, freedom of expression is integral to the healthy functioning of a democratic society, and so the loss of media plurality is a threat to the public’s enjoyment of that human right. Securing the financial viability of public interest media, particularly local services, is thus a key step to maintaining media plurality. In Zimbabwe, IMS’ partner the Zimbabwe Association of Community Radio Stations reported how its coordination with the Ministries of Information and Health, and with the UN, to broadcast reliable information on COVID-19, had demonstrated to officials the relevance of community radio in reaching marginalised communities.

Overall, most women journalists responding to IFJ’s July survey agreed that the

252 GFMD (2020, August 17)

253 Van Santen (2020, July 7)

254 OHCHR (2011)

best strategies to improving gender equality in the post-pandemic media were primarily economic: more funding, better salaries, and more opportunities for career advancements. “Striving for gender equality must be tackled as a priority. Balance between private and working hours should be clearly stated. Wage-equality is to be considered the new ‘normal,’” said a photographer from Switzerland.²⁵⁵

As outlined in Chapter 2, women were drastically underrepresented as sources in the media during its coverage of the pandemic. That silencing of viewpoints not only undermines human rights goals, but also shrinks audiences for public interest media. As a report for the World Economic Forum recognised, increasing the voices of women leaders and experts in the news can build greater trust among the audience and improve the quality of journalism.²⁵⁶ It can also increase a newsroom’s audience engagement, subscription base, and value among advertisers. In the business world, research suggests increasingly a correlation between gender equality and diversity and a company’s financial performance.²⁵⁷ In the occupied Palestinian territories, despite the grave challenges, IMS’ partner Filastiniyat reported the pandemic was an opportunity to re-think its internal processes and regulations, including working on its gender audit action plan.

255 IFJ (2020, July 23)

256 Macharia & Burke (2020, March 2)

257 Kim (2018, March 26)

Philippines: Innovating under lockdown

PumaPodcast is the first podcast network in the Philippines, but just over a year after it started, and as a direct result of COVID-19, this IMS partner seemed almost unable to continue.

“We had a regular news podcast, but it was very challenging because under lockdown we had no access to our studio, and it was unsafe for us to report, on our own, from the field,” COO Carl Javier accounted during the UNESCO World Press Freedom Conference 2020.

So, taking their cue from PumaPodcast’s original mission statement - “to share the joy, power, and value there is in listening” - Javier and CEO Roby Alampay decided to innovate, to give up news coverage and, instead, to focus entirely on listening to people’s stories.

“We threw out the idea of trying to control audio from the studio, and we just took whatever audio we could find – from people reporting, travelling, in the hospitals, and so on. Then we brought all that audio together and started creating podcasts out of specific stories,” said Javier.

“Everything went digital, and we had to change how we used our staff-power. We reallocated our resources – from the field or in the studio – and used the new bandwidth we had, from being stuck at

home, to stitch together more complex stories. We asked ourselves, given our limited money and limited opportunity to report: how can we still bring insights to our listeners?”

The result – Covid Diaries – is a series of low-tech, first-person interviews with doctors, people diagnosed with COVID-19, the urban poor, volunteers, relatives of fatalities, and ordinary Filipinos just trying to get by. Hugely popular, the series has seen PumaPodcast’s audience numbers more than double since the early months of the pandemic.

Before COVID-19, PumaPodcast had launched over ten podcasts – on news and current events, sports, law, and governance, Filipino entrepreneurs, history, women’s empowerment, and literature. Guest hosts had included industry experts, expert storytellers, and the best analysts on any given subject, who were encouraged to curate content to serve the listeners’ needs and their own style.

“With podcasts, the engagement is much more personal,” said Alampay, “it’s a warmer medium than others. It sets us apart from the trolling culture, it insulates us from the paranoia, anger, and overall culture of ‘fake news’ that exists on social media.”

ABS-CBN enraged employees and supporters take to the streets to voice their opposition of the government’s move to close down the country’s largest television network on 18 July 2020 in Manila, Philippines. According to the company, more than 11,000 employees will be affected and millions of Filipinos will lose their source of news and entertainment just when people need crucial and timely information as the nation deals with the COVID-19 pandemic.

Photo: Jes Aznar/Getty Images



Conclusion: Public interest media an essential service?

The final indicator that IMS' panellists were asked to rate for this report was whether or not they believed a consensus had emerged in their country that public interest media is an essential service in the wake of COVID-19. Their overall scores point to the difficulty of drawing straightforward conclusions in the pandemic of paradoxes that was 2020.

Three panellists, in Sri Lanka and Ethiopia, agreed or strongly agreed that such a public consensus had emerged; three panellists, in Ethiopia, Colombia, and Ukraine, disagreed; two panellists neither agreed nor disagreed - a perfect split.

"This is a very difficult question. What indicators do we have?" asked Ukrainian IMS interviewee Eugene Zaslavsky, disagreeing that a consensus on the importance of public interest media had emerged. "I still don't think people understand what is free and independent media. We are working on improving media literacy in Ukraine, such as educating audiences to recognise paid-for political advertising." Similarly, Ukrainian Daryana Shevchenko said that

while the importance of media "became more obvious to more people when they were locked up at home and needed to stay in touch with the news," there was "no consensus" on public interest media as essential.

"Ukraine does not have a good track record of independent media. We have oligarchs who use media ownership to serve their interests, so audiences then think they have the

right not to trust any media," said Shevchenko. "They've been through one revolution after the other, revolution then recovery, and so there is news fatigue. They are tired of so much negative information flying around."

By contrast, Sri Lanka's Hana Ibrahim strongly agreed with the indicator, at least in terms of a public consensus of the *need* for independent, free media, if not the adequate supply of such in Sri Lanka. "There is certainly public consensus that the information be-

“And because people know they don't have the truth from the authorities and the mainstream media, they go hunting for information online and end up believing 'fake news'.”

ing given by the authorities is so controlled that the public are not receiving the truth. And because people know they don't have the truth from the authorities and the mainstream media, they go hunting for information online and end up believing 'fake news.'

Agreeing with Ibrahim's analysis, former Sri Lankan MP Karunarathna Paranawithana commented, "If you look at all media in this country, the owners are politically affiliated to the government. They have undisclosed relationships with the president and the ministers, so basically the government controls the media. We have independent media in name only."

IMS panellists from Ethiopia were divided on the impact of the pandemic on citizens' belief in public interest media. "Instead of independent, free media we have media that can be used for political, religious or ethnic expediency, and it's on the rise," said Henok Fente. His countrywoman Sosenä Tesfaye, however, found audiences for her radio programmes on COVID-19 relying on her for information they could use to protect themselves through the pandemic: "People are getting their information on health and COVID-19 from the media, and so they strongly rely on the media to give them correct information. One of my subjects for the radio show said to me, 'You have to tell us where to go, what to do, how to protect our family from getting COVID.' And so, based on that I can say, people need a media service such as mine."

Panellists from Colombia both disagreed that the public in their country had established a consensus on the importance of public interest media. "I would like to think that had happened, but the discrediting of public information is getting worse and worse every year and people don't trust the media anymore," said FLIP director Jonathan Bock. Gloria Castrillon added: "Colombia needs more support for public interest media."

Partisan media ownership, the contagion of misinformation online, and audiences exhausted by relentless negative news all factored against a public consensus developing on public interest journalism as an essential service, according to IMS' interviewees. And yet, the health crisis of COVID-19 left audiences like Sosenä Tesfaye's crying out for information to help them protect themselves, while Sri Lankans scoured any sources they could find to counter the lies they saw coming from their own government. This suggests misinformation and partisan media can also drive demand for independent journalism, even as it hampers its development.

This report has uncovered a number of other far-reaching and often paradoxical impacts which COVID-19 has wrought on the media through 2020. We have sought to explore those impacts by dividing them into themes, assessing the challenges to public interest media within those themes, and then applying a human rights-based approach to answering some of those challenges. The report concludes by following the same approach in making the five recommendations below, which are primarily aimed at State officials who exercise authority over the media in their country, but also set out actions that international actors and fellow NGOs could take in supporting public interest media in the wake of the pandemic.

While COVID-19 has undoubtedly brought with it a crisis for public interest media, in addressing that crisis there are clear opportunities to strengthen public interest media for the years to come. All five recommendations are urgent steps that should be taken now, but they are also arranged in order of priority, as informed by the findings of this research.

Recommendations

Recommendation 1:

States must recognise public interest media as crucial to fulfilling human rights and must ensure its survival through financial subsidies, which can be paid for by proper taxation of multinational technology companies.

As IMS panellists and global surveys demonstrate, COVID-19 has pushed journalists and media businesses to the brink, mentally and financially, with revenues plummeting even as audiences skyrocketed. Pay cuts, lay-offs, job insecurity, and work overload fuelled a massive rise in stress among journalists in 2020; small or regional media, the most likely to be free of political control, were the worst hit. As the international human rights system makes clear, freedom of expression is integral to the healthy functioning of a democratic society, and the loss of media plurality is thus a threat to the public's enjoyment of that human right. Public interest media play a crucial role in assisting States with their international obligations to fulfil an individual's human right to health. Therefore, States must, as a first priority, provide financial subsidies and tax relief to ensure the viability of public interest media, particularly local newsrooms, in recognition of their essential role in fulfilling the crucial international human rights obligations of freedom of information and the right to health. While financial support is only one requirement for ensuring the viability of public interest media, it is the most urgent.²⁵⁸ The aim of such immediate financial support is to ensure that quality news outlets continue to provide trustworthy information in the wake of COVID-19, both in legacy media, but also, increasingly, on local radio and digital-only outlets.

As quality journalism is a public good, States should ensure appropriate regulatory structures are in place to support a fair distribution of the gains generated from the monetisation of the media sector within their jurisdiction. The IFJ estimates that a six percent tax levied on Google, Apple, Facebook, Amazon, and Microsoft – whom the IFJ said pay no tax in the majority of countries where they collect estimated global revenues of USD 900 billion – could provide USD 54 billion to spend on public service media.²⁵⁹ This sum could be managed jointly by representative unions of journalists and media workers and national employers' organisations. States can gain experience from an analysis of Austria's media subsidies system.²⁶⁰ In States, such as Ethiopia, where legal obstacles prevent media from generating revenues online, this immediate requirement for financial support to public interest media also requires immediate legal reform. International ac-

258 IMS shares the view of UNESCO and the Deutsche Welle Akademie that viability is not limited to financial sustainability, but also to the capacity of media outlets to produce high-quality journalism in the long term.

259 IFJ (2020, April 29)

260 Clemens (2020, June 19)

tors, including donors and NGOs working to support public interest media, should work to build pressure on Big Tech companies to end their practice of aggressive schemes to avoid paying the taxes that all other businesses pay, and should support States who are moving to close the financial loopholes thus exploited. The asymmetry between Big Tech profits and the public interest requires urgent correction. Corporate actors could not make such vast sums of money without the protection of the rule of law, a public protection – guaranteed by the State’s legislature and courts – that their private property rights will not be unlawfully infringed. In return, corporate actors must be required to contribute their fair share to the public good.

Recommendation 2:

States must ensure the public’s right to freedom of information, in law and in practice.

Reliable, life-saving information should be made available through proactive disclosure by governments, including open data sources, with due respect for individuals’ rights to privacy. Public officials who seek to block public access to information on ill-defined grounds for unlimited time periods, or who censor and threaten journalists or their sources, are in direct breach of their immediate obligations to ensure freedom of expression, a core human right under international law. States must publicly commit to upholding national laws ensuring citizens’ right to freedom of information, report regularly on compliance with the obligation, and establish effective accountability mechanisms for non-compliance, such as the effort undertaken by civil society in Ethiopia. States with established freedom of information laws, such as the UK, Denmark, France, and Germany, should signal their commitment to the law by ratifying the Council of Europe Convention on Access to Official Documents.

If independent media are unable to access information and hold public officials accountable, then, as in Sri Lanka, the public will lose trust in the information reported by the media, fatally undermining the State’s ability to manage national crises. Freedom of expression and unfettered access to public information should be considered powerful instruments to fight the COVID-19 pandemic and protect the health of the population. States such as Ethiopia, which block access to the Internet and telephone lines for entire communities, are in breach of their obligations under IHRL, as such a derogation from the right to freedom of information does not meet the required three-part test in the ICCPR. International actors should urge the Ethiopian authorities, and others, to end such practices. During a global pandemic, access to the Internet is both a critical element of healthcare policy and practice, and of the right to life, health, and information.

Recommendation 3:

States must prosecute all acts of violence against journalists in the course of their work and, where officials guarantee impunity for the killers of journalists, signatories to the Global Pledge on Media Freedom should impose targeted sanctions.

In order to meet their legal obligations, all States must prosecute in fair and open court proceedings those accused of acts of violence against journalists and must publicly and unequivocally condemn acts of violence against journalists as breaches of human rights law. Physical violence against journalists for doing their job is both a criminal offence and a grave violation of the individual's human right to freedom of speech, as protected under IHRL. Killing journalists for their work is both murder and a violation of their human right to life, which IHRL obligates States to secure from arbitrary deprivation. A number of leading human rights courts and treaty monitoring bodies have asserted that the right to life must be understood as including an obligation on States to investigate and put on trial those accused of such killings. The European Court of Human Rights has held that a State's duty "to secure the right to life by putting in place effective criminal law provisions" must be "backed up by law enforcement machinery for the prevention, suppression and punishment of breaches of such provisions".²⁶¹ Thus the prevailing impunity for the killing of journalists, in states such as Saudi Arabia or Colombia, is a violation of international law. Furthermore, international law is developing a 'right to justice', understood as the right to the determination of the individual criminal responsibility of wrongdoers as an imperative remedy for victims of gross human rights violations and international crimes.²⁶²

As argued above, public interest media should be considered the provision of an essential service and protected and enabled accordingly, including by ensuring all journalists have access to necessary personal protective equipment during a public health crisis. Journalists must be properly protected from arrest – by law enforcement officers – simply for doing their job, and where prosecutors determine verbal attacks on journalists have amounted to an incitement to violence against them, the perpetrators should be tried, including any public official.

States that have signed the Global Pledge on Media Freedom, including Denmark, should enact legislation for the imposition of targeted sanctions worldwide against individuals, State and non-State actors, responsible for grave human rights violations, including arbitrary detention or killing of journalists.²⁶³ The Magnitsky legislation in the US, Canada, the UK and the Baltic States provides the basis for other States to act on their pledges to uphold media freedom through sanctioning serious violations of human rights law. EU Member States should approve the Action Plan on Human Rights and Democracy, otherwise known as the European Magnitsky Act, passed by EU foreign ministers on 7 December 2020.²⁶⁴

²⁶¹ *Mustafa Tunç and Fecire Tunç v. Turkey* (2015) § 171

²⁶² Spiga (2013, July)

²⁶³ Clooney (2020, February 13)

²⁶⁴ Council of the European Union (2020, December 7)

Recommendation 4:

States should counter online misinformation and violence, particularly against women journalists, by supporting fact-checking as a public good and reforming hate speech laws to enable prosecution of online assault.

Misinformation is dangerous to both health and democracy and is also a key driver of hate speech targeting women journalists. Addressing the root causes of the misinformation infodemic cannot succeed without overturning the business model at its core. Misinformation is a money-making enterprise, baked into the very architecture of social media companies through a business model that sells user data to advertisers. The data valued highest is that which is shared most widely. As noted in this report, lies spread faster, and further, than the truth. Social media companies can thus be considered as directly monetising misinformation.

As misinformation is now a threat to health, the pandemic provides States with a rights-based obligation to counter misinformation on social media. However, as Chapter 2 made clear, misinformation should not be criminalised as this results in censorship, which is a violation of freedom of information. Rather, misinformation should be countered through monetising reliable, accountable information as a public good. Thus, after securing the viability of public interest media in the short term, as per Recommendation 1, States should continue to use revenues generated from the equitable taxation of Big Tech companies to subsidise the fact-checking services already being provided by public interest media. The International Fact-Checking Network, a non-partisan matrix of some 80 for-profit and non-profit organisations in 40 countries, provides a model of how such an effort could be coordinated.

States should build on the work underway by the EU, the UK, the UN, and the Council of Europe, as set out in Chapter 3, and introduce or amend hate speech laws. Acts of communication online that amount to an assault against an individual should be categorised as hate speech and attract a more serious penalty when the individual is targeted not only for their particular characteristics of race, religion, or ethnic origin, but also gender. Following the UK Law Commission's proposal, this would recognise that misogyny online or offline can amount to criminal hate speech, when it breaches the clearly defined threshold of assault under existing criminal law, thus denying the right to offend as an act of free speech. Currently, online abusers enjoy near total anonymity and impunity for actions that would amount to criminal offences offline. States should ensure their criminal justice system applies equally to acts that amount to hate speech offences online as well as offline.

Defamation laws may be applied in civil proceedings where disinformation, such as lies shared with malicious intent, amount to an intentional act of harm to an individual's reputation or business. But defamation laws should be not be used, as English law makes clear, against communications that are in the public interest.

Finally, States should empower their regulators to impose fines on social media platforms which fail to remove illegal content, such as child sexual abuse, terrorist material, or content that promotes suicide. The UK's new Online Harms Bill, which if enacted into law, would empower the regulator to impose unprecedented fines of up to GBP 18 mil-

lion for serious breaches, can be used as a benchmark.²⁶⁵ Again, part of such revenue could be used to ensure the financial viability of public interest media as an essential defence against the rise of online misinformation, disinformation, and hate speech.

Recommendation 5:

International actors partnering with public interest media should leverage audience demand for reliable information amid the infodemic into a post-COVID-19 business model that improves media literacy, monetises truth, and diversifies newsrooms.

In a world of misinformation, public interest media can grow their audiences through defending the sanctity of truth. Public interest media can differentiate themselves from competitors, giving them a more compelling case for building membership models, and helping them to acquire expertise that can be monetised through consultancy services and other business-to-business channels. Ultimately, the viability of public interest media depends on its relationship with its audience.

Training for public interest media should focus on ensuring that research and verification skills for editorial teams are fit for the digital age. Media and Information Literacy (MIL) is a key factor of empowering individuals with the necessary cognitive, technical, and social skills to analyse information critically, to distinguish facts from fakes, and to have the confidence and competence to make informed decisions about which media they use and how they use them. And as IMS' Emma Lygnerud Boberg pointed out, "MIL plays a significant role in determining whether gender issues will widely be considered important and legitimate social, political, and cultural matters [...] Media literacy can equip the population with media and information competencies to question gender norms and enable self-expression and allow those otherwise not heard, to tell their own stories."

Public interest journalism will only be valued by an audience that continues to cherish reliable, accountable sources of information as opposed to anonymous misinformation. On the frontline of the struggle against the infodemic, journalists require training in harnessing technology and social media in order to engage audiences and to counter the malign influences of social media itself. Making the newsgathering process more transparent and using social media to build audience engagement in content creation and distribution, helps to forge the trust so essential in an era of misinformation. Capacity-building should thus focus on a future of distributed newsrooms, where work is decentralised, increasingly remote, and where digital tools are used to communicate and collaborate, enhancing the viability of public interest media and its audience engagement.

Diversifying newsrooms towards a greater degree of gender equality achieves both human rights goals and makes good business sense. A team of journalists that reflects the society it reports on is far more likely to produce content that appeals to the widest cross section of its audience, thus growing that audience and fulfilling the purpose of public interest media.

265 Hern (2020, December 15)

Colombia: Violence and self-censorship

World Press Freedom Index: 130/180 †

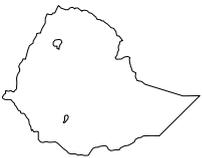


Colombia is still one of the western hemisphere's most dangerous countries for journalists, who are frequent targets of death threats, physical attacks, abduction, and murder. Coverage of certain subjects – notably the environment, public order, armed conflicts, corruption or collusion between politicians and illegal armed groups – tends to elicit systematic harassment, intimidation, and violence. Rebel armed groups, such as the FARC (Revolutionary Armed Forces of Colombia)

dissidents and ELN (National Liberation Army), try to silence alternative and community media that report on their activities. The 'BACRIM' gangs – former paramilitaries now involved in drug trafficking – also use violence or threats of violence. In rural areas, the actions of illegal armed groups, combined with political pressure from national and local governments, have led to information 'black holes'. Media's close links to Colombia's business empires and political class continue to undermine editorial independence and to reinforce self-censorship. Since conservative politician Iván Duque Márquez' installation as president in August 2018, journalists and media outlets have been the targets of harassment, intimidation, and espionage. Journalists are routinely profiled and surveyed illegally by intelligence authorities; despite court action, these oppressive measures persist and impunity prevails. The pandemic has reinforced central government's grip on the media.

Ethiopia: New freedoms to be consolidated

World Press Freedom Index: 99/180 †



Ethiopia is not coloured red on the World Press Freedom Index map for the first time since the five-colour designation was adopted in 2013. As soon as he became prime minister in 2018, Ahmed Ali released numerous detained journalists and bloggers. In 2019, he won the Nobel Peace Prize. Ethiopia's new authorities have restored access to more than 200 news websites and blogs that had been blocked for

years, and Ethiopian TV stations abroad now work freely. However, this initial progress has not been institutionalized and journalists worry that the winds of freedom might be just a passing breeze. Draconian press legislation – including the 2009 terrorism law widely used to detain journalists – has still not been amended. On the contrary, Ethiopia's repressive arsenal of rules and regulations has been reinforced by a law on hate speech and disinformation adopted in early 2020 during a wave of intercommunal violence. This law stipulates heavy fines and prison sentences and is worded ambiguously to allow maximum leeway of interpretation. The intimidation and brief arrests of journalists, plus several Internet cuts, have only boosted concern about a return to the repressions of the past. One military general has threatened reprisals against media outlets that "tarnish the reputation of the armed forces".

Sri Lanka: ‘Terminator’ v. press freedom

World Press Freedom Index: 127/180†



Gotabaya ‘Gota’ Rajapaksa became president of Sri Lanka in November 2019. But many people, notably journalists, knew him by a different nickname – ‘Terminator’ – dating from his ten years as defence secretary (2005-2015, when his brother Mahinda served two terms as president). Allegedly, as defence secretary, Rajapaksa had overseen the ‘white van commando’ of special operatives who deployed white vans for abduction and murder; some fourteen

journalists disappeared in that dark decade.

In 2019, soon after Rajapaksa’s inauguration, police harassment of journalists surged, including raids, interrogation, and intimidation. While that year marked the tenth anniversary of the end of Sri Lanka’s civil war and the crushing of the Tamil rebellion, it also saw a disturbing increase in police attacks on reporters covering the Tamil minority.

Ukraine: At the crossroads

World Press Freedom Index: 96/180†



Ukraine has a diversified media landscape and its authorities have adopted a number of long-awaited reforms since the 2014 revolution, including a law on media ownership transparency. But these gains appear fragile – as shown by the under-financing of the new independent public broadcaster – and do little to loosen the oligarchs’ grip on media, to encourage editorial independence, or to

punish those responsible for violence against journalists. Ukraine’s ‘information warfare’ with Russia has had negative consequences, including bans on Russian media and social media, the blacklisting of foreign journalists, and treason trials. Despite the hopes raised by Volodymyr Zelensky’s election as president – and a new government – there has been no decrease in threats against, or attacks on, journalists. Concern continues to focus on access to information, news manipulation, violations of source confidentiality, cyber-attacks, and excesses in the fight against ‘fake news’ – such as a proposed anti-disinformation law that would threaten press freedom. Separatist-controlled East Ukraine remains a no-go area and lacks neutral journalists or foreign observers.

† Source: Reporters Without Borders. (2020). *World Press Freedom Index*

Colombia:

Jonathan Bock is Executive Director at the Foundation for Press Freedom (FLIP) in Colombia. FLIP is a non-governmental organization founded in 1996 to monitor attacks on press freedom and protect journalists. FLIP coordinates projects and leads investigations to safeguard freedom of expression in the country. Previously, Jonathan worked as an editor for Colombian newspapers.



Gloria Castrillón is a Colombian journalist who directs Colombia 2020, El Espectador newspaper's section on post-conflict. She has covered the armed conflict and peace negotiations with the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and paramilitary groups. She is also an author, workshop leader and has taught at university level on issues of armed conflict, memory, gender, and peace building.



Ukraine:

Daryna Shevchenko is a media manager, journalist, editor and media consultant with a focus on human rights, fundraising and strategic and operational management. She is an associate partner at Jnomics Media consultancy and a co-founder and managing editor of the explanatory journalism portal Lustrum. For six years, Daryna worked as an editor and journalist for Ukraine's leading English-language newspaper Kyiv Post. In 2013, with her Kyiv Post colleagues, Daryna co-founded the Media Development Foundation and served as Executive Director for three years.



Eugene Zaslavsky is Executive Director of Media Development Foundation (MDF), a Kyiv-based non-profit that conducts media research, helps young journalists to kick-start their careers and organises media training. Eugene is also a lecturer in Media Management at the Department of Journalism of Taras Shevchenko National University of Kyiv. He previously worked as a media researcher and organisational development trainer. Eugene has over fifteen years of experience working in media, starting as a freelance journalist in Luhansk (Ukraine) and then as a project manager at media watchdog Telekritika (since renamed Detector Media).



Ethiopia:



Sosena Tesfaye is a journalist and producer. She covers reproductive health matters, HIV/AIDS, family planning, women and children and, currently, COVID-19 in Ethiopia. In 2001, Sosena co-founded Erkab Media and Communication to produce a broad range of media, including the 'Betengna' radio diary series, during which she coordinated with Johns Hopkins University Center for Communication Programs to help reduce HIV-related stigma by profiling ordinary people living with the retrovirus.



Henok Fente is an Ethiopian journalist and media educator with sixteen years of experience in international reporting, media development and creation and management of youth broadcasts for Voice of America and BBC, among others. He is founder and Executive Director of MERSA Media Institute, a non-profit think tank working to create vibrant, responsible and independent media and education centres through research, capacity building, and institutional support in Africa.

Sri Lanka:



Honorable **Mr. Karunarathna Paranawithana** is a Sri Lankan politician; a member of parliament for the Ratnapura district and Deputy Minister of Provincial Council and Local Government. He previously served as secretary to the Ministry of Mass Media and began his career as a journalist.



Hana Ibrahim is Editor-in-Chief of the Sri Lankan international newspaper Daily Express/Weekend Express, with more than twenty-five years of experience in local and international media. She is a co-convenor of South Asian Women in Media, a founder of South Asia Media Solidarity Network, an executive committee member of Free Media Movement, and a board member at Sri Lanka College of Journalism.

Appendix (A):

Human rights law and the media – The rights-based approach

Pursuing a human rights-based approach to assessing the impact of COVID-19 on the media has several important advantages. Firstly, any media landscape is invariably complex, formed from a myriad of rights and responsibilities, all of which depend on, and may sometimes compete with, each other. Human rights can be seen as a language that names these rights and responsibilities, identifies each unique element, and so brings clarity to a complex picture.

Secondly, having identified the media's constituent parts, human rights also has established rules of 'grammar', a system through which each individual human right functions to give proper meaning to all other rights within the whole, which the Office of the OHCHR terms the indivisibility and interdependence of all human rights.²⁶⁶ Thus the right to freedom of expression is indivisible from the right to health, for without access to information about health risks the citizen is unable to act to avoid those risks. A threat against a journalist's family, for her reports on the pandemic, is not only a violation of her personal right to privacy, but also an attack on freedom of expression, which thereby threatens the public's right to health. Human rights thus provide a concrete approach not only to analysing how important aspects of public interest media operate, but also how intersectionality can be discerned. Intersectionality can be defined as how race, class, gender – and other grounds on which discrimination can occur – intersect with one another and overlap, creating new forms of oppression which are distinct from the separate forms.

Importantly, the rules of this human rights 'grammar' include tests that must be applied, when protecting one right means infringing the full enjoyment of another. To what extent can a State limit freedom of information in pursuit of the right to health? When does protected free speech become outlawed hate speech? Can disinformation infringe the right to information? The human rights system is perhaps the international community's best tool for finding fair answers to such questions.

Finally, the human rights-based approach has the great advantage of being grounded in international treaty law, and the vast network of soft law instruments that arise from it. Almost all nations of the world, including the four jurisdictions surveyed by IMS for this report, have ratified the main multilateral international human rights treaties that establish obligations on their States Parties to respect, protect, and fulfil the rights they codify. There is, of course, no dedicated international human rights court in which to enforce any

of these rights. IHRL treaty making and enforcement, like all public international law, is an act of diplomacy, as evidenced by the trickle of cases on which the International Court of Justice has been asked, by one State, to rule regarding another State's actions. Unique to IHRL, however, is the system of treaty monitoring bodies, which can include the right of an individual to raise a complaint against a State for an alleged violation of its treaty obligations.

Treaty monitoring bodies can find a State Party to be in violation of its obligations under the treaty, and peer pressure from other States Parties can bring the offender into compliance. But the combination of treaty obligation with soft law instruments is perhaps IHRL's most effective contribution. On the right to health alone, the UN's human rights monitoring bodies, which includes the treaty bodies, the process of Universal Periodic Review, and the work of Special Rapporteurs, have produced some 6,000 recommendations directly relevant to States Parties fulfilling that obligation.²⁶⁷ Since 2003, the UN has adopted a human rights-based approach to development, tying the fulfilment of human rights treaty obligations to the achievement of the Sustainable Development Goals.²⁶⁸ By clarifying the human rights that are engaged in the flourishing of public interest media, and the balance that must be found when those rights compete with each other, a rights-based approach to the impact of COVID-19 on the media thus situates itself within the UN's overall framework for international cooperation and development.

It is beyond the scope of this report to detail every instrument of international and soft law related to media and the COVID-19 pandemic. However, set out below are the principle human rights engaged in the operation of the media and the State during a health emergency such as COVID-19, including the rules and guidance on lawful derogation from those rights.

The right to health

Article 12 of the International Covenant on Economic, Social and Cultural Rights (1966) (ICESCR) states that everyone has the right to “the enjoyment of the highest attainable standard of physical and mental health.” States have a positive obligation to take steps for the “prevention, treatment and control of epidemic, endemic, occupational and other diseases”. The obligation under the ICESCR is for the ‘progressive realisation’ of the rights therein.²⁶⁹ In its General Comment 14, the Committee on Economic, Social and Cultural Rights (CESCR) – the UN body tasked with monitoring implementation of the ICESCR – said that measures to control an epidemic was a core obligation of the right to health, an obligation from which the State has no lawful derogation.²⁷⁰

²⁶⁷ Danish Institute for Human Rights (2020, May)

²⁶⁸ *Ibid*

²⁶⁹ The CESCR views the concept of ‘progressive realisation’ as requiring the State Party to take steps over time and to the maximum of available resources toward fulfilling those human rights.

²⁷⁰ CESCR (2000, August 11)

Freedom of opinion and expression

Article 19(1) of the International Covenant on Civil and Political Rights (1966) (ICCPR) states that: “Everyone shall have the right to hold opinions without interference”. Freedom of opinion, thus, can never be derogated. Article 19(2) states that: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. The obligation to protect the rights set out in the ICCPR is immediate.²⁷¹

The UN Human Rights Committee, the ICCPR’s treaty monitoring body, in General Comment 34 specified that States should proactively publish information of public interest and take steps to facilitate access to information held by public bodies, including by passing freedom of information legislation.²⁷² As a constituent part of freedom of expression, the right of access to information may be restricted, but restrictions must be provided by law, pursue a legitimate aim, and be necessary and proportionate, the so-called three-part test.²⁷³ Responding to a public health crisis is one of those legitimate aims but, as stated by the Special Rapporteur on Freedom of Expression, that does not give States authority to derogate from freedom of expression rights in total.²⁷⁴

CESCR’s General Comment No 14 noted that that the right to health is “closely related to and dependent upon the realisation of other human rights ... [including] ... access to information”, which it considered as addressing “integral components of the right to health”. States are obliged to “provide education and access to information concerning the main health problems in the community, including methods of preventing and controlling them”.²⁷⁵

Prohibition of hate speech

Article 20 ICCPR states that: “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”. The 2012 Rabat Plan of Action outlined a six-part threshold test that authorities may use when balancing freedom of expression against prohibition of hate speech. The test to be applied to each individual speech act takes into account: (1) social and political context; (2) status of the speaker; (3) intent to incite the audience against a target group; (4) content and form of the speech; (5) extent of its dissemination; (6) likelihood of harm, including imminence.²⁷⁶

271 The Human Rights Committee views the ICCPR’s rights as being capable of immediate application by judicial and political actors, thus requiring States Parties to secure and protect those human rights.

272 Human Rights Committee (2011, September 11)

273 See sidebar

274 Human Rights Council (2020, April 23)

275 CESCR (2000, August 11)

276 Human Rights Council (2013, January 11)

Right to privacy and family life

Article 17 ICCPR states that: “No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation”.

Right to equality

Articles 3 ICCPR and ICESCR obligate States Parties to “undertake to ensure the equal right of men and women to the enjoyment of all” the civil and political, and economic, social, and cultural rights set forth in the two Covenants.

Right to non-discrimination

Articles 2 ICCPR and ICESCR prohibit States Parties from exercising any kind of discrimination of any kind against individuals, subject to their jurisdiction, on grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The International Convention on the Elimination of All Forms of Racial Discrimination (1966) (ICERD) obligates countries to “condemn racial discrimination” and undertake measures aimed at “eliminating racial discrimination in all its forms and promoting understanding among all races”. Under Article 1 of the Convention, “racial discrimination” is defined broadly as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.

Article 1 of the Convention for the Elimination of all Forms of Discrimination Against Women (1979) (CEDAW) defines discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” Article 2 CEDAW obligates States Parties to “pursue by all appropriate means and without delay a policy of eliminating discrimination against women”.

CESCR General Comment 20 states that health status is a prohibited ground of discrimination; States should ensure that a person’s actual or perceived health status is not a barrier to realising their rights under the ICESCR; States should adopt measures to address the widespread stigmatisation of persons on the basis of their (real or perceived) health status, as this can undermine their ability to enjoy their human rights.

Right to freedom of movement

Article 12 ICCPR states that: “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence [...] Everyone shall be free to leave any country, including his own”.

The right to just work

Article 7 ICESCR says States Parties “recognise the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular [...] remuneration which provides all workers, as a minimum, with [...] fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work”.

‘The Three-Part Test’

IHRL establishes duties and responsibilities on those who exercise it, including the requirement that restrictions of the rights it guarantees are legitimate. In order to be legitimate, all restrictions of IHRL must comply with what has become known as the ‘three-part test’ as set out in Article 19(3) ICCPR, though found in similar form in all major human rights instruments. For restrictions to be legitimate they must follow these principles:

Principle of legality.

Any restriction must be expressly, straightforwardly, and clearly prescribed by law in its formal and material aspects.

Principle of legitimacy.

Any restriction must serve to attain the imperative objectives expressly

enumerated in the ICCPR to ensure the protection of the rights of others, national security, public order, public health, and morals.

Principle of necessity and proportionality.

Any restriction must be strictly necessary in a democratic society for the attainment of its imperative aims and must be reasonably suited to the attainment of its imperative aims. It must also be strictly proportionate to the aim pursued, meaning that the harm to, for example, freedom of expression caused by a restriction must not outweigh its benefits to the interest to, for example, the right to health.

Derogations in a public emergency

States are permitted to suspend some of their obligations under human rights treaties if a state of emergency requires them to do so. A situation of public emergency can only be invoked where there exists a threat to “the life of the nation itself” – a high threshold, but one which the COVID-19 pandemic met.

Article 4 ICCPR states that even in the context of a declared public emergency which threatens the life of the nation, measures derogating from a State Party’s obligations under the Covenant must be limited to the “extent strictly required by the exigencies of the situation” and cannot “involve discrimination solely on the ground of race, colour, sex, language, religion, or social origin” or be inconsistent with other obligations under international law.

The Human Rights Committee adopted, on 24 April 2020, a specific statement on derogations from the ICCPR in connection with the COVID-19 pandemic: States “shall not derogate human rights protections if they are able to obtain their public health objectives on the basis of non-exceptional provisions”. Furthermore, authorities “should replace COVID-19-related measures that prohibit activities relevant to the enjoyment of fundamental rights with less restrictive measures that allow such activities to be conducted, while subjecting them as necessary to public health requirements, such as physical distancing”.

The Committee reiterated that States Parties cannot restrict enjoyment of the non-derogable provisions of the Covenant which are: Article 6 (right to life); Article 7 (prohibition of torture or cruel, inhuman or degrading punishment, or of medical or scientific experimentation without consent); Article 8, paragraphs 1 and 2 (prohibition of slavery, slave-trade and servitude); Article 11 (prohibition of imprisonment because of inability to fulfil a contractual obligation); Article 15 (the principle of legality in the field of criminal law); Article 16 (the recognition of everyone as a person before the law); Article 18 (freedom of thought, conscience and religion); Article 19(1) (freedom of opinion).

In its General Comment 29, the Human Rights Committee noted the ICCPR requires States Parties availing themselves of the right of derogation to immediately inform the other States Parties to the Covenant, through the United Nations Secretary-General, of the provisions they derogated from and of the reasons for such measures. In April 2020, the Committee noted more than 80 governments around the world had declared states of emergency, but most had not notified the UN and many of the emergency measures lack “sunset” clauses. States of emergency must be limited to the extent strictly required by the exigencies of the situation “relating to the duration, geographical coverage and material scope, and any measures of derogation resorted to because of the emergency.”²⁷⁷

²⁷⁷ Human Rights Committee (2001, August 31)

Appendix (B)

IMS report on the impact of Covid-19 on journalists – Questionnaire and results

For each statement below, please assess how accurately the statement reflects the situation for journalists in your country since the start of the Covid-19 crisis. You can base your assessment on your own personal experiences and on what you know about the experiences of other journalists.

For each question please give one of five scores: Strongly Disagree (SD); Disagree (D); Neither Agree nor Disagree (N); Agree (A); Strongly Agree (SA).

So, for example, if women journalists *have* been disproportionately affected by government Covid-19 restrictions in your programme country in a *major* way then you might score the statement as Strongly Agree. If they have been disproportionately affected, but only *slightly*, then you might score it Agree. If you are sure that men and women have been affected by government Covid-19 restrictions in just the *same way* then you might score the statement as Strongly Disagree.

Here are the 15 statements:

1. Government Covid-19 restrictions in your programme country have made gathering first hand reporting from human sources more difficult
2. Women journalists have been disproportionately affected by government Covid-19 restrictions in your programme country
3. Journalists of an Asian background have reported a rise in discrimination and hostility from state and public actors since the pandemic
4. Older journalists have been disproportionately affected by government Covid-19 restrictions in your programme country than younger journalists
5. Journalists with chronic health conditions have been disproportionately affected by government Covid-19 restrictions in your programme country
6. Journalists reporting from the frontlines of the response to the pandemic have had adequate access to personal protective equipment

7. Incidences of state censorship of media have increased in your programme country since Covid-19 restrictions were enacted
8. Incidences of personal censorship by journalists themselves have increased in your programme country since Covid-19 restrictions were enacted
9. Access to telecommunications necessary for the operation of a free media have remained unrestricted in your programme country since Covid-19 restrictions were enacted
10. Incidents of threats or harassment of journalists, including hate speech, have increased since the pandemic in your programme country
11. Disinformation in your programme country has significantly increased since the pandemic
12. Access to government information in your programme country has been more restricted since Covid-19 measures came into force
13. The financial viability of media organisations in your programme country has become more precarious since the pandemic
14. Spying on journalists by state actors using digital technology has increased as a result of Covid-19 measures in your programme country
15. There is public consensus in your programme country that independent, free media is an essential service in the wake of the pandemic

Results from IMS Covid-19 Impact Survey

Indicator 1: Gathering Reporting					
Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)				X	
Sri Lanka (f)					X
Ethiopia (m)				X	
Ethiopia (f)				X	
Ukraine (m)				X	
Ukraine (f)				X	
Colombia (m)					X
Colombia (f)					X

Indicator 2: Women Disproportionately Affected					
Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)		X			
Sri Lanka (f)		X			
Ethiopia (m)		X			
Ethiopia (f)	X				
Ukraine (m)	X				
Ukraine (f)		X			
Colombia (m)		X			
Colombia (f)			X		

Indicator 3: Asian Journalists Rising Discrimination					
Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)		X			
Sri Lanka (f)			X		
Ethiopia (m)				X	
Ethiopia (f)			X		
Ukraine (m)	X				
Ukraine (f)		X			
Colombia (m)			X		
Colombia (f)			X		

Indicator 4: Older Journalists Disproportionately Affected

Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)					X
Sri Lanka (f)			X		
Ethiopia (m)		X			
Ethiopia (f)	X				
Ukraine (m)			X		
Ukraine (f)		X			
Colombia (m)			X		
Colombia (f)			X		

Indicator 5: Journalists Chronic Health Disproportionately Affected

Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)					X
Sri Lanka (f)					X
Ethiopia (m)		X			
Ethiopia (f)		X			
Ukraine (m)				X	
Ukraine (f)	X				
Colombia (m)		X			
Colombia (f)			X		

Indicator 6: Journalists Adequate Access to PPE

Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)				X	
Sri Lanka (f)	X				
Ethiopia (m)	X				
Ethiopia (f)				X	
Ukraine (m)	X				
Ukraine (f)				X	
Colombia (m)				X	
Colombia (f)				X	

Indicator 7: State Censorship Increased

Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)				X	
Sri Lanka (f)					X
Ethiopia (m)		X			
Ethiopia (f)	X				
Ukraine (m)				X	
Ukraine (f)		X			
Colombia (m)				X	
Colombia (f)		X			

Indicator 8: Personal Censorship Increased

Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)					X
Sri Lanka (f)					X
Ethiopia (m)	X				
Ethiopia (f)				X	
Ukraine (m)				X	
Ukraine (f)		X			
Colombia (m)				X	
Colombia (f)		X			

Indicator 9: Access to Telecoms Unrestricted

Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)				X	
Sri Lanka (f)				X	
Ethiopia (m)	X				
Ethiopia (f)				X	
Ukraine (m)	X				
Ukraine (f)					X
Colombia (m)				X	
Colombia (f)				X	

Indicator 10: Harrassment of Journalists Increased

Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)		X			
Sri Lanka (f)				X	
Ethiopia (m)				X	
Ethiopia (f)	X				
Ukraine (m)				X	
Ukraine (f)				X	
Colombia (m)				X	
Colombia (f)			X		

Indicator 11: Disinformation Significantly Increased

Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)					X
Sri Lanka (f)				X	
Ethiopia (m)					X
Ethiopia (f)					X
Ukraine (m)					X
Ukraine (f)					X
Colombia (m)		X			
Colombia (f)				X	

Indicator 12: Access to Government Information More Restricted

Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)					X
Sri Lanka (f)			X		
Ethiopia (m)			X		
Ethiopia (f)				X	
Ukraine (m)				X	
Ukraine (f)		X			
Colombia (m)					X
Colombia (f)		X			

Indicator 13: Financial Viability of Media More Precarious

Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)					X
Sri Lanka (f)				X	
Ethiopia (m)					X
Ethiopia (f)			X		
Ukraine (m)		X			
Ukraine (f)					X
Colombia (m)					X
Colombia (f)				X	

Indicator 14: Spying on Journalists Increased

Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)				X	
Sri Lanka (f)					X
Ethiopia (m)			X		
Ethiopia (f)	X				
Ukraine (m)					X
Ukraine (f)			X		
Colombia (m)		X			
Colombia (f)			X		

Indicator 15: Public Consensus Free Media Essential

Country	Response				
	Strong Disagree	Disagree	Neither	Agree	Strongly Agree
Sri Lanka (m)				X	
Sri Lanka (f)					X
Ethiopia (m)		X			
Ethiopia (f)					X
Ukraine (m)			X		
Ukraine (f)		X			
Colombia (m)			X		
Colombia (f)		X			

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IMS (International Media Support) is an NGO working for global press freedom supporting local media in countries affected by armed conflict, human insecurity and political transition.

This IMS report provides a comprehensive analysis of the human rights impacts of COVID-19 on public interest media drawing from international studies, in-depth interviews with journalists in Colombia, Ethiopia, Sri Lanka, and Ukraine and reports and experiences from over 33 IMS partners.

As the pandemic has left some audiences desperate for reliable information to help protect themselves from the virus, and others scouring for sources to counter the lies and censorship coming from their own government, paradoxically, the impacts of COVID-19 have driven demand for independent journalism, even as they have hampered its development.