



Protecting Fundamental Rights & Freedom of Expression: Lessons Learned from COVID-19

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Background

- The world is facing an unprecedented crisis. At its core is a global public health emergency on a scale not seen for a century,
- Requires a global response with far-reaching consequences for our economic, social and political lives,
- Extensive lockdowns, adopted to slow transmission of the virus, restrict by necessity freedom of movement and, in the process, freedom to enjoy many other human rights.

Background-2

- The WHO guidance for dealing with information in the context of pandemics is consistent with the requirements of international human rights law.
- It highlights the importance of the State providing reliable information to the public.
- It also emphasizes the importance of transmitting information in a manner that is sensitive to different audience perceptions and concerns and that is aimed at correction, not penalty.

Background-3

- It is possible to further emphasize the dependent relationship between freedom of expression and access to information, on the one hand, and public health on the other.
- Indeed, the International Health Regulations mandate the implementation of global public health policies “with full respect for the dignity, human rights and fundamental freedoms of persons”.
 - <https://www.who.int/ihr/publications/9789241580496/en/>

Introduction

- Popular fictional depictions of pandemics or other disease outbreaks often imagine that the solutions are purely medical and scientific.
- But before the emergence of COVID-19, the World Health Organization (WHO) highlighted the importance of **information** and **responsible governance** in addressing disease epidemics.

Introduction-2

- Managing a global disease should involve not only the coordination of responders, the identification of the particularities of the illness, and specific health interventions.
- It also requires “risk communication”, an information strategy involving “two-way communication that is dynamic and evolving as the outbreak develops”
 - <https://www.who.int/emergencies/diseases/managing-epidemics/en/>

Introduction-3

- According to the WHO there are three elements of proper risk communication:
 - (a) the relaying, by authorities, of information “on the nature of the threat and the protective measures that people can take”;
 - (b) an understanding of public and individual fears and concerns that enables authorities to tailor communication appropriately; and
 - (c) the management of rumours, which involves “listen[ing] to such misinformation and correct[ing] examples of it in appropriate ways without delay.” 5

Introduction-4

- Measures need to be taken to mitigate any such unintended consequences.
- Guaranteeing human rights for everyone poses a challenge for every country around the world to a differing degree.
 - The public health crisis (COVID-19) has become an economic and social crisis with an accompanying protection and human rights crisis rolled into one.

COVID-19

COVID 19 pandemic has had a life-changing impact on people around the world. The virus was first discovered in December 2019 and has infected millions of people around the globe.



<https://www.weforum.org/agenda/2020/03/the-economic-geopolitical-and-health-consequences-of-covid-19/>

HOW HAS COVID 19 AFFECTED HUMAN RIGHTS/FREEDOM OF EXPRESSION?

- **Speech** - Journalist and whistle blower in some countries are facing lawsuit and others
- **Life** - Global deaths from COVID-19 pandemic
- **Education** - Global school closures
- **Freedom of movement** - Stringency of government containment measures
- **Freedom of movement** - COVID-19 pandemic in locations with a humanitarian response plan

In the Village Square

- In a number of countries, governments have failed to uphold the right to freedom of expression, taking actions against journalists, scientists, healthcare workers, citizens.
- This ultimately limit effective communication about the onset of the disease and undermine trust in government actions.

In the Village Square-2

- In times of crisis where there is a threat to public health on this scale, governments are allowed and often required to take more restrictive measures than they would in normal times.
- However, increased surveillance, restrictions on free expression and information, and limits on public participation are becoming increasingly common.

In the Village Square-3

- Journalism plays an essential role in the communication of factual and science based information to the public
- It enables individuals to exercise their rights to seek and receive information and to develop opinions about the public health threat so that they can take appropriate steps to protect themselves and their communities.
- This is indeed a moment to reinforce the fundamentally important role of a free, uncensored and unhindered media to self-governance.

Challenges

- How to counter false health content about the novel coronavirus without condoning punitive measures that stifle free speech.
- How to prevent states from violating principles of free expression as they combat coronavirus misinformation and disinformation.

Challenges

Accountability – Access to information on the Palliative

Trust – Who do you trust?

Coordinated disinformation—trust in officials in charge;

Response by government to misinformation and disinformation

(Trump; Madagascar President; Russia; Global competition; World leadership in disarray etc.);

Recommendations

- Guarantee meaningful participation of all sectors of society and diverse civil society actors in decision-making processes on COVID-19 response.
- Ensuring reliable, accurate information reaches all, by making it available in readily understandable formats and languages (especially local languages and dialects)

Conclusion

- In a nutshell, the premise underlying freedom of opinion and expression strongly supports appropriate public health responses to COVID-19.
- The freedom to share information and ideas empowers individuals and communities, human development and democratic self-governance.

Conclusions-2

- In certain circumstances, information saves lives, but 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.

Conclusions-3

- In order for it to work – in order for the public, generally speaking, to consent to such hardships – individuals must trust that the information the orders are based on are rooted in evidence and commitment to the public's interest.
- An environment dominated by censorship, the root of which is distrust of the public's capacity to think critically, is toxic to public support.

THANK YOU



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