

# The Toll of COVID-19 on Human Rights: Selected Countries and Territories Worldwide



**FIDU - Federazione Italiana  
Diritti Umani** ETS  
*Italian Federation for Human Rights*



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## 1. UPHOLDING HUMAN RIGHTS AMID COVID-19

### 1.1 Introduction

**The coronavirus outbreak was labelled a pandemic by the World Health Organization (WHO) on 11 March 2020. As of 22 June 2020, the WHO had reported cases of COVID-19 in more than 216 countries and more than 8,844,171 people infected worldwide.**

At this time, there are no specific vaccines or treatments for COVID-19. However, there are many ongoing clinical trials evaluating potential treatments. In this regard, the WHO is providing updated information and data about all medical aspects of the pandemic.<sup>1</sup>

From a regulative perspective, the right to the enjoyment of the highest attainable standard of physical and mental health was first articulated at the international level in the 1946 Constitution of the World Health Organization and recognised in the 1948 Universal Declaration of Human Rights (UDHR) as well as in the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), which states that governments are obligated to take effective steps for the prevention, treatment, and control of epidemic, endemic, occupational, and other diseases.

The right to health is an inclusive right and, as reported in the Office of the High Commissioner for Human Rights (OHCHR) and the WHO Fact Sheet No. 31, it contains freedom; entitlements which include the right to prevention, treatment, and control of diseases; equal and timely access to basic health services; the provision of health-related education and information; and participation of the population in health-related decision-making at the national and community levels.

With regard to government responses to disease prevention or control and to national emergencies, human rights law also recognises that in these contexts restrictions on some rights can be justified when they have a legal basis, when they are strictly necessary, based on scientific evidence and neither arbitrary nor discriminatory in application, of limited duration, respectful of human dignity, subject to review, and proportionate to achieve the objective. **The scale and severity of the COVID-19 pandemic clearly rises to the level of a public health threat, which could lead to government responses that restrict certain rights for reasons of public health. However, even if these restrictions can affect any country, in those ruled by authoritarian regimes they can pose a heightened threat of grave and systematic human rights abuse.**

This document provides an overview of human rights and freedom concerns posed by the coronavirus outbreak in several countries where we operate, notably **China, Kazakhstan, Iran, Moldova, the Russian Federation, Turkey, and the illegally occupied territories of Donbas and Crimea**. These countries are characterised by an authoritarian form of government where patterns of human rights violations can be routinely observed, namely media censorship, information manipulation and government-controlled press, political incarceration of dissenting voices, widespread use of torture in prisons, and systemic repression of fundamental freedoms, in particular of freedom of expression and assembly. In this respect, it is important to emphasise that although Moldova cannot be compared to consolidated dictatorships like Kazakhstan or China, Freedom House classifies Moldova as “*a hybrid regime with clear elements of an authoritarian regime*”. The reason for this is the persistent corrupt legacy of Vladimir Plahotniuc, the recently ousted Moldovan oligarch and long-time *de facto* ruler in the country, which still affects the country’s path towards a consolidated democracy.<sup>2</sup>

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<sup>1</sup> <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

<sup>2</sup> <https://freedomhouse.org/country/moldova/nations-transit/2020>

## 1.2 Investigating the World Health Organization for mishandling the pandemic: what went wrong?

In the last two months, the majority of the member states belonging to the World Health Organization have put under harsh scrutiny the agency's response to COVID-19. This comes after concerns over the actual independence of the UN body have been fueled by the solicitous nature of the organisation's relationship to the Chinese government.<sup>3</sup> The excessive endorsement of Beijing actions by Director-General Dr Tedros Adhanom Ghebreyesus, in particular during the initial stage of the crisis, has raised a number of questions around the effective impartiality of the WHO.<sup>4</sup>

Between 18 and 19 May 2020, representatives of national delegations attended the 73rd session of the World Health Assembly. On the second day, the Assembly adopted a resolution calling for an independent and comprehensive inquiry into the actions of the WHO during the course of the pandemic.<sup>5</sup> The resolution was proposed by the European Union and received support from more than 100 countries. The text, despite its mild tone and lack of explicit references to China, calls upon the WHO to investigate the origins of the coronavirus, demanding the WHO to cooperate with the World Organisation for Animal Health and the Food and Agriculture Organization headed by the Chinese scientist Qu Dongyu.<sup>6</sup>

Too often Director-General Tedros has praised China's response to COVID-19, intensifying criticisms over the degree of China's influence on the organisation.<sup>7</sup> **The body is now under unprecedented attacks for its complacent approach towards Xi Jinping's leadership, which led to mismanagement of the pandemic.**<sup>8</sup> Journalistic investigations by independent media outlets like *Der Spiegel* and *Newsweek* claim that the WHO's delayed response to the crisis is the result of the organization's deference to China.<sup>9</sup> China's successful campaign to thwart Taiwan's membership further illustrates its significant influence on the WHO. In hindsight, the WHO's hostility towards Taiwan proved to be a self-defeating strategy for two main reasons. Firstly, it was only on 23 January 2020 that the WHO admitted human to human transmission, despite Taiwanese authorities having consistently reported this directly to the WHO. A research paper of the European Parliament Think Tank wrote that "*On 10 January, it was already considering the possibility of human-to-human transmission, yet just four days later, it uncritically shared a Chinese study denying the evidence to that effect*".<sup>10</sup> Secondly, the organisation's reluctance in declaring the COVID-19 outbreak a pandemic until 11 March 2020 neglected the worrying alerts coming from numerous countries - around 114 - which had already detected 118,000 cases.<sup>11</sup>

Director-General Tedros never misses the opportunity to compliment the Chinese authorities in their fight against COVID-19 and, in particular, their "*commitment to transparency*".<sup>12</sup> The organisation is fully dependent on its member states and, therefore, does not contest its official sources;<sup>13</sup> however, the Chinese government's repressive actions towards journalists and doctors who first disclosed cases of COVID-19 confirm the unreliability of these sources.

WHO's group of "*goodwill ambassadors*" includes "*a Chinese government news presenter who has broadcast forced confessions and is now exploiting his WHO title to whitewash China's handling of the coronavirus pandemic*".<sup>14</sup>

Overall, the pandemic has exposed the pervasiveness of China's public diplomacy into the WHO, raising questions over the impartiality and the integrity of the 72 year-old agency.<sup>15</sup> **In these dramatic months,**

<sup>3</sup> <https://epthinktank.eu/2020/05/13/world-health-organization-is-it-fit-for-purpose/>

<sup>4</sup> <https://www.institutmontaigne.org/en/blog/fighting-coronavirus-pandemic-chinas-influence-world-health-organization>

<sup>5</sup> [https://apps.who.int/gb/ebwha/pdf\\_files/WHA73/A73\\_R1-en.pdf](https://apps.who.int/gb/ebwha/pdf_files/WHA73/A73_R1-en.pdf)

<sup>6</sup> <https://www.institutmontaigne.org/en/blog/fighting-coronavirus-pandemic-chinas-influence-world-health-organization>

<sup>7</sup> <https://www.institutmontaigne.org/en/blog/fighting-coronavirus-pandemic-chinas-influence-world-health-organization>

<sup>8</sup> <https://epthinktank.eu/2020/05/13/world-health-organization-is-it-fit-for-purpose/>

<sup>9</sup> <https://theconversation.com/the-world-health-organization-must-answer-these-hard-questions-in-its-coronavirus-inquiry-138959>

<sup>10</sup> <https://epthinktank.eu/2020/05/13/world-health-organization-is-it-fit-for-purpose/>

<sup>11</sup> <https://www.institutmontaigne.org/en/blog/fighting-coronavirus-pandemic-chinas-influence-world-health-organization>

<sup>12</sup> <https://epthinktank.eu/2020/05/13/world-health-organization-is-it-fit-for-purpose/>

<sup>13</sup> <https://carnegieendowment.org/2020/03/23/fighting-coronavirus-pandemic-china-s-influence-at-world-health-organization-pub-81405>

<sup>14</sup> <https://www.newsweek.com/who-must-drop-its-pro-beijing-goodwill-ambassador-opinion-1504961>

<sup>15</sup> <https://edition.cnn.com/2020/02/14/asia/coronavirus-who-china-intl-hnk/index.html>

**authoritarian and non-democratic governments like Kazakhstan,<sup>16</sup> Turkey,<sup>17</sup> Iran<sup>18</sup> and Moldova<sup>19</sup> found precious allies among the WHO's top officials and regional directors, who amplified state-sponsored propaganda and praised authoritarian methods of containment.**

Notwithstanding the intergovernmental nature of the organisation which effectively limits its executive powers, the WHO must reestablish its legitimacy among its member states. The first step to restore its credibility would be to identify the origins of the pandemic by carrying out independent research in cooperation with a wider network of stakeholders, including those whistleblowers and victims from China who bravely reported the very first cases.<sup>20</sup>

### **1.3 Protecting Freedom of Expression and Access to Information during the COVID-19 Response**

In the coronavirus pandemic, timely and accurate information can save lives. Public authorities and media play an essential role in dispensing reliable information, shaping a constructive public debate, and raising awareness among citizens, thus combating the spread of COVID-19 and misinformation. In a compelling statement, the WHO underlined *"the vital role"* that the press plays in effectively evaluating the government's response to the coronavirus and assessing its impact.<sup>21</sup>

Even during extraordinary times, governments worldwide should ensure the continuity of the work of journalists and reporters on the ground; while citizens – including health-workers and ordinary citizens – should have the right to scrutinise and criticise the government's response to the crisis freely and uncensored.

It is acknowledged that in a state of emergency, authorities have access to powers that generally would not be available. Freedom of expression is enshrined in numerous international treaties such as the UDHR, the International Covenant on Civil and Political Rights (ICCPR), the European Convention on Human Rights (ECHR) and others. Albeit fundamental, freedom of expression is not an absolute right and, as such, can be subjected to limitations in times of emergency. **Derogation from a state's obligation to ensure certain rights and freedoms should be balanced, circumstantial, and time limited and, most importantly, must abide by the rule of law.**<sup>22</sup> As reiterated by the Council of Europe on the occasion of publishing its *Guidelines on protecting freedom of expression and information in times of crisis*, **"under no circumstances shall the crisis situation be used by states to claim excessive powers or to limit freedom of expression"**.<sup>23</sup>

International experts like **David Kaye**, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, **Harlem Désir**, OSCE Representative on Freedom of the Media, and **Edison Lanza**, IACHR Special Rapporteur for Freedom of Expression, pointed out that even during periods of emergency, freedom of expression and other fundamental rights continue to apply and constitute the cornerstone of any thriving democracy. In particular, the joint statement makes reference to the government's responsibility to provide *"reliable information in accessible formats to all"* and to boldly *"implement their freedom of information laws"*, refraining from criminalisation of freedom of speech and arbitrary restrictions to internet access.<sup>24</sup>

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<sup>16</sup> [https://twitter.com/hans\\_kluge/status/1260277518327844866?s=20](https://twitter.com/hans_kluge/status/1260277518327844866?s=20)

<sup>17</sup> <https://www.hurriyet.com.tr/dunya/dsoden-turkiyeye-ovgu-tum-dunyaya-ornek-olmali-41491899>

<sup>18</sup> <http://www.emro.who.int/irn/iran-news/delegation-of-who-and-public-health-experts-concludes-covid-19-mission-to-iran.html>

<sup>19</sup> [https://twitter.com/hans\\_kluge/status/1241060217334435840?s=20](https://twitter.com/hans_kluge/status/1241060217334435840?s=20)

<sup>20</sup> <https://theconversation.com/the-world-health-organization-must-answer-these-hard-questions-in-its-coronavirus-inquiry-138959>

<sup>21</sup> <https://www.cjr.org/analysis/coronavirus-press-freedom-crackdown.php>

<sup>22</sup> <https://www.accessnow.org/cms/assets/uploads/2020/04/Fighting-misinformation-and-defending-free-expression-during-COVID-19-recommendations-for-states-1.pdf>

<sup>23</sup> <https://www.coe.int/en/web/freedom-expression/freedom-of-expression-and-information-in-times-of-crisis>

<sup>24</sup> <https://www.osce.org/representative-on-freedom-of-media>



With regard to the latter, the UN Human Rights Commissioner **Michelle Bachelet** urged *“an end to any blanket Internet and telecommunication shutdowns and denials of service”*, as any such restriction has a detrimental impact on crisis communication during the pandemic.<sup>25</sup> Bachelet said she was alarmed by the restrictive measures imposed by several states against the independent media, as well as the arrest and intimidation of journalists as the free flow of information is vital in fighting COVID-19.

Unfortunately, the evidence of the pandemic has shown that in non-democratic countries, where human rights are routinely violated, extraordinary measures have become yet another tool to suppress truth-tellers. Authoritarian leaders have also resorted to repressive tactics to undermine the right to internet access for purposes unrelated to COVID-19.

***“Some States have used the outbreak of the new coronavirus as a pretext to restrict information and stifle criticism,”*** Bachelet said. *“A free media is always essential, but we have never depended on it more than we do during this pandemic, when so many people are isolated and fearing for their health and livelihoods. Credible, accurate reporting is a lifeline for all of us.”* She added, *“rather than threatening journalists or stifling criticism, States should encourage healthy debate concerning the pandemic and its consequences.”* *“Protecting journalists from harassment, threats, detention or censorship helps keep us all safe,”* Bachelet said.<sup>26</sup>

According to the International Press Institute (IPI), by 3 June 2020 there had been over 335 alleged media violations since the start of the outbreak, including restrictions on access to information, censorship, and excessive regulation of misinformation, while at least 51 journalists had been arrested or charged worldwide for reports critical of the State response to the pandemic or for simply questioning the accuracy of official numbers of cases and deaths related to COVID-19.<sup>27</sup>

According to Reporters Without Borders (RSF), had there been a free press in **China** the worst effects of the pandemic could have been avoided, as *“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”*.<sup>28</sup> Furthermore, while *“censorship of early warnings delayed adoption of the necessary public health measures”*, the Chinese regime was active in a world disinformation campaign, up to the point that Chinese officials even suggested that it might have been the US army that brought the epidemic to Wuhan or that it might have been circulating in Italy before being detected in China.<sup>29</sup>

#### **1.4 Stemming COVID-19 ‘Infodemic’ and State-sponsored Propaganda**

Since the beginning of the pandemic, falsehood and unfounded theories surrounding the coronavirus have flooded the internet, posing a grave threat to public health and undermining governments’ capacity to mitigate the crisis. In February 2020, **the WHO outlined in the newly coined expression ‘infodemic’ the risks of misinformation and disinformation related to the coronavirus. The term describes “an overabundance of information, some accurate and some not, that makes it hard for people to find trustworthy sources and reliable guidance when they need it”**. It also identifies major topics at the core of the ‘infodemic’ such as the origins of the virus, alleged symptoms and causes, false cures and ways of transmission, as well as the effective response of the public authorities.<sup>30,31</sup>

<sup>25</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25785&LangID=E>

<sup>26</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25823&LangID=E>

<sup>27</sup> <https://ipi.media/covid19-media-freedom-monitoring/>

<sup>28</sup> <https://rsf.org/en/news/if-chinese-press-were-free-coronavirus-might-not-be-pandemic-argues-rsf>

<sup>29</sup> <https://rsf.org/en/news/beware-chinas-coronavirus-disinformation-rsf-says>

<sup>30</sup> [https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200415-sitrep-86-covid-19.pdf?sfvrsn=c615ea20\\_4](https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200415-sitrep-86-covid-19.pdf?sfvrsn=c615ea20_4)

<sup>31</sup> <https://www.accessnow.org/cms/assets/uploads/2020/04/Fighting-misinformation-and-defending-free-expression-during-COVID-19-recommendations-for-states-1.pdf>

The volume of false or misleading information around COVID-19 online has harmful repercussions on people's right to health, as well as on the public's right to know as described above. In this regard, international organisations have established dedicated platforms to detect and address the viral flow of fake news and misinformation in a bid to inform the public about the dangers of such phenomena. For example, the WHO has set up the Information Network for Epidemics (EPI-WIN) devoted to busting common myths about the coronavirus and provide accurate and truthful information; while the EUvsDisinfo flagship project of the European External Action Service (EEAS) Stratcom regularly debunks unfounded theories, recurrent narratives, and disinformation surrounding COVID-19. Virtuous examples of targeted public policies can be found in countries like South Korea<sup>32</sup> and Taiwan<sup>33</sup> where the governments did not succumb to a looming viral pandemic thanks to their experience with previous epidemics, such as SARS in 2003.

However, the scale of the mis- and disinformation problem is global and its nature multifaceted. For this reason, a concerted effort by international organisations, national governments, public and independent media, as well as private businesses like social media platforms is of absolute priority.<sup>34</sup>

**Still, in many non-democratic countries it is the state that is mainly responsible for shaping propagandistic narratives and producing fake news allegedly in the name of the national interest.** During the COVID-19 health crisis, authoritarian leaders have resorted to state-controlled and pro-government sources – including e-proxies – to heavily control the media narrative, strengthen their power and censor any form of criticism.<sup>35</sup> In the worst case, vaguely formulated laws related to “false news” and “propaganda” have been widely employed to hinder freedom of speech and criminalise journalists, medical professionals, social media users, and ordinary citizens who dared to report cases of COVID-19 and expose the authorities' lack of appropriate measures.<sup>36</sup>

The internal repression of dissent and information suppression has been accompanied by large scale campaigns fomented by state-managed media and outsourced pro-government accounts aimed at targeting international audiences.<sup>37</sup> Disreputable PR machines, typically run by authoritarian regimes, play a crucial role in amplifying manipulative and divisive messages in foreign countries, as well as in controlling narratives and promoting a favourable international image. Such messages are often spread through multiple platforms by fake accounts, social media bots and trolls, and many other actors.<sup>38</sup> The consequences are toxic, particularly for those solid democracies which have opted for full transparency and accountability instead.

The U.S. State Department's Global Engagement Center has been tracking since January a global disinformation campaign based on “*narratives promoted by Russian, Chinese, and Iranian-sponsored sites or different platforms related to the coronavirus*”.<sup>39</sup> Disinformation aiming to falsely blame the U.S. as the origin of the COVID-19, to highlight the pretended success of those regimes in managing the crisis, as well as to blame the international sanctions targeting the Russian Federation and the Islamic Republic of Iran for some shortcomings. The system included “*Russia and Kremlin platforms pushing out false narratives, those false narratives being repeated by other state actors, including Beijing, and then Russia retweeting them again and pushing them out.*”

In early March, Major General Hossein Salami, the head of the Iranian Revolutionary Guard Corps, said, “*It is possible that this virus is a product of a biological attack by America which initially spread to China*”

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<sup>32</sup> <https://www.accessnow.org/cms/assets/uploads/2020/04/Fighting-misinformation-and-defending-free-expression-during-COVID-19-recommendations-for-states-1.pdf>

<sup>33</sup> <https://www.nhc.no/en/democratic-ways-to-fighting-covid-19/>

<sup>34</sup> <https://www.article19.org/wp-content/uploads/2020/03/Coronavirus-briefing.pdf>

<sup>35</sup> <https://euvsdisinfo.eu/eeas-special-report-update-2-22-april/>

<sup>36</sup> <https://www.accessnow.org/cms/assets/uploads/2020/04/Fighting-misinformation-and-defending-free-expression-during-COVID-19-recommendations-for-states-1.pdf>

<sup>37</sup> <https://euvsdisinfo.eu/eeas-special-report-update-2-22-april/>

<sup>38</sup> <https://www.disinfo.eu/publications/the-few-faces-of-disinformation>

<sup>39</sup> <https://www.state.gov/briefing-with-special-envoy-lea-gabrielle-global-engagement-center-on-disinformation-and-propaganda-related-to-covid-19/>



*and then to Iran and the rest of the world.”* His statement was then circulated by the notorious Kremlin-funded channel *Russia Today*.<sup>40</sup>

In turn, the self-celebrating crisis management of the Iranian regime has been echoed by Chinese media, with no care about the severity of the real situation in Iran and the regime’s lack of capacity to deal with it.<sup>41</sup>

The Chinese propaganda machine has been incessantly repeating slogans describing a situation detached from reality, such as in a widespread article published in the English language official paper of the Chinese Communist Party in March: *“As a responsible major country, China has always fulfilled its international obligations in public health. Besides taking resolute and powerful measures to prevent and control the spread of COVID-19 in an open, transparent and responsible manner, China has also timely and comprehensively provided information to the international community about the coronavirus. China has also carried out in-depth international cooperation in fighting the pandemic, having actively provided medical and material assistance to the international community.”*<sup>42</sup>

Opposing the Chinese official narrative of the crisis may expose countries to serious diplomatic, commercial, and even cyber-attacks from China. This appears to be the case of Australia. After it strongly advocated for an inquiry into the origins of the coronavirus, China imposed tariffs on Australian barley, stopped beef imports, warned Chinese citizens about the "risks" of travelling to Australia because of racist incidents, and – according to experts – has for months been conducting “sophisticated state-based cyber hacks” denounced by the Australian Prime Minister against "all levels of government", essential services, and businesses in Australia.<sup>43</sup>

## 1.5 COVID-19 in Prison Populations

**The pandemic has a particularly dire effect on vulnerable people, such as prisoners. While the global prison population is estimated at 11 million, and many prisons worldwide exceed their maximum occupancy rates,<sup>44</sup> the situation is especially worrying in countries where authoritarian regimes imprison large numbers of individuals for political reasons.**

The UN Human Rights Office and the World Health Organization have issued an interim guidance paper – *COVID 19: Focus on persons deprived of their liberty* – which contains key messages and actions for other UN agencies, governments and relevant authorities, national human rights institutions, and civil society.<sup>45</sup>

In March, the UN High Commissioner for Human Rights Michelle Bachelet called on governments to take urgent action to protect the health and safety of people in detention and other closed facilities, as part of overall efforts to contain the COVID-19 pandemic. *“People are often held in unhygienic conditions and health services are inadequate or even non-existent. Physical distancing and self-isolation in such conditions are practically impossible,”* she wrote, calling on governments *“not to forget those behind bars, or those confined in places such as closed mental health facilities, nursing homes and orphanages.”*

The High Commissioner urged relevant authorities to work quickly to reduce the number of people in detention, in particular older and sick detainees and low-risk offenders, and to provide for the specific health-care requirements of women prisoners, inmates with disabilities, and juvenile detainees. She stressed that, *“the State has a particular duty to protect inmates’ physical and mental health and well-*

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<sup>40</sup> <https://www.rt.com/news/482405-iran-coronavirus-us-biological-weapon/>

<sup>41</sup> [http://www.xinhuanet.com/english/2020-05/17/c\\_139064168.htm](http://www.xinhuanet.com/english/2020-05/17/c_139064168.htm)

<sup>42</sup> <https://www.globaltimes.cn/content/1183345.shtml>

<sup>43</sup> <https://www.bbc.com/news/world-australia-46096768>

<sup>44</sup> [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30984-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30984-3/fulltext)

<sup>45</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25745&LangID=E>

being, as set out by the UN Standard Minimum Rules for the Treatment of Prisoners (also known as the Nelson Mandela Rules).<sup>46</sup> Safeguards against ill-treatment of people in custody, including access to a lawyer and a doctor, should be fully respected; restrictions on visits need to be communicated clearly to those affected; and alternatives such as videoconferencing, increased phone calls with family members, and email should possibly be allowed.

The High Commissioner sent a very clear message to authoritarian regimes, by stressing, **“Now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views.”**

She also expressed deep concern *“that some countries are threatening to impose prison sentences for those who fail to obey”* the necessary measures adopted to enforce physical distancing, and warned that imprisonment *“should be a measure of last resort, particularly during this crisis.”*

On 20 March 2020, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) issued the *Statement of principles relating to the treatment of persons deprived of their liberty in the context of the coronavirus disease (COVID-19) pandemic*. Among other things, the document reiterates *“the absolute nature of the prohibition of torture and inhuman or degrading treatment”* while also enforcing special protective measures, and emphasises the importance of prison monitoring by independent bodies, including National Preventive Mechanisms (NPMs) and the CPT where applicable. States should continue to guarantee access for monitoring bodies to all places of detention, including places where persons are kept in quarantine.<sup>47</sup>

The specific impact of COVID-19 on women in detention has been highlighted, in particular, by Penal Reform International, as they have complex health needs that, *“coupled with overcrowded and unhygienic prisons in many corners of the globe, [put] women at great risk of contracting COVID-19.”* PRI also emphasised that many women *“enter prisons pregnant or having recently given birth, as drug users and/or with serious physical and mental effects of violence and related trauma.”*<sup>48</sup>

On 4 June 2020, the World Coalition Against the Death Penalty and several of its members, including the Italian Federation for Human Rights, submitted a written statement to the competent UN bodies about the implications of COVID-19 on the death penalty, calling for a worldwide moratorium and, among other things, *“for concrete measures to guarantee the right to a fair trial and the right to legal representation during COVID-19, including by extending the time limits within which people sentenced to death can file an appeal and by imposing a moratorium on all sentences and executions.”*<sup>49</sup>

## 1.6 Mass Surveillance in Times of COVID-19

The COVID-19 pandemic has raised concerns over the impact on digital rights of ‘Big Data’ analytics and the deployment of AI systems to mitigate the health crisis. In particular, watchdogs and international organisations like the Council of Europe<sup>50</sup> and the European Commission<sup>51</sup> have pointed out a series of implications for fundamental freedoms related to the dangers of mass surveillance in extraordinary times.<sup>52</sup> Terms like ‘bio-surveillance’ which envisages the state’s use of digital tools to check location,

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<sup>46</sup> <https://undocs.org/A/RES/70/175>

<sup>47</sup> <https://rm.coe.int/16809cfa4b>

<sup>48</sup> <https://www.penalreform.org/blog/coronavirus-and-women-in-detention-a-gender-specific/>

<sup>49</sup> [https://www.theadvocatesforhumanrights.org/uploads/death\\_penalty\\_and\\_covid19\\_en\\_2.pdf](https://www.theadvocatesforhumanrights.org/uploads/death_penalty_and_covid19_en_2.pdf)

<sup>50</sup> <https://www.coe.int/en/web/data-protection/covid-19-data-protection-resources>

<sup>51</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_669](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_669)

<sup>52</sup> <https://www.hrw.org/news/2020/04/02/governments-should-respect-rights-covid-19-surveillance>

track movements and social contacts, collect health data by self-testing symptoms, and certifying immunity to the virus, have ignited the public debate over the intrusiveness of these measures.<sup>53</sup>

In a bid to curb the spread of the contagion, governments have turned to innovative technological tools and developed mobile apps and other devices to massively collect aggregate data about the population and monitor the transmission of the coronavirus. When introducing such measures, states should elaborate legal safeguards or fill the gaps in the legislation to fully guarantee the respect of their citizens' rights. Moreover, in a state of emergency, designated public authorities must limit the scope and duration of the measures, ensure the anonymity of the users, and fully disclose terms, conditions, and eventual agreements with third parties.<sup>54,55</sup> **If a government fails to follow these requirements and falls outside the scope of the state of emergency, citizens – including vulnerable or discriminated groups – are exposed to harm and there are risks that the temporary measures become irrevocable.**<sup>56</sup>

This is particularly true in countries where digital technologies like facial recognition systems or surveillance cameras are being constantly abused by authoritarian leaders who make use of oppressive human rights policies.<sup>57</sup>

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<sup>53</sup> <https://edri.org/why-covid-19-is-a-crisis-for-digital-rights/>

<sup>54</sup> <https://rm.coe.int/covid19-joint-statement-28-april/16809e3fd7>; <https://www.article19.org/resources/covid-19-surveillance-must-not-be-used-as-an-excuse-to-entrench-surveillance>

<sup>55</sup> <https://www.hrw.org/news/2020/04/02/governments-should-respect-rights-covid-19-surveillance>

<sup>56</sup> <https://edri.org/why-covid-19-is-a-crisis-for-digital-rights/>

<sup>57</sup> <https://www.amnesty.org/en/latest/news/2020/04/covid-19-surveillance-threat-to-your-rights/>

## 2. CASE-STUDIES ON THE HUMAN RIGHTS IMPLICATIONS OF THE COVID-19 RESPONSE

### 2.1 China

**The Chinese Communist Party and ‘mask diplomacy’.** Giving a proper picture of all the implications of COVID-19 in China would take a long analysis of a variety of reliable data, which are extremely difficult to collect due to the **strict censorship under the rule of the Chinese Communist Party**. This is exactly the most crucial issue, as the regime’s cover-up of the news about the spread of the epidemic severely hampered the response to it not only in China, but in every other country. Not giving timely and correct information to the WHO about the first ascertained cases of the disease, downplaying the number of infected and dead, and giving up to eight different definitions of what constitutes a COVID-19 infection in official statistics amounted to a disinformation campaign.<sup>58</sup>

The regime’s obstinate and absolute denial of the crisis reached the point that even the EU delegation to China was forced to remove a simple reference to "*the outbreak of the coronavirus in China, and its subsequent spread to the rest of the world*" in an opinion article published in the country to mark 45 years of EU-China diplomatic relations.<sup>59</sup>

Several Chinese journalists, as well as academics and medical doctors who reported about COVID-19 cases have been arrested, including among others the “citizen journalists” **Zhang Zhan** and **Li Zehua**, and the retired professor **Chen Zhaozhi**, who had named COVID-19 a "*Chinese Communist Party virus*".<sup>60</sup>

Being aware of the negative impact of its censorship policy on its international reputation, the Chinese regime has been trying to gain a better image as a solidary country by giving (but more often selling) medical equipment to countries hit by the contagion. However, while this wide-ranging campaign or rehabilitation project has been nicknamed ‘mask diplomacy’,<sup>61</sup> the regime’s propaganda machine did not hesitate to spread conspiracy theories claiming the virus originated not in China, but in the United States or in Italy.<sup>62</sup>

**The heavy influence of the Chinese regime on the WHO has been highlighted by the COVID-19 crisis.** At least until the end of January 2020, the WHO has been “*uncritically repeating information from the Chinese authorities*”.<sup>63</sup> Both the organisation and Tedros Adhanom Ghebreyesus, its Director-General, have been labelled as China’s coronavirus accomplices. As explained in the previous section on China’s influence over the WHO, after visiting China in late January, Tedros even announced that Beijing had set “*a new standard for outbreak control*” and praised Chinese actions that “*bought the world time*”. The WHO also ignored a warning from Taiwan about human-to-human transmission in December 2019, because the organization does not recognise Taiwan due to Chinese objections. Moreover, Beijing blocked a WHO expert team from visiting for weeks.<sup>64</sup>

**Hundreds of inmates have been infected in the People’s Republic of China’s prisons.** The situation of imprisoned people in China was certainly exacerbated by COVID-19. However, only a few related figures have been provided by Chinese authorities. At the end of February, the Ministry of Justice admitted shortcomings in the prison system’s efforts at disease control, confirming that several hundred prisoners

<sup>58</sup> <https://time.com/5813628/china-coronavirus-statistics-wuhan/>

<sup>59</sup> [https://edition.cnn.com/2020/05/08/china/eu-china-coronavirus-oped-censored-intl/index.html?fbclid=IwAR0IpcPSLPC1nF8HHVohM2eJyI6p6pD8t9mclntxLQUvA9Kilm3s\\_nfWK\\_E](https://edition.cnn.com/2020/05/08/china/eu-china-coronavirus-oped-censored-intl/index.html?fbclid=IwAR0IpcPSLPC1nF8HHVohM2eJyI6p6pD8t9mclntxLQUvA9Kilm3s_nfWK_E)

<sup>60</sup> <https://cpi.org/2020/05/journalist-zhang-zhan-arrested-for-covering-covid/>

<sup>61</sup> <https://thediplomat.com/2020/03/chinas-mask-diplomacy>

<sup>62</sup> <https://www.iai.it/it/pubblicazioni/covid-19-exposes-italys-vulnerability-us-china-antagonism>

<sup>63</sup> <https://foreignpolicy.com/2020/04/02/china-coronavirus-who-health-soft-power/>

<sup>64</sup> <https://www.washingtonexaminer.com/opinion/the-world-health-organization-bows-to-china>

had been affected and that many provincial officials had been sacked or punished for their faults in managing the issue.<sup>65</sup>

It's worth recalling the widespread use of detention in the country, where the basic rights of detainees are systematically violated. The prison population in the People's Republic of China, as of 2018, included at least 1,710,000 sentenced prisoners in Ministry of Justice prisons, not less than 650,000 detained in other facilities, about 200,000 pre-trial detainees, and an unclear number of people held in administrative detention.<sup>66</sup> In the Xinjiang region, about 1,000,000 people belonging to Uighur, Kazakh, and other minorities have been held in internment camps, described by authorities as job-training centers to fight "Islamic extremism", since the beginning of a mass incarceration program in 2018.<sup>67</sup>

During the peak of the coronavirus crisis, the Chinese regime has also increased its web-based hacking campaign targeting ethnic minorities, such as Uighurs and Tibetans. According to Wired, from December 2019 and continuing through March 2020, "*Chinese hackers used so-called 'watering hole' attacks to plant malware on the iPhones of Uighurs [...]. To do so, a hacker group that Volexity calls Evil Eye compromised popular Uighur websites, including the news and education site Uyghur Academy and the Uighur Times news outlet. Visiting those sites on an iPhone would automatically infect the device with sophisticated spyware designed to gain access to its data, particularly messaging applications.*"<sup>68</sup>

## 2.2 Iran

**Harsh conditions of prisons in Iran and the regime's blame game against U.S. sanctions.** As of February 2020, Iran had 189,500 prisoners, according to the report that the UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Javaid Rehman, submitted to the UN Human Rights Council in January.<sup>69</sup> The report highlighted, among other things, the arbitrary detention of women's rights advocates, human rights defenders, lawyers, cultural workers, and dual and foreign nationals; discrimination against minorities; and the continued execution of child offenders despite its strict prohibition under international human rights law. Political prisoners, including hundreds of people detained during the nationwide wave of protests in November 2019, are reportedly being tortured to extract confessions, and some have received harsh sentences, including the death penalty.

**Iran has one of the world's highest numbers of COVID-19 infections, although censorship doesn't allow verification of the true data.** In a statement released on 9 March 2020 at the 43rd session of the UN Human Rights Council, the Special Rapporteur Rehman said that the COVID-19 virus had spread inside Iranian prisons. He stressed that in Iran detention conditions are below international standards set out in the Nelson Mandela Rules, that due process guarantees are often violated, and there is a "*prevalence of forced confessions due to torture, denial of medical treatment and other ill-treatment*", while "*in practice forced confessions are frequently used as the sole basis for convictions.*"<sup>70</sup> Overcrowding, poor nutrition, and a lack of hygiene increase the risk to prisoners' health from disease.

In March, 2020, the Iranian regime announced the temporary release of a number of prisoners ranging from 70,000 to 85,000, including "*about 50% of the security-related prisoners*".<sup>71</sup> However, authorities do not officially define "*security-related prisoners*" as "*political prisoners*" – which they mostly are in fact. Although the UN Rapporteur recommended to the Islamic Republic of Iran to temporarily release all

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<sup>65</sup> <https://thediplomat.com/2020/03/cracks-in-the-system-covid-19-in-chinese-prisons/>

<sup>66</sup> <https://www.prisonstudies.org/country/china>

<sup>67</sup> <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html>

<sup>68</sup> <https://www.wired.com/story/amid-covid-19-crisis-china-hacking-uighur-iphones/>

<sup>69</sup> <https://undocs.org/en/A/HRC/43/61>

<sup>70</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25707&LangID=E>

<sup>71</sup> <https://www.reuters.com/article/us-health-coronavirus-iran-prisoners/iran-temporarily-frees-85000-from-jail-including-political-prisoners-idUSKBN21410M>



political prisoners and prisoners of conscience, he stated that only those serving sentences of less than five years had been freed, while political prisoners and others charged with heavier sentences linked to their participation in protest marches remained in jail.

The Iranian regime has blamed U.S. sanctions for hampering the fight against the coronavirus by draining Iran's economic resources<sup>72</sup>, but it notoriously spends huge amounts of money to conduct wars in the region, support terroristic movements in the Middle East, and finance militias. Contradictorily, the 'Supreme Leader' of the Iranian regime, Ali Khamenei, refused any help offered from the U.S. to fight the pandemic and stated "*the Islamic Republic has the capability to overcome any kind of crisis and challenges, including the coronavirus outbreak.*"<sup>73</sup>

Doctors and hospitals were ordered to not list the coronavirus as a cause of death. Moreover, in a country where freedom of expression and the right to access information are severely limited, journalists were ordered to only announce the same official numbers of COVID-19 casualties provided by the Ministry of Health, while those who try to break the cover of the regime's information and propaganda machine face serious consequences, as reported by several sources including the Committee to Protect Journalists (CPJ).<sup>74</sup> Even social media, such as Twitter, Telegram, and Instagram, are strictly controlled and often blocked.

Although Iranian authorities initially announced the virus outbreak in the city of Qom on 19 February 2020, they allegedly covered up the rapid spread of the outbreak to ensure that citizens would turn out for the February 21 parliamentary elections. Journalists in several provinces of Iran have been summoned to court, arrested, or threatened by phone calls for reporting unofficial data about the number of infected and dead. However, besides information leaked by several sources within the country, on 12 March 2020, *The Washington Post* published satellite images of a mass grave near Qom allegedly dug for COVID-19 victims in that province, indicating that the death toll was probably much higher than that admitted by authorities.<sup>75</sup>

On 8 May 2020, the Italian Federation for Human Rights sent an open letter to the UN High Commissioner for Human Rights calling for an urgent intervention by the UN human rights bodies to pressure the Iranian authorities to abide by their international obligations on fair trial, prison conditions, and humane treatment of detainees, including their right to life, health, and human dignity. FIDU also asked the UN mandate holders to organise fact-finding and monitoring missions in Iran, in order to conduct a serious investigation on this issue.<sup>76</sup>

Iran Human Rights (IHR) documented cases of prisoners infected with COVID-19 in the same ward with detainees infected with tuberculosis and HIV, whose immune systems are compromised. Exposure to the new coronavirus can be fatal for them.<sup>77</sup>

### 2.3 Kazakhstan

**Tokayev's mismanagement of the pandemic.** As the government of Kazakhstan prepares to receive \$1.5 million of additional assistance from the U.S. Agency for International Development (USAID) to cope with

<sup>72</sup> <https://www.reuters.com/article/us-health-coronavirus-iran-prisoners/iran-temporarily-frees-85000-from-jail-including-political-prisoners-idUSKBN21410M>

<sup>73</sup> <https://www.reuters.com/article/us-health-coronavirus-iran/khamenei-says-u-s-offer-to-help-iran-fight-coronavirus-is-strange-idUSKBN21909Y>

<sup>74</sup> <https://cpi.org/2020/03/amid-coronavirus-pandemic-iran-covers-up-crucial-i/>

<sup>75</sup> <https://www.washingtonpost.com/graphics/2020/world/iran-coronavirus-outbreak-graves/>

<sup>76</sup> <https://www.facebook.com/FIDU.FederazioneItalianaDirittiUmani/photos/pcb.3242009642498676/3242009069165400/?type=3&theater>

<sup>77</sup> <https://iranhr.net/en/articles/4245>

the COVID-19 crisis<sup>78</sup>, Kazakhstan's President Kassym-Jomart Tokayev continues to repress fundamental freedoms unabated.

Overall, Kazakhstan declared that it allocated about \$10 billion to fight the crisis and \$740 million to boost employment. However, the anti-crisis package approved on 31 March 2020, which was expected to allocate a monthly payment of 42,500 KZT (105.152 USD)<sup>79</sup> to those citizens who lost their income because of the COVID-19 outbreak, remains untested, with citizens reporting not to have received any state support. Notwithstanding the fact that Kazakhstan, like other Central Asian countries, is highly vulnerable to external shocks such as the current drop in commodity prices,<sup>80</sup> it remains unclear how the government has spent the announced social safety measures.

Not only has Tokayev failed to support citizens and enterprises in need, but he has also disastrously mismanaged the health emergency and harshly harassed medical professionals and human rights defenders determined to speak the truth.

Despite that, international organisations and democratic states, including the WHO, the Chairman of the European Parliament's Delegation to the EU-Kazakhstan, EU-Kyrgyzstan, EU-Tajikistan and EU-Uzbekistan Parliamentary Cooperation Committees and for relations with Turkmenistan and Mongolia (DCAS), Fulvio Martusciello, and the U.S. Secretary of State Michael R. Pompeo offered praise to both the current President and Nursultan Nazarbayev, the *de facto* longtime dictator of the country.

During a call between Secretary Pompeo and President Tokayev, the U.S. official applauded "*the longstanding partnership between the Centers for Disease Control Regional Office in Almaty, Kazakhstan, and Kazakhstan's Ministry of Health in support of Kazakhstan's public health infrastructure*".<sup>81</sup> In a tweet, Hans Kluge, WHO Regional Director for Europe, wrote that Kazakhstan is "*a great example of proactive efforts to stabilize #COVID19*". According to Kluge, the government has successfully implemented preventive measures, including "*strong surveillance*" and "*digitalized data collection*".<sup>82</sup> Such statements from officials representing international organisations not only harm the government's responses to the crisis but contribute to a misleading image of international bodies before its citizens, fostering state-sponsored propaganda. For example, Member of the European Parliament, Fulvio Martusciello, who holds the post of Chairman of DCAS, congratulated Kazakhstan for being "*one step ahead of the pandemic*".<sup>83</sup> Martusciello's praise of Nur-Sultan's actions is detrimental because it lacks impartiality and does not take into account the voice of Kazakhstani civil society, thus misleading the EP's official position by abusing his formal post as Chairman of DCAS.

**However, this characterisation can't be further from the truth.** On 31 December 2019, China reported a cluster of cases of pneumonia in Wuhan, Hubei Province, and on 22 January 2020, the WHO mission to China confirmed evidence of human-to-human transmission, although it called for further investigations.<sup>84</sup> It was only on 13 March 2020 that Kazakhstan acknowledged the first three cases of contagion. Ever since the epidemic started in China, the Kazakhstani government blatantly denied cases of infection before that date, despite the country's close economic ties and shared borders with China. Surprisingly, the very first reported cases of COVID-19 involved two Kazakhstani citizens arriving from Germany and a third from Italy.<sup>85</sup>

The authorities' early denialism was accompanied by repressive actions against doctors and relatives of infected patients. For example, on 23 March 2020, a criminal case was initiated against medical doctor **Duman Aitghanov** from Almaty Region, for spreading false information (Art. 274 of the Criminal Code).

<sup>78</sup> <https://www.usaid.gov/kazakhstan/press-releases/may-22-us-provides-additional-funds-strengthen-fight-covid-19>

<sup>79</sup> <https://home.kpmg/xx/en/home/insights/2020/04/kazakhstan-government-and-institution-measures-in-response-to-covid.html>

<sup>80</sup> <https://home.kpmg/xx/en/home/insights/2020/04/kazakhstan-government-and-institution-measures-in-response-to-covid.html>

<sup>81</sup> <https://www.state.gov/secretary-pompeos-call-with-kazakhstans-president-kassym-jomart-tokayev/>

<sup>82</sup> [https://twitter.com/hans\\_kluge/status/1260277518327844866?s=20](https://twitter.com/hans_kluge/status/1260277518327844866?s=20)

<sup>83</sup> <https://astanatimes.com/2020/05/european-parliament-voices-support-for-kazakhstans-measures-in-fight-against-covid-19/>

<sup>84</sup> <https://www.who.int/news-room/detail/27-04-2020-who-timeline---covid-19>

<sup>85</sup> <https://eurasianet.org/nerves-jangled-as-covid-19-finally-detected-in-kazakhstan>

Earlier in January, he recorded a video warning his friends in a WhatsApp group about 70 cases of COVID-19 in Almaty. The authorities pressured him to record a video of repentance and later closed his case when the virus became yet another pretext to impose quarantine measures.<sup>86</sup> Distortion of official data by government officials has been fatal not only for the country but also for the EU and the WHO, which were not able to provide adequate responses to Central Asian countries.

**Nevertheless, on 16 March 2020, the government put in place the state of emergency and related anti-coronavirus measures which soon became yet other tools to keep the lid on truth-telling Kazakhstani citizens.** While the state of emergency ended on 11 May 2020, strict quarantine measures remain in place across the country.

As highlighted in the latest report by Human Rights Watch, the Kazakhstani government – along with other Central Asian countries – has failed “*to consistently uphold human rights obligations in their responses to the COVID-19 pandemic by limiting access to information about the spread of the virus and implementing restrictions in discriminatory or arbitrary ways*”.<sup>87</sup>

First-hand testimonies from civil activists on the ground confirm the fact that the COVID-19 outbreak has fostered an epidemic of authoritarianism in Central Asia, including in Kazakhstan. Activists and human rights defenders have collected daily uncensored information to keep track of state abuses during the quarantine regime and a number of concerns ranging from inadequacy in the healthcare system to the urgent issue of political prisoners amid COVID-19.

**Poor health care system and threats to medical professionals.** Activists and doctors have reported that not enough masks and medical equipment were provided as the authorities fell short of taking basic precautionary measures for medical professionals.<sup>88,89,90</sup> On 31 March 2020, during his address to the nation, President Tokayev called the doctors and the front-line staff “*life-saving heroes*” and announced a series of measures of support, as well as monthly bonuses.<sup>91</sup> However, insufficient requirements in hospitals have heavily exposed medical professionals to the virus, and the exact amount of infected medics has not been revealed by the authorities. As of 18 June 2020, out of 15,877 registered infected people, 1,904 were medics. However, the number might be greater as official figures do not necessarily refer to reality.<sup>92</sup> A hospital in Almaty became a COVID-19 hotspot as an imposing number of health-care workers, precisely 182, as well as patients tested positive for COVID-19. Despite them being exposed to daily risks (which also happened in democratic countries), the medical professionals have been persecuted for publicly speaking about the regime’s failure to manage the crisis.<sup>93</sup> For example, doctors from Aktau hospital were threatened with dismissal after denouncing online their poor working conditions.<sup>94,95</sup>

First President and Chairperson of the National Security Council, Nazarbayev, and other top level officials were not spared, either. Later in June, Nazarbayev tested positive to COVID-19, likewise Minister of Health, Yelzhan Birtanov, and the Chairman of the Majilis of the Parliament of Kazakhstan, Nurlan Nigmatulin.<sup>96</sup>

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<sup>86</sup> <https://twitter.com/Daniyark1996/status/1242149346151464967?s=20>

<sup>87</sup> <https://www.hrw.org/news/2020/04/23/central-asia-respect-rights-covid-19-responses>

<sup>88</sup> <https://www.youtube.com/watch?v=Y2N2j3XVtRA&feature=youtu.be>

<sup>89</sup> <https://eurasianet.org/kazakhstan-president-unveils-more-coronavirus-mitigation-plans>

<sup>90</sup> [https://www.youtube.com/watch?time\\_continue=303&v=aFBxkxAiK5U&feature=emb\\_logo](https://www.youtube.com/watch?time_continue=303&v=aFBxkxAiK5U&feature=emb_logo)

<sup>91</sup> <https://eurasianet.org/kazakhstan-president-unveils-more-coronavirus-mitigation-plans>

<sup>92</sup> <https://inbusiness.kz/ru/last/bolee-1-9-tys-medikov-kazahstana-zarazilis-covid-19>

<sup>93</sup> <https://www.rferl.org/a/kazakh-hospital-coronavirus-hotspot-staff-patients-infected/30561848.html>

<sup>94</sup> <https://twitter.com/NotExtremists/status/1257620010266132480>

<sup>95</sup> <https://twitter.com/NotExtremists/status/1242455919587401729?s=20>

<sup>96</sup> <https://eurasianet.org/kazakhstan-nazarbayev-diagnosed-with-coronavirus>

**Suppressing freedom of expression under the guise of fighting the coronavirus.** From 15 March until 11 May 2020, President Tokayev imposed a state of emergency in Kazakhstan. Since the imposition of confinement measures, the authorities have prosecuted civil activists, human rights defenders, and social media users for posting online critical messages and videos about Tokayev's inaction against the crisis.

In particular, several human rights defenders denouncing the poor sanitary conditions or the widespread use of torture in places of detention were subjected to administrative fines or received lawsuits from penal colonies.

For example, **Dana Zhanay**, one of the youngest and most prominent human rights defenders in Kazakhstan, and the co-founder of the Human Rights Protection Foundation *Qaharman*, has been the target of harassment, intimidation, and administrative penalties by government and law enforcement officials due to her human rights engagement in her country and in international fora. On 26 April 2020, the authorities imposed an administrative penalty on Dana under Art. 476 "Violation of the state of emergency" and Art. 478 "Actions provoking a breakdown of law and order in a state of emergency" following the online publication of information regarding 4 activists and 70 individuals who went on a hunger strike while under administrative arrest. The information published by Zhanay was intended to highlight the unsanitary conditions in places of detention which can lead to the rapid spread of COVID-19. On 2 May 2020, the Extremism and Terrorism Department attempted to illegally summon Dana for an interrogation as a witness in a criminal case and to stop her from participating in an online press conference aimed at raising awareness about cases of political persecution of Human Rights Protection Foundation *Qaharman* members and other civil activists. In addition, her family was placed under surveillance, stopped, and threatened by police multiple times under the pretext of "violating the state of emergency".<sup>97</sup>

Another member of Human Rights Protection Foundation *Qaharman*, **Altynai Tuksikova**, has been persecuted on similar grounds. On 9 April 2020, the court found Tuksikova guilty and imposed a fine of \$246 on the basis of Art. 478 "Actions provoking a breakdown of law and order in a state of emergency", after she shared a social media post about the above mentioned hunger strike. Besides Tuksikova, civil activist **Karagoz Bashigulova** was also fined after sharing Zhanay's post.

**Anna Shukeyeva**, a human rights defender and a member of the "405" human rights movement from Astana, has also been persecuted. On 11 May 2020, Shukeyeva, was summoned by the Prosecutor General Office to be a witness in a high-profile case on the political assassination of the Democratic Choice of Kazakhstan (DCK) and "Koshe" Party activist and blogger Dulat Agadil in a pre-trial detention centre. There are reasons to believe that in addition to this, Shukeyeva is being attacked by the authorities after launching at the beginning of May a social media campaign calling for personal sanctions against top Kazakhstani officials.<sup>98</sup>

Importantly, **Elena Semenova**, prominent human rights defender and head of the civic organisation "Relatives against torture", received 6 lawsuits from four penal colonies in the court of Pavlodar and one notice demanding she recognise the distributed information as invalid and refute the publications on Facebook after she exposed the use of systematic torture in Kazakhstan by uploading videos with the complaints of prisoners who were severely beaten. Eventually, one out of six lawsuits was granted by the court, the decision was taken on 2 June 2020.<sup>99</sup>

Similarly, activists and bloggers were punished with criminal prosecution for criticising the authorities' inadequate response to the pandemic in social media. Some examples are **Dias Moldalimov** from Almaty,

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<sup>97</sup> <https://twitter.com/NotExtremists/status/1254711200551755777?s=20>

<sup>98</sup> [https://twitter.com/qaharman\\_kz/status/1260302652715552774?s=20](https://twitter.com/qaharman_kz/status/1260302652715552774?s=20)

<sup>99</sup> <https://www.facebook.com/100000077838810/posts/3339284952750733/?d=n>

<sup>100</sup> **Berik Nogaev** from Aktobe,<sup>101</sup> and **Arman Khasenov** from Karaganda.<sup>102</sup> The latter spent 1.5 months in the detention centre and was sentenced to 3 years of restriction of liberty for "public insult of Nursultan Nazarbayev".

These are only a few cases if one looks at the overall amount of detentions which took place during the state of emergency. According to human rights defenders, more than 1,600 people were subjected to administrative arrests and charged with "violation of quarantine", 80 of these were summoned by the police for questioning under the pretext of infringing the quarantine regime.<sup>103</sup> Certainly, this has increased the risks of contagion as health measures in places of detention are often overlooked.

After the state of emergency was eased, a considerable number of activists were pressured and placed under surveillance for participating in peaceful protests during which they condemned the attacks against human rights defenders in the region, with some of them put under administrative arrest and/or fined. On 6 June 2020 rallies were called by the movement 'Democratic Party of Kazakhstan' claiming to be an opposition and the 'Democratic Choice of Kazakhstan' (DCK), the "*Koshe*" Party, both peaceful opposition movements. The latter, relatively young if compared to the DCK, has also a peaceful agenda and used to provide a free space of dialogue within Telegram chat groups. In March-May 2020, more than 177,000 people joined the groups administered by the "*Koshe*" Party to peacefully discuss political and social issues, as well as economic consequences of the COVID-19 pandemic. On 19 May 2020 by a secret decision of a court, users of the Telegram chat were recognised as "extremists" and denied the right to defense in court and the right to appeal. Now all of them are under the threat of a long-term imprisonment.

It is important to note similarities with the events of March 2018 when Kazakhstani authorities declared 'extremist' the opposition movement 'Democratic Choice of Kazakhstan' and banned all its activities. At that time, there were more than 100,000 users in the Telegram chat of the DCK. In March 2019, the European Parliament, in a Resolution on Human Rights in Kazakhstan, called on the Kazakhstan authorities to put an end to all forms of political repression, and called 'Democratic Choice of Kazakhstan' a "*peaceful opposition movement*".<sup>104</sup>

Monitoring reports of human rights defenders on the ground reported 118 cases of political persecution between the end of February and May 2020, including three deaths linked to law enforcement agencies' actions (namely, **Serik Orazov**, a civil activist with a serious heart condition who died after an attempt by police to detain him, and two other activists **Dulat Agadil** and **Amanbike Khairolla** with circumstances yet to be investigated). All of them expressed their support for the DCK movement or "*Koshe*" Party and previously participated in rallies called by the DCK. Dulat Agadil positioned himself as a DCK and "*Koshe*" Party activist.

On 22 May 2020, **Roman Reichert**, an activist from Aktobe, was sentenced to 1 year of restriction of freedom for his online actions and peaceful protests, as well as his alleged affiliation to the DCK.<sup>105</sup> On 5 May 2020, activist **Serik Idyryshev** was convicted to 9 months' imprisonment for supporting the DCK opposition movement in 2019.<sup>106</sup>

As said, unfortunately, one of the authorities' attempts to suppress freedom of expression during the outbreak resulted in the tragic death of a 68-year-old activist and supporter of the DCK from Aktobe, **Serik Orazov**. The civic activist was suffering from a heart condition which worsened after a policeman tried to detain him by grabbing him by the neck which caused Orazov's fall and subsequent death on 15 May 2020. As of now, the police officer responsible for Orazov's death remains unpunished following the

<sup>100</sup> <https://twitter.com/NotExtremists/status/1253636178852667392?s=20>

<sup>101</sup> <https://twitter.com/NotExtremists/status/1255458289804066817?s=20>

<sup>102</sup> <https://twitter.com/NotExtremists/status/1252875679269449729?s=20>

<sup>103</sup> <https://rus.azattyq.org/a/human-rights-watch-covid-and-central-asia-report-230420/30572046.html>

<sup>104</sup> <https://www.europarl.europa.eu/news/en/press-room/20190307IPR30757/human-rights-breaches-in-iran-kazakhstan-and-guatemala>

<sup>105</sup> <https://twitter.com/NotExtremists/status/1253278140035670023?s=20>

<sup>106</sup> [https://twitter.com/qaharman\\_kz/status/1257711898826547201?s=20](https://twitter.com/qaharman_kz/status/1257711898826547201?s=20)



intervention of Kanat Aliyev, deputy chief of the Aktobe region Police Department, who attempted to put Orazov's death into the context of the police's fight against COVID-19.<sup>107</sup>

An activist and a YouTube blogger, **Azamat Baikenov**, became the target of criminal prosecution in December 2019 for sharing his opinions on the political and social developments in Kazakhstan on social media platforms. On 7 May 2020, he was arrested for 7 days for "violating the state of emergency" after going to a shop,<sup>108</sup> and a few days later, on 15 May 2020, was sentenced to 1 year of restriction of freedom and banned from using social networks for 3 years for his "participation" in the DCK activities.

In response to such peaceful civil actions, authorities have now imposed arbitrary quarantine measures over the weekend and locked down major cities.<sup>109</sup> What's more, law enforcement agencies have started to arrest activists on suspicion of contracting the virus. Some examples are presented below.

On 8 June 2020, **Kaiyrgali Tenelbayev** was arrested and brought to the police department of the Medeu District of Almaty on suspicion of having COVID-19.<sup>110</sup> On 29 April 2020, another activist, **Marat Duisenbiyev**, was taken in an ambulance by police officers to the Saryagash district (although the hospital receiving infected patients is located in the Keles district) for allegedly contracting the coronavirus. Previously, Marat received multiple threats from NSC officers.<sup>111</sup> On 30 March 2020, **Ruslan Nurkanov**, who on 22 February participated in a peaceful rally, was falsely reported by the district police of Ust-Kamenogorsk to have COVID-19. The test resulted negative, however Ruslan was forcibly admitted to the hospital for pneumonia in a department devoted to tuberculosis. There, he is suspected to have been subjected to inappropriate treatment upon request of police.<sup>112</sup>

**Political prisoners in solitary confinement for demanding adequate conditions in prisons.** In a letter signed by almost 700 Kazakhstani citizens, the signatories demanded the immediate and unconditional release of all political prisoners, among them critically ill **Aset Abishev**, **Maks Bokayev**, **Almat Zhumagulov**, and **Kenzhebek Abishev**. The latter remains in jail after the decision of a court on 29 April 2020 which granted his application for release on parole was appealed by the Prosecutor's Office. Another Kazakhstani court refused on 5 June 2020 to release Aset Abishev on parole. Likewise, Maks Bokayev hasn't been released yet, despite the UN Working Group on Arbitrary Detention's call for his immediate release and compensation in April 2017 (Opinion No. 16/2017).<sup>113</sup>

In Kazakhstani detention facilities, quarantine conditions were not put in place with inmates and prison staff were left without protective masks and COVID-19 tests. Moreover, self-isolation measures were impossible to impose as inmates find themselves in barrack-type buildings which contain from 30 to 150 prisoners. Paramedics working in prison are not able to diagnose whether an individual has contracted the virus and basic medications such as paracetamol are missing.<sup>114</sup> In the worst case, political prisoners – like DCK activist Aset Abishev – demanding the application of appropriate preventive measures were punished with solitary confinement.<sup>115</sup>

Activists denounced that the official figures and information on the state of the prisons provided by the Kazakhstani Committee on the Criminal Executive System remain utterly unreliable. As pointed out by many international organisations like the UN Human Rights Council and the European Parliament, Kazakhstan's prison system violates international standards, and torture and impunity for its use remain systemic. Annually, the NGO Coalition Against Torture registers approximately 200 incidents of torture in

<sup>107</sup> [https://www.instagram.com/tv/CAVa6C1AV\\_W/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/tv/CAVa6C1AV_W/?utm_source=ig_web_copy_link)

<sup>108</sup> <https://twitter.com/NotExtremists/status/1259821526179815424?s=20>

<sup>109</sup> <https://www.nytimes.com/reuters/2020/06/22/world/asia/22reuters-health-coronavirus-kazakhstan-lockdown.html>

<sup>110</sup> <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2696782527307680/>

<sup>111</sup> <https://www.facebook.com/groups/ActivistsNotExtremists/permalink/2662190794100187/>

<sup>112</sup> <https://twitter.com/AElamanovna/status/1254451644231757824?s=20>

<sup>113</sup> [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A\\_HRC\\_WGAD\\_2017\\_16.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session78/A_HRC_WGAD_2017_16.pdf)

<sup>114</sup> [https://twitter.com/qaharman\\_kz/status/1253711864275533826?s=20](https://twitter.com/qaharman_kz/status/1253711864275533826?s=20)

<sup>115</sup> <https://twitter.com/NotExtremists/status/1255095806845169666?s=20>

penitentiary institutions in Kazakhstan. Local human rights organisations and movements, such as Human Rights Protection Foundation *Qaharman*, *Ar.Rukh.Hak*, *We are Against Torture*, “405”, and Liberty publicly appealed to the government demanding they apply non-custodial measures to political prisoners; refrain from imposing arrest as a preventive measure to punish demonstrators, social media users, bloggers, journalists, and actual or alleged supporters of peaceful opposition movements; as well as review previous court rulings against individuals who exercised their freedom of expression by commuting administrative arrests into non-custodial measures. In addition, the rights groups urged President Tokayev to treat inmates in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners and to allow international monitoring missions to assess prison conditions<sup>116</sup>

**SmartAstana apps and surveillance cameras: Kazakhstan’s repressive digital agenda.** As in other like-minded dictatorships, Kazakhstan’s Ministries of Health and Internal Affairs have resorted to the massive deployment of anti-pandemic technological devices such as the “SmartAstana” tracking app and “Sergek” video surveillance cameras.

Although “justified” by the extraordinary circumstances of the quarantine regime, the increased capacity of mass surveillance tools in the country is not new to Kazakhstani citizens. In the autumn of 2019, civil society activists criticised the government’s digital agenda for being deliberately harmful to human rights. Activists spoke up against the intrusive use of facial recognition, AI, and biometric identification technologies as dangerous tools to surveil and contain dissent.

In addition to this, human rights defenders blamed Kazakhstan’s government for importing such technologies from neighbouring China via private companies like Dahua Technology and Hikvision.<sup>117</sup> The latter is known to the international audience after the U.S. government blacklisted the company, acknowledging its active role in suppressing human rights in Xinjiang.<sup>118</sup>

**Disrupted education access.** As schools were forced to close to avoid the contagion, the government deprived children of their right to education. Without access to internet and digital devices, participation in remote lessons became impossible, thus increasing a massive disruption to education access. As an alternative, the Minister of Education announced that education would be ensured via post. This questionable response to the crisis highlights the authorities’ inability to offer proper solutions that would benefit their citizens.<sup>119</sup>

## 2.4 Moldova

As the COVID-19 outbreak started to spread in the Republic of Moldova, the Parliament declared a state of emergency from 17 March to 15 May 2020. Yet, the provided rules, sanctions, and restrictions were often unclear and limited. Notably, the highest numbers of confirmed cases per day were registered in the week when the state of emergency ended, thus confirming the measures’ ineffectiveness.

Citizens received disproportionate fines for not respecting the quarantine regime and imposed restrictions. Meanwhile, President Igor Dodon visited the elderly, interacted with children, went to church, and participated in various ceremonies.<sup>120</sup> Almost everywhere, President Dodon was neither

<sup>116</sup> [https://twitter.com/qaharman\\_kz/status/1253711864275533826?s=20](https://twitter.com/qaharman_kz/status/1253711864275533826?s=20)

<sup>117</sup> <https://jamestown.org/program/kazakhstan-experiments-with-surveillance-technology-to-battle-coronavirus-pandemic/>

<sup>118</sup> <https://eurasianet.org/kazakhstan-embraces-facial-recognition-civil-society-recoils>

<sup>119</sup> <https://twitter.com/NotExtremists/status/1252268036339490822>

<sup>120</sup> <https://www.facebook.com/tv8moldova/videos/247347706471007/?v=247347706471007>

wearing a mask nor gloves, thus ignoring all the protection recommendations. The President was not fined for his activities, hence proving the selective application of the law.<sup>121</sup> Overall, this behaviour is an accurate portrayal of the Moldovan authorities' crisis management, whose actions were often confusing, uncertain, and doubtful. Based on the monitoring of the situation in Moldova by the Open Dialogue Foundation and activists on the ground, a number of concerns emerged.

**The broken healthcare system – unequipped and infected medical professionals.** An imposing number of medical workers denounced the lack of sufficient protective equipment, with hospitals turning into hotbeds of infection. Still, the authorities have maintained the narrative of “*being sufficiently equipped*” and “*everything being under control*”, referring to workers not following the rules as the cause of their infection with COVID-19. **According to official data from 21 June 2020, out of 14,200 confirmed cases of COVID-19 infection, 2,182 were cases among health care professionals.**<sup>122</sup> On 30 April 2020, a group of 42 Romanian doctors and medical assistants came for a two-week assistance mission in Moldova. The welcoming ceremony was heavily criticised by politicians and civil society as it took place under a bridge instead of the Great National Assembly Square. Moreover, Prime Minister Ion Chicu referred to the mission as an exchange of experience, suggesting that the Romanian doctors have the opportunity to learn from Moldovan doctors how to better handle the COVID-19 situation.<sup>123</sup> However, **Giorgiana Matei**,<sup>124</sup> one of the doctors who volunteered for the mission, declared that it was a difficult experience as many fellow doctors and assistants were in intensive care, and the cases in Chisinau were much more serious than back home. Upon their return it was discovered that seven persons from the Romanian team were infected with COVID-19.

**Hospitals not meeting minimum sanitation standards.** In the Republic of Moldova, public medical institutions are equipped with rusty machinery and inefficient medicines because they are obliged by law to accept the lowest priced offer.<sup>125</sup> Many hospitals have had a difficult time coping with the large number of patients infected with the new virus, while many of them would still prefer to avoid hospitalization. A consistent number of patients have complained about rooms without basic sanitary necessities, not enough food, or a hostile attitude from staff. Hence, the pandemic revealed once again the weakness of the healthcare system and the government's systematic policy to save money on citizens' health.

A number of individual cases reported by independent media outlets or made public through social media revealed this trend. On 5 April 2020, **Veronica Suveica**, a patient from Soroca infected with COVID-19 in the hospital where she had a surgery, posted a video criticising the poor sanitation and the attitude of the medical staff.<sup>126</sup> PM Ion Chicu attacked the patient by claiming that such “*glamorous live videos*” are senseless.<sup>127</sup> In another instance, a mother who was hospitalised with her child in a department of the district hospital in Floresti published on social networks a video showing the disastrous conditions they had to endure.<sup>128</sup> The woman said that the room stank, the toilet and the tap were broken, and the temperature in the room was too low for a child with high fever.

While President Dodon gave speeches<sup>129</sup> about the high costs of treatment for patients infected with COVID-19 and pointed out the importance of buying health insurances for the Moldovans returning to the

<sup>121</sup> <https://www.zdg.md/importante/ministrul-voicu-despre-deplasarile-lui-dodon-fara-masca-si-manusi-nu-am-vazut-careva-abateri/>

<sup>122</sup> <https://msmps.gov.md/ro/content/situatia-epidemiologica-privind-infectia-covid-19-22-iunie>

<sup>123</sup> <https://romania.europalibera.org/a/premierul-moldovean-de-spre-medicii-romani-au-ce-inva%C8%9Ba-de-la-medicii-nostri/30591823.html>

<sup>124</sup> <https://www.digi24.ro/stiri/externe/moldova/medic-roman-in-r-moldova-a-fost-cea-mai-grea-experienta-din-viata-mea-1313032>

<sup>125</sup> <https://anticoruptie.md/ro/investigatii/achizitii-publice/cum-si-de-ce-ajung-in-spitale-medicamente-si-utilaje-de-calitate-dubioasa>

<sup>126</sup> [https://www.facebook.com/veronica.suveica/videos/vb.100009681072950/1134959276836764/?type=2&video\\_source=user\\_video\\_tab](https://www.facebook.com/veronica.suveica/videos/vb.100009681072950/1134959276836764/?type=2&video_source=user_video_tab)

<sup>127</sup> <https://newsmaker.md/ro/video-live-urile-glamuroase-nu-au-sens-premierul-raspunde-unei-paciente-care-a-povestit-cum-este-tratata-intr-un-spital-din-capitala/>

<sup>128</sup> <https://www.zdg.md/stiri/stiri-sociale/video-inca-un-video-glamuros-dintr-un-spital-din-r-moldova-domnule-dodon-cand-ati-fost-la-spital-ati-intrat-in-aceasta-sectie-ce-spune-directorul-institutiei/>

<sup>129</sup> <https://tv8.md/2020/04/02/cat-costa-o-zi-de-tratament-pentru-covid-19-in-stationar-si-terapie-intensiva-cifrele-prezentate-de-autoritati/>

country right now, the conditions in the hospitals were and still remain disastrous. Under these circumstances, it is difficult to blame returning citizens for burdening the health system, which was already fragile before the pandemic. This demonstrates that the public money from medical bills are not invested in the system and the health of the citizens does not constitute a priority.

**Political persecution of medical professionals.** Medical workers have faced risks on a daily basis as many hospitals lacked sufficient protective equipment and were not properly trained to cope with the pandemic. They were afraid to speak about the real situation as they often felt intimidated and threatened by their administrations. Additionally, actions which might compromise the false image promoted by the authorities were penalised. On March 26, the former director of Republican Clinical Hospital, **Anatol Ciubotaru**,<sup>130</sup> organised private laboratory testing of employees who cared for patients infected with COVID-19 (the results confirmed 4 cases of infection). One day after, the Committee on Exceptional Situations decided upon his dismissal, categorising his action as outside the existing protocol. Similarly, on 11 April 2020, **Eugen Cebotari**, a medical assistant, was threatened with dismissal because of a criminal lawsuit<sup>131</sup> after he posted a video on social media.<sup>132</sup> In the video, he showed the inappropriate protective equipment and the poor quality that his emergency station provides the teams with. The video came as a response to the declarations<sup>133</sup> of the Minister of Health who claimed that medical workers are properly equipped and they are solely responsible for being infected as they do not follow the rules.

**Failed attempt at media censorship during state of emergency.** While former Democrat leader and notorious oligarch Vladimir Plahotniuc was in power, the media landscape suffered tremendously. As documented by the Open Dialogue Foundation, independent journalists were subjected to intimidation and a large number of media sources were controlled by the then-ruling Democratic Party.<sup>134</sup> Four out of the five existing national television channels at that time, namely Prime, Publika TV, Canal 2, and Canal 3, were owned by Plahotniuc's company General Media Group.<sup>135</sup>

In today's Moldova, a redistribution of spheres of interest in the media field has taken place with the holding companies associated with the Socialist Party, namely Exclusiv Media SRL<sup>136</sup> and Telesistem TV SRL,<sup>137</sup> being further strengthened. Generally, the Moldovan media landscape is characterised by concentration of media ownership and the use of manipulation and propaganda techniques.<sup>138</sup> The political affiliation of many media sources can be deduced from their editorials. Under these circumstances, the holding companies affiliated to the Socialist Party benefit from preferential treatment, for instance, extended access to the advertising market. Currently, the Socialists' portfolio contains three TV stations, which broadcast programs from TV stations in the Russian Federation (Accent TV, NTV-Moldova, and Exclusive TV), two newspapers (*Argumenti i facti* and *Komsomoliskaia Pravda v Moldove*), and one webportal - actualitati.md.<sup>139</sup> Consequently, these channels portray the authorities' crisis management as successful and facilitate the manipulation of the public opinion.

**On 24 March 2020, during the state of emergency, the President of the Audiovisual Council of the Republic of Moldova, Dragoş Vicol, made a worrying attempt at media censorship.** The released

<sup>130</sup> [https://www.ipn.md/en/national-clinical-hospital-has-a-new-director-7967\\_1072429.html](https://www.ipn.md/en/national-clinical-hospital-has-a-new-director-7967_1072429.html)

<sup>131</sup> <https://cutt.ly/QyDsx1o>

<sup>132</sup> <https://youtu.be/Qfv2ZYDUKMA>

<sup>133</sup> <https://newsmaker.md/ro/ministrul-sanatatii-medicii-se-infecteaza-cu-coronavirus-inclusiv-din-cauza-unor-greseli-la-utilizarea-echipamentelor-de-protectie/>

<sup>134</sup> <https://en.odfoundation.eu/a/8188,the-captured-state-politically-motivated-prosecution-in-moldova-and-usurpation-of-power-by-vladimir-plahotniuc/>

<sup>135</sup> [http://media-azi.md/sites/default/files/Raportul\\_situatia\\_presei\\_2015\\_rusa\\_3.pdf](http://media-azi.md/sites/default/files/Raportul_situatia_presei_2015_rusa_3.pdf)

<sup>136</sup> <https://www.rise.md/articol/banii-lui-dodon-din-bahamas/>

<sup>137</sup> <https://www.zdg.md/stiri/stiri-justitie/procuratura-a-respins-demersul-lui-chirtoaca-privind-investigarea-preluarii-posturilor-accent-tv-si-primul-in-moldova-de-catre-ceaika/>

<sup>138</sup> [https://eeas.europa.eu/sites/eeas/files/swd\\_2019\\_325\\_f1\\_joint\\_staff\\_working\\_paper\\_en\\_v10\\_p1\\_1045191.pdf](https://eeas.europa.eu/sites/eeas/files/swd_2019_325_f1_joint_staff_working_paper_en_v10_p1_1045191.pdf)

<sup>139</sup> <https://newsmaker.md/ro/pervii-kanal-preluat-de-accent-principalul-post-de-televiziune-rus-din-moldova-a-revenit-socialistilor/>

provision stated that all media outlets were obliged to present solely the official position of the competent public authorities on the pandemic situation. Furthermore, contrary to the right of freedom of expression, journalists would not have been allowed to express personal opinions on this topic.<sup>140</sup>

The move was heavily criticized by media outlets, NGOs, and political analysts.<sup>141</sup> The Audiovisual Council was urged to reconsider its decision as it contained clear elements of censorship. In that way, the attempt to fight fake news and restrict the overabundance of information that lead to confusion and panic would have constituted an abuse under the pretext of a state of emergency. Fortunately, on 26 March 2020, Dragoș Vicol announced that the provision was cancelled.<sup>142</sup>

Notably, the provision was issued after several doctors told journalists that they had to work without protective equipment, disinfectants, or salaries. In the same context, the Ombudsman announced the intention of an imposing number of doctors to submit resignation applications for the same reasons.<sup>143</sup>

**Lack of transparency and limited access to information.** Moldovan media organisations accused the authorities of a lack of transparency about the real situation of the pandemic. Previously, had condemned the press for critical coverage and referred to the media's incapacity to properly inform the citizens. Since the press briefings on the COVID-19 pandemic have been held online, no mechanisms were implemented for allowing journalists to ask live questions. Media organisations and institutions have been demanding at least one weekly online press conference with journalists' participation.<sup>144</sup>

Furthermore, the authorities' reluctance to provide complete information resulted in additional confusion among society. For instance, during the briefing on 15 May 2020, PM Chicu and Minister of Health, Viorica Dumbrăveanu, announced the first decision of the National Extraordinary Public Health Commission after the expiration of the national state of emergency.<sup>145</sup> They talked about several restrictions that would be maintained until 31 May 2020. However, in the document later published on the government's official website, another date was indicated, namely 30 June 2020. Many of the measures also coincided with those described in a document that was previously circulated on the Internet and taken up by the press. Still, that document was described as false by authorities.

**Laws on anti-crisis measures and state budget.** On 23 April 2020, the Parliament approved an economic package for supporting the population against the COVID-19 crisis. Later that week, by revising the state budget, the government planned to compensate the deficit through a 200 million euro loan from Russia. Yet the opposition highlighted the long-term risks that would be caused by some obscured provisions. Luckily, on 7 May 2020, the Constitutional Court declared the credit agreement with Russia unconstitutional.<sup>146</sup>

**President Dodon pointed to possible participation of the oligarch Vladimir Plahotniuc in the opposition's actions in an attempt to seize state institutions.<sup>147</sup> Yet it is still to define whether this is the legacy of an old political game between Dodon and Plahotniuc.** It is important to underline that Plahotniuc was announced on the international and interstate wanted list and has been placed on the

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<sup>140</sup> <https://www.moldova.org/en/censorship-during-state-of-emergency-no-personal-opinions-no-information-that-is-not-confirmed-by-state-officials/>

<sup>141</sup> <https://www.zdg.md/importante/cenzura-pe-toata-durata-starii-de-urgenta-dispozitia-ca-care-obliga-jurnalistii-sa-renunte-la-enuntarea-neavizata-a-propriei-opinii/>

<sup>142</sup> <https://www.zdg.md/stiri/stiri-sociale/dragos-vicol-anuleaza-dispozitia-criticata-de-ong-urile-de-media-prin-care-era-limitata-libertatea-de-exprimare/>

<sup>143</sup> <https://www.zdg.md/stiri/comunicate/avocatul-poporului-medicii-care-au-facut-dezvaluiri-trebuie-protejati/>

<sup>144</sup> <https://www.zdg.md/stiri/stiri-sociale/celula-de-criza-a-jurnalistilor-cere-in-continuare-ministerului-sanatatii-sa-organizeze-conferinte-online-cu-intrebari-live/>

<sup>145</sup> <https://newsmaker.md/ro/una-la-briefing-alta-in-document-cum-premierul-si-ministrul-sanatatii-au-dus-in-eroare-presa/>

<sup>146</sup> <https://moldova.europalibera.org/a/curtea-constitu%C8%9Bional%C4%83-a-declarat-neconstitu%C8%9Bional-acordul-privind-credutul-din-rusia/30599737.html>

<sup>147</sup> <https://regtrends.com/en/2020/04/27/dodon-admitted-plahotniuc-is-behind-the-opposition-actions/>



U.S. (13 January 2020),<sup>148</sup> Switzerland, and Lichtenstein (3 December 2019) sanction lists.<sup>149</sup> While the U.S. Embassy announced that Plahotniuc is on American soil and the Moldovan authorities do not know his exact location, new details regarding the money laundering case in which the former PD leader is targeted are publicly available.<sup>150</sup> On 22 May 2020, the Ciocana branch of the Chisinau City Court issued a warrant for his arrest.<sup>151</sup> Plahotniuc was charged on three counts and the authorities declared that once the accusation is translated into English, it will be transmitted to the competent authorities in the U.S. with the request to extradite him to Moldova.

## 2.5 The Russian Federation and the Illegally Occupied Territories of Crimea and Donbas in Ukraine

**Detention facilities in the Russian Federation and in the illegally occupied territories of Crimea and Donbas in Ukraine have become breeding grounds for COVID-19.** Although authorities don't provide reliable figures about the numbers of prisoners affected by COVID-19, several sources confirmed that the coronavirus has spread to many prisons across Russia. This is particularly dangerous as, according to a researcher on prison health at the European University in St. Petersburg, about 10 percent of the large prison population in Russia (around 511,000 people<sup>152</sup>) are HIV positive, while some 14,000 have active tuberculosis, thus being extremely vulnerable to the coronavirus. Meanwhile, a law that passed at the end of March dictates that spreading unofficial information could result in up to five years in prison – which, according to a reporter for prominent investigative newspaper *Novaya Gazeta*, has prevented them from publishing a number of appeals that they receive daily from prisoners around the country.<sup>153</sup>

In a letter signed by a coalition of international human rights NGOs, the organisations outlined the high risk of exposure that inmates face during the pandemic. As described in the appeal, prisons are not properly ventilated and lack adequate sanitation and hygiene, including protective masks or access to water to wash hands, conditions which could be put into place. Prevention of the spread of the virus cannot be guaranteed when the prison staff routinely conducts searches of cells and inspections of inmates. Human rights defenders also denounced the inhuman and unlawful transfer of prisoners taking place from the occupied Crimea to the Russian Federation. Moreover, torture in Russian prisons is endemic with prisons limiting access to the outside world following the health crisis. This can lead to an increase in the risk of ill-treatment of prisoners.<sup>154</sup>

The signatories expressed a number of concerns in regards to the strenuous situation in the occupied territories of Donbas as, since 28 March 2020, even the Red Cross has been denied access to prisoners. This has been further confirmed by a report issued by the UN OCHA *Emergency Response Plan for the COVID-19 Pandemic*. The dossier highlights three “contextual factors” which explain why the rebel-held areas of Donetsk and Luhansk, under the effective control of the Russian Federation, are particularly vulnerable to the COVID-19 outbreak. Firstly, a broken health system which has already suffered from 6 years of armed conflict; secondly, the presence of the largest proportion of elderly in the whole nation; and, thirdly, the frequent and mass population movements across the “contact line”.<sup>155</sup>

<sup>148</sup> <http://www.infotag.md/politics-en/281730/>

<sup>149</sup> <https://newsmaker.md/ro/doc-plahotniuc-a-primit-interdictie-de-intrare-in-elvetia-si-lichtenstein/>

<sup>150</sup> <https://www.zdg.md/stiri/stiri-justitie/noi-detalii-despre-evolutia-si-tranzactiile-financiare-din-dosarul-in-care-plahotniuc-este-cercetat-pentru-spalare-de-bani/>

<sup>151</sup> [https://www.ipn.md/en/warrant-issued-for-arrest-of-vlad-plahotniuc-7967\\_1073702.html](https://www.ipn.md/en/warrant-issued-for-arrest-of-vlad-plahotniuc-7967_1073702.html)

<sup>152</sup> [https://www.prisonstudies.org/highest-to-lowest/prison-population-total?field\\_region\\_taxonomy\\_tid=All](https://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All)

<sup>153</sup> <https://www.themoscowtimes.com/2020/04/27/inside-russias-secretive-prisons-as-coronavirus-takes-hold-a70108>

<sup>154</sup> [https://ccl.org.ua/en/statements/covid-19-in-closed-prisons-in-the-occupied-crimea-and-donbas-which-is-under-russia-effective-control-2/?fbclid=IwAR3EQDwp2DIURWMhqlZVBNzdJn0gD6rhTLdEoqYO3JZDkb3qJ75jgZq2u80&fbclid=IwAR3B-dAAD\\_JMN\\_mJlinLp\\_XQL3AZ53-Vuy5zUB5gPnJ1a8GPvXZ\\_b3U44xw](https://ccl.org.ua/en/statements/covid-19-in-closed-prisons-in-the-occupied-crimea-and-donbas-which-is-under-russia-effective-control-2/?fbclid=IwAR3EQDwp2DIURWMhqlZVBNzdJn0gD6rhTLdEoqYO3JZDkb3qJ75jgZq2u80&fbclid=IwAR3B-dAAD_JMN_mJlinLp_XQL3AZ53-Vuy5zUB5gPnJ1a8GPvXZ_b3U44xw)

<sup>155</sup> [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ukraine\\_2020\\_emergency\\_response\\_plan\\_for\\_the\\_covid-19\\_pandemic\\_eng\\_1.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ukraine_2020_emergency_response_plan_for_the_covid-19_pandemic_eng_1.pdf)

During the quarantine period, travel restrictions were imposed. Consequently, those who suffered more from such measures were the so-called hostages of the Kremlin, Ukrainian political prisoners illegally held by the Russian Federation in detention centers and networks of “official” and secret prisons in Eastern Ukraine. **There, torture and ill-treatment are commonplace with the difference that, under the current restrictions, relatives of the hostages living across the border cannot provide them with medicine and goods.**<sup>156</sup>

In a statement of 21 April 2020, Estonia’s Foreign Minister, Urmas Reinsalu, affirmed: *“Using the virus as an excuse, the separatists controlled by Russia are blocking access to Donbass for observers from the OSCE mission, UN agencies and the Red Cross. There are also great difficulties with humanitarian aid reaching the region”*.<sup>157</sup>

**Efforts by the Russian Federation to use the COVID-19 crisis to lobby for lifting of sanctions.** On 2 April 2020, a draft resolution titled *“Declaration of solidarity of the United Nations in the face of the challenges posed by the coronavirus disease 2019 (COVID-19)”*, sponsored by Russia and supported by such states as the Central African Republic, Cuba, Nicaragua and Venezuela, was not approved by the General Assembly. While calling for *“refraining from raising trade barriers, imposing new export restrictions or implementing protectionist and discriminatory measures inconsistent with the World Trade Organisation rules”*, the draft Resolution was actually aiming to lift international sanctions against the Russian Federation, as it included the sentence *“not to apply any unilateral coercive measures undertaken without the mandate of the Security Council”* – where the Russian Federation has veto power.<sup>158</sup> The “silence procedure” for the approval of the Resolution by consensus was interrupted by member states of the European Union, the United Kingdom, the United States and Ukraine, which prompted the Russian representatives to say, *“We will set forth coordination with our like-minded colleagues on that matter.”*<sup>159</sup>

It is worth noticing the list of “like-minded” states that presented a second draft Resolution, with a similar goal, on 16 April 2020: Algeria, Angola, Armenia, Belarus, Burundi, Cambodia, Central African Republic, China, Cuba, Democratic People’s Republic of Korea, Equatorial Guinea, Eritrea, Iran (Islamic Republic of), Iraq, Kazakhstan, Kyrgyzstan, Lao People’s Democratic Republic, Mozambique, Myanmar, Namibia, Nicaragua, Nigeria, Philippines, Russian Federation, Sri Lanka, Syrian Arab Republic, Tajikistan, Venezuela (Bolivarian Republic of), Vietnam, and Zambia. The text of this draft included a pledge to refrain *“from implementing protectionist and discriminatory measures inconsistent with the World Trade Organization rules”*, actually hinting at the sanctions.<sup>160</sup> The draft, which was rejected due to lack of consensus (as Ukraine interrupted the silence procedure on 22 April 2020), significantly included also a sentence about *“the need to prevent the spread of false information and its misuse in the media”*, which – having regard to the actual behaviour of the proponents – should be read as praise of censorship.

On 23 April 2020, ten Ukrainian CSOs stressed in a public statement that *“the pandemic did not stop Russia from continuing to illegally occupy Ukrainian territories, Russia-led forces continue to violate ceasefire in Eastern Ukraine, illegal persecution of Ukrainian citizens is ongoing, new criminal charges were announced against the leader of the Crimean Tatar community Mustafa Dzhemilev, Vladimir Putin signed the law allowing to illegally seize more property of Ukrainian citizens in Crimea, vast majority of the most critical requirements from the side of the international community towards Kremlin remain actual and are ignored”*. Therefore, they called on the representatives of governments that maintain or assist the

<sup>156</sup> [https://ccl.org.ua/en/statements/covid-19-in-closed-prisons-in-the-occupied-crimea-and-donbas-which-is-under-russia-effective-control-2/?fbclid=IwAR3EQDwp2DIURWMhqlZVBNzdJn0gD6rhTLD6oqY03JZDkb3qj75jgZq2u80&fbclid=IwAR3B-dAAD\\_JMN\\_mJlinLp\\_XQL3AZ53-Vuy5zUB5gPnJ1a8GPvXZ\\_b3U44xw](https://ccl.org.ua/en/statements/covid-19-in-closed-prisons-in-the-occupied-crimea-and-donbas-which-is-under-russia-effective-control-2/?fbclid=IwAR3EQDwp2DIURWMhqlZVBNzdJn0gD6rhTLD6oqY03JZDkb3qj75jgZq2u80&fbclid=IwAR3B-dAAD_JMN_mJlinLp_XQL3AZ53-Vuy5zUB5gPnJ1a8GPvXZ_b3U44xw)

<sup>157</sup> <https://vm.ee/en/news/foreign-minister-reinsalu-russia-attempting-destabilise-ukraine-under-cover-coronavirus-crisis>

<sup>158</sup> <https://www.un.org/pga/74/2020/04/02/declaration-of-solidarity-of-the-united-nations-in-the-face-of-the-challenges-posed-by-the-coronavirus-disease-2019/>

<sup>159</sup> <https://tass.com/world/1139611>

<sup>160</sup> <https://undocs.org/en/A/74/L.51/REV.1>

sanctions regime “to preserve the sanctions against Russian Federation tied to the Russian aggression against Ukraine until the territorial integrity of Ukraine is restored and illegally detained Ukrainian prisoners are released.”<sup>161</sup>

## 2.6 Turkey

**Erdogan’s amnesty law: a double sentence to political prisoners.**<sup>162</sup> Since the beginning of the pandemic, international observers have repeatedly urged the Turkish government to release all political prisoners and take necessary and equal measures to protect the health of those detained. This is of particular relevance in Turkey where overcrowded prisons can be amplifiers in the spread of COVID-19 among penitentiary staff and inmates. The Turkish prison population amounts to more than 300,000, the largest incarcerated population in the Council of Europe area,<sup>163</sup> administered by approximately 150,000 prison officials.<sup>164</sup> Human rights defenders and prominent officials have reported that 50,000 of the jailed prisoners are writers, politicians, musicians, academics, human rights defenders, teachers, doctors, lawyers, university students, business people, and homemakers, all charged or convicted on terrorism accusations in the failed 2016 military coup.<sup>165</sup>

On 13 April 2020, the Turkish parliament passed a controversial bill tackling the emergency crisis in overcrowded detention facilities, thus announcing the temporary release or early release of one third of the prison population. The law received wide support from President Tayyip Erdoğan’s AK Party and its ally, the Nationalist Movement Party (MHP); international organisations welcomed the efforts of President Erdogan in stemming the COVID-19 outbreak but joined the concerns of the opposition and rights activists which stressed the arbitrary nature of the law. In fact, the amnesty bill systematically excludes those convicted or awaiting trial on trumped up terrorism charges or crimes against the state, including opposition politicians, journalists, and regime critics. The bill also fails to provide measures to release those in pre-trial detention, currently estimated at 43,000 people.<sup>166</sup>

The PACE monitoring co-rapporteurs for Turkey, Thomas Hammarberg (Sweden, SOC), and John Howell (United Kingdom, EC/DA), as well as Boriss Cilevičs (Latvia, SOC), rapporteur on “Should politicians be prosecuted for statements made in the exercise of their mandates?”, pointed out the discriminatory nature of Erdoğan’s parole law which unjustly deprives those Turkish citizens imprisoned for expressing their dissenting opinion of their right to health. By calling upon the Turkish authorities to align with values and norms of the Council of Europe, the rapporteurs highlighted that the law contravenes the “recommendations issued by the CPT, the Council of Europe’s anti-torture committee, on the fight against COVID-19 in places of detention, as well as previous rulings of the European Court of Human Rights on [...] politically-motivated detentions”.<sup>167</sup> Similarly, in a joint statement, the European Parliament standing rapporteur on Turkey, Nacho Sánchez Amor (S&D, ES), and the Chair of the European Parliament’s Delegation to the EU-Turkey Joint Parliamentary Committee, Sergey Lagodinsky (Greens/EFA, DE), labelled the newly introduced measures as “a great disappointment”.<sup>168</sup>

**Yet international appeals to guarantee the safety of all prisoners, first and foremost those more vulnerable to the virus and those detained groundlessly, are disregarded.** According to the Solidarity

<sup>161</sup> <https://helsinki.org.ua/en/appeals/statement-of-ukrainian-csos-regarding-the-attempts-of-russian-federation-to-lift-the-sanctions/>

<sup>162</sup> <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=7840&lang=2>

<sup>163</sup> [http://wp.unil.ch/space/files/2020/04/200405\\_FinalReport\\_SPACE\\_I\\_2019.pdf](http://wp.unil.ch/space/files/2020/04/200405_FinalReport_SPACE_I_2019.pdf)

<sup>164</sup> <https://www.change.org/p/yargi-paketinde-ayrimcılığa-vey-yok-siyasi-mahpusa-da-eşit-indirim-no-discrimination-in-the-judicial-reform-package-equal-remission-for-turkey-s-political-prisoners-adalet-bakanlik-tbmmgenelkurulu?signed=true>

<sup>165</sup> <https://www.change.org/p/yargi-paketinde-ayrimcılığa-vey-yok-siyasi-mahpusa-da-eşit-indirim-no-discrimination-in-the-judicial-reform-package-equal-remission-for-turkey-s-political-prisoners-adalet-bakanlik-tbmmgenelkurulu?signed=true>

<sup>166</sup> [https://www.barhumanrights.org.uk/wp-content/uploads/2020/04/BHRC-Statement-on-Turkish-political-prisoners\\_3-April-2020.pdf](https://www.barhumanrights.org.uk/wp-content/uploads/2020/04/BHRC-Statement-on-Turkish-political-prisoners_3-April-2020.pdf)

<sup>167</sup> <https://pace.coe.int/en/news/7863/covid-19-call-for-urgent-legal-steps-to-redress-the-discriminatory-effects-of-the-turkish-criminal-enforcement-law>

<sup>168</sup> <https://www.europarl.europa.eu/delegations/en/d-tr/product/20200415DPU25319>

with Others rights group, 370 inmates and 137 prison staff have so far tested COVID-19 positive, and six inmates have died of COVID-19.<sup>169</sup>

**Thousands of political prisoners convicted for their political views or affiliations with the Fethullah Gülen movement now face extraordinary risks.** Among them are journalist **Ahmet Altan**, leading Kurdish politicians **Selahattin Demirtas** and **Figen Yuksekdağ**, purged constitutional judges **Alparslan Altan** and **Erdal Tercan**, and philanthropist **Osman Kavala**.<sup>170</sup> In some cases, the European Court of Human Rights concluded that the detentions were unlawful.

In addition, at a time when the Turkish government has allowed mosques, shopping malls, and even horse race courses to reopen, the courts of law remained closed when they should in fact be dealing with requests for release which have been filed by thousands of detainees who fear for their life. Scandalously, the courts are not even making periodic release assessments to which every person in detention is entitled.

**Turkey's 'mass purge' of media professionals.** It is not a secret that Turkey's Erdogan is one of the world's worst jailers of journalists along with China, Saudi Arabia, and Egypt.<sup>171</sup> During the 'witch hunt' that followed the failed coup in July 2016, approximately 180 media outlets were shut down with dozens of journalists arrested on bogus charges, detained in pre-trial custody for long periods, even for years, and subjected to unfair trials for their articles or posts in social media.<sup>172</sup>

According to the Council of Europe platform to promote the protection of journalism and the safety of journalists, **95 reporters now sit in Turkish prisons**,<sup>173</sup> a category which has been disappointingly exempted from the so-called "amnesty" law as outlined by the OSCE Representative on Freedom of the Media, **Harlem Desir**.<sup>174</sup>

Not unexpectedly, in Turkey, the coronavirus pandemic has spawned a new wave of repression of media professionals and social media users. Independent journalists who did not hew to the official line of the government were systematically harassed, detained and censored, and their press cards cancelled. Those reporting news or publishing posts on social media related to COVID-19 faced new threats and are now likely to share the fate of their companions behind bars.<sup>175</sup>

International watchdog groups monitoring the state of media freedom in Turkey identified that the very first victims of Erdoğan's crackdown on journalists were local media reporting on the COVID-19 situation.

On 13 March 2020, General Publication Manager, **İdris Özyol**, and General Publication Coordinator, **Ebru Küçükaydın**, of the Antalya-based news outlet *haberimizvar.net* were detained and their offices raided for reporting on cases of infection in the town of Demre, just a few days after the announcement of the Turkish government that no cases of COVID-19 were recorded in the country.<sup>176</sup> Another journalist, the Editor-in-Chief of Kocaeli-based *Ses Newspaper*, **İsmet Çiğit**, was taken into custody in the night of 21 March 2020, and released a few hours later for the publication of a report under the title "*2 People Lose Their Lives Due to Corona in Sopalı*". As a consequence of the pressures, Çiğit declared that the outlet had to stop reporting on COVID-19 and align with official statements only.<sup>177</sup>

Reporters Without Borders (RFS) wrote that other similar cases, including night arrests, occurred in March 2020. Among them are two journalists of the newspaper *Pusula* (Compass) published in the northern

<sup>169</sup> <https://en.coronainturkeyprisons.com/>

<sup>170</sup> <https://www.hrw.org/news/2020/03/23/turkey-should-protect-all-prisoners-pandemic>

<sup>171</sup> <https://cpj.org/reports/2019/12/journalists-jailed-china-turkey-saudi-arabia-egypt/>

<sup>172</sup> <https://www.hrw.org/news/2020/03/23/turkey-should-protect-all-prisoners-pandemic>

<sup>173</sup> <https://pace.coe.int/en/news/7899/stop-jailing-journalists-turkey-and-azerbaijan-must-uphold-council-of-europe-standards->

<sup>174</sup> <https://www.osce.org/representative-on-freedom-of-media/450325>

<sup>175</sup> <https://rsf.org/en/news/regulators-gradually-imposing-official-line-monopoly-turkeys-media>

<sup>176</sup> <https://sendika63.org/2020/03/turkish-police-capture-and-detain-two-journalists-who-dared-report-on-coronavirus-580112/>

<sup>177</sup> <http://bianet.org/english/health/221825-we-no-longer-chase-after-coronavirus-news-after-being-detained>

province of Bartın, **Mustafa Ahmet Oktay** and **Eren Sarıkaya**, who were arrested on 18 March 2020, for publicising news regarding a doctor who had tested positive for COVID-19. They now face from 2 up to 4 years' imprisonment under Art. 213 of the Criminal Code for "sowing panic and fear". A reporter, **Tugay Can**, working at the Iz Gazete website, in the city of Izmir, received a summons on 26 March 2020 for reporting on the spread of COVID-19 among medical professionals. Journalists from the eastern province of Van, **Oktay Candemir** and **Rusen Takva**, were also summoned after they shared information on the epidemic in Turkey on social media.<sup>178</sup>

Another issue which deserves to be mentioned is police brutality against those that breached lockdown rules. On 27 April 2020, 17-year old Syrian refugee, **Ali al-Hamdan**, who was reportedly in breach of lockdown rules was shot dead by police officers for disobeying police warnings during controls on the street in Adana's Seyhan district.<sup>179</sup>

Incidents of police brutality have been on the rise across Turkey during the curfews imposed during the pandemic. Many videos showing police officers hitting or mistreating citizens were shared on social media. However, the Interior Ministry released a statement on the matter, criticizing media outlets for reporting the incidents as "police brutality" and commenting on the fact that such videos were deliberately shared to harm the police force.<sup>180</sup>

**"Pandemic Isolation Tracking Project" app: from health monitoring to public surveillance.** Following the lead of Asian and European countries which developed COVID-19 contact tracing apps, Turkey has undertaken similar steps. On 7 April 2020, the Minister of Health, Fahrettin Koca, announced the introduction of the "Pandemic Isolation Tracking Project", a highly centralized application for smartphones which has been made mandatory for all citizens through the e-government identity system.

Despite the government firmly stating that the app will not violate personal data protection laws, its functioning reveals the opposite. Direct access to law enforcement agencies to the stored data is guaranteed via the three major telecommunication companies in the country, thus paving the way for state surveillance. The features envisioned by the app raise doubts over the actual purpose of the app, which has full access to the GPS and network-based location information, phonebook, camera options and stored pictures, as well as wireless connections and full network access. It can also read Google service configurations, Bluetooth settings and receive data from the internet.<sup>181</sup>

Hence, it is likely that a health monitoring app which is far from the less intrusive decentralized models, as it is under the direct control of Turkish law enforcement agencies, will become another tool to surveil citizens and blatantly violate their privacy and human rights.

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<sup>178</sup> <https://rsf.org/en/news/turkish-journalists-arrested-reporting-covid-19-cases>

<sup>179</sup> <https://www.duvarenglish.com/human-rights/2020/04/28/police-officer-shoots-dead-syrian-teenager-in-southern-turkey/>

<sup>180</sup> <https://www.duvarenglish.com/human-rights/2020/05/26/police-brutality-on-the-rise-amid-coronavirus-curfews-across-turkey/>

<sup>181</sup> <https://www.bbc.com/turkce/haberler-dunya-52638919>



### 3. RECOMMENDATIONS

#### 3.1 Freedom of Expression and Information, Mis- and Disinformation

- National authorities should provide timely, reliable, and accurate information, including data and statistics, about the number of patients with COVID-19 and deaths, and disseminate clear health advice to keep citizens safe. Communication with the public and the media is pivotal to amplify the government's policies in preventing the spread of COVID-19. Press releases and conferences, as well as public reports, policy recommendations in regards to social distancing measures, and portals to share information and resources relating to COVID-19 should be easily accessible and regularly updated.
- On the other hand, official statements should not constitute the sole source of information regarding the trend of the pandemic. States should encourage a diverse and free media environment, refraining from media censorship, internet blockages, and application of unproportionate restrictions to freedom of expression and freedom of the media. In addition, international organisations drafting guidelines for their member states to combat the pandemic and tackle mis- and disinformation campaigns, should guarantee full access to civil society, journalists, activists, and whistleblowers and ensure that these categories can play an essential role in providing support, data, and recommendations to achieve COVID-19 recovery.
- Excessive interpretation and use of criminal law against independent journalists and whistleblowers reporting on the COVID-19 outbreak contravenes international human rights treaties, such as Art. 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms and Art. 19 of the Universal Declaration of Human Rights and of the International Covenant on Civil and Political Rights. Unlawful imprisonment of reporters and journalists is not justified by one state's fight against the spread of mis- and disinformation. As enshrined in Art. 19 of the ICCPR, the right to freedom of expression can be subject to derogations; however, the imposition of emergency measures in times of a public health crisis cannot be an excuse for governments to repress dissent and fundamental rights, including non-derogable rights. These include the right to a fair trial and freedom from torture and ill-treatment.
- Media and medical professionals, whistleblowers, civil society organisations, and ordinary citizens are entitled to scrutinise, report, and expose the government's response to the COVID-19 pandemic, without being punished for exercising their profession and their legitimate freedom of speech.
- Instead, national authorities should proactively work together with media outlets and private social media platforms to combat the so-called 'infodemic' by targeting mis- and disinformation, as well as manipulation of public opinion, in a concerted manner. Valuing fact-checked and trusted information and high quality journalism is vital to prevent panic and educate citizens on health awareness.
- An impartial and transparent inquiry by the WHO into the origins of COVID-19 is essential to prove the organisation's independence from authoritarian member states and its credibility, as well as to hold accountable those officials responsible for gross negligence and delays through the course of the pandemic. The investigation should take into account the voices and testimonies of civil society, whistleblowers, and victims of COVID-19 who first reported cases of infection.
- The WHO should undertake structural reforms to secure a regular and transparent participation of civil society in decision-making processes. Currently, the intergovernmental nature of the WHO does not include a formalised process of inclusion of civil society representatives. Therefore, the establishment of a special representative or, alternatively, of a dedicated platform of dialogue

would ensure a constant flow of impartial information and recommendations between NGOs and the WHO's governing bodies.

### 3.2 Prison Population, Including Political Prisoners

- All states must guarantee the health of people in state care and of penitentiary staff, regardless of the COVID-19 pandemic. In times of a public health emergency, for no reason should states deprive inmates of their non-derogable and inalienable rights. Among them are the right to life, the right to be free from torture and other inhumane or degrading treatment or punishment, and the right to be free from retroactive application of penal laws. This is stated in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the European Convention on Human Rights.
- In the event of the spread of a deadly disease such as COVID-19, states are highly recommended to avoid as far as possible resort to custodial measures at all stages of the criminal justice process, namely pre-trial detention, trial, sentencing, and eventual conviction. In particular, authorities are encouraged to undertake alternative measures in order to protect critically-ill inmates at risk of contracting the coronavirus and tackle the ghastly congestion of prisons.
- Political prisoners convicted on trumped-up charges, deprived of their right to a fair trial, and, in the most urgent cases, of their right to humane conditions of detention and freedom from torture should be immediately and unconditionally released. Pressures on authoritarian governments by democratic states and international organisations – including freezing cooperation and trade agreements – should aim at releasing the most vulnerable groups. These include independent journalists, civil society activists, human rights defenders, whistleblowers, social media users, and actual or alleged supporters of peaceful opposition movements often labelled as “extremists”. Such categories have been automatically excluded from exceptional pardon or amnesty laws; international condemnation should be maintained during bilateral dialogues between the authorities and embassies of democratic states on the ground.
- Authorities must strengthen additional preventive measures to stem the coronavirus crisis, such as the deployment of appropriate medical workers in detention facilities, the supply of essential health commodities and equipment, and putting in place isolation areas for infected inmates.
- The temporary suspension of non-urgent judicial hearings, administrative penalties, and arrests, in particular of activists and regime critics – when the defendant is not held in pre-trial detention – is also essential to guarantee the highest human rights standards.
- Limitations to prisoners' contacts with the outside world, such as visits with family members and lawyers, should be substituted with complementary measures like phone, video calls, or emails. Additionally, access to detention facilities by international human rights missions devoted to assessing prisoners' conditions should be encouraged.
- In order to promote good practices of human rights, states should consider adopting so-called “Magnitsky laws”. State officials responsible for the imprisonment of political prisoners and not respecting the human dignity of inmates in contravention of the United Nations Standard Minimum Rules for the Treatment of Prisoners should be held personally accountable for human rights abuses.

### 3.3 Digital Surveillance

- The provision of contact tracing apps should not undermine one's fundamental right to privacy; for this reason, measures devoted to collect, geolocate, store, and analyse data for the purpose of tracking the contagion should be time-bound, limited in scope and purpose, and strictly monitored by public health authorities and independent supervisory bodies.
- Public authorities should ensure the maximum transparency, anonymity, and security of personal health data during the process of collecting, storing, and aggregating sensitive information. In addition to this, full disclosure of terms and conditions of data-sharing agreements with third parties is an important condition to guarantee the fundamental right to privacy.
- By no means should the collected data be used by governments to increase state surveillance in an arbitrary and discriminatory way to target vulnerable groups, freedom of information, and of expression. In particular, the use of decentralized apps is highly recommended to reduce the risks of government's intrusiveness in one's privacy. States should refrain from allowing direct access to law enforcement and intelligence agencies to the retained data and appoint an independent supervisory body in charge of protecting personal digital rights.
- Heavy deployment of anti-pandemic tools, including tracking apps and surveillance cameras, and mass surveillance technologies like facial recognition, AI, and biometric identification systems, should not undermine one's fundamental rights in favor of public order and security reasons. Even in times of a public health crisis, governments should refrain from developing a suppressive digital agenda not limited in time and scope.

