

CIVIC FREEDOMS UNDER THREAT DURING THE COVID-19 PANDEMIC

A SNAPSHOT OF RESTRICTIONS AND RESILIENCE





INTRODUCTION

- Civic activism continues during the COVID-19 pandemic and people have continued to mobilise to demand their rights
- Violations of protest rights have been documented: protesters are being detained, protests are being disrupted and excessive force is being used by states.
- Restrictions on the freedom of expression and access to information continue.
- States are enacting overly broad emergency legislation and legislation that limits human rights.

In April 2020, just one month after the World Health Organization (WHO) [declared](#) the COVID-19 outbreak a pandemic, we highlighted a series of alarming civic space violations by states. As noted in our previous [brief](#), in many countries the emergency measures introduced to tackle the pandemic have had troubling impacts on human rights and the space for civil society. After more than six months of the pandemic, violations and restrictions on civic space continue.

Since 2016, the [CIVICUS Monitor](#) has documented and analysed the state of civic space in 196 countries. Civic space is the bedrock of any open and democratic society and is rooted in the fundamental freedoms of people to associate, peacefully assemble and freely express their views and opinions. This brief covers civic space developments in relation to COVID-19 between 11 April 2020 and 31 August 2020. It is compiled from data from our civic space updates by activists and partners on the ground.

International [human rights law](#) recognises that in the context of officially proclaimed public emergencies, including in public health, which threaten the life of a country, restrictions on some rights can be justified. As explained in our previous brief, those limitations need to comply with international [standards](#). But while international law is clear, some states have gone beyond justifiable restrictions, with negative consequences on civic space and human rights while also creating additional barriers for already excluded groups.

Although states placed restrictions on large public gatherings during the pandemic, people have continued to mobilise through various forms of protest. However, a number of violations were documented during protests, including the detention of protesters, protest disruptions and the use of excessive force by law enforcement agencies. In addition, violations on the freedom of expression, which featured prominently in our first COVID-19 brief, have continued. These violations include censorship of free speech, targeting of media outlets and detentions of journalists. States have also continued to pass restrictive laws, such as overly broad emergency laws, under the guise of fighting the pandemic. Citizens, journalists and human rights defenders (HRDs) have experienced harassment and intimidation. During the pandemic, many excluded groups have faced additional risks and violations.

ABOUT THE CIVICUS MONITOR

The CIVICUS Monitor is a research tool that provides quantitative and qualitative data on the state of civil society and civic freedoms in 196 countries. The data is generated through a collaboration with more than 20 civil society research partners, and input from a number of independent human rights evaluations.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:





PROTESTS IN THE TIME OF COVID-19

2019 was a historic year for protest movements, as documented in our annual [People Power Under Attack](#) report. Thousands of people took to the streets in [Chile](#), [Hong Kong](#), [India](#) and [Lebanon](#), among many other countries, and many of these mobilisations continued into 2020. However, the COVID-19 pandemic brought many mass protests to a halt as states introduced emergency measures, which included restrictions on public gatherings to curb the spread of the pandemic. Despite restrictions, during the months monitored in this brief, many people mobilised, using creative and alternative forms of protest, including online and socially distanced protests.

In [Palestine](#), in April 2020, feminists organised [balcony protests](#) against the surge of gender-based violence during the pandemic. Videos show Palestinians banging on pots and pans and hanging signs on their balconies to show solidarity with victims of violence.

Climate activists in the [Netherlands](#) [collected shoes](#) from all over the country and filled the square of the House of Representatives in the Hague with a thousand shoes as a symbolic form of protest against the climate crisis. In [Singapore](#), young climate activists from the Fridays for Future global school strike movement [held solo protests](#) in April 2020 due to the country's restrictive laws on peaceful assembly.

In June 2020, human rights groups [organised](#) peaceful interventions to denounce the scale of the COVID-19 crisis in [Brazil](#). In Brasilia, protesters put up 1,000 crosses paying tribute to COVID-19 victims on the lawn in front of key government buildings, calling out President Jair Bolsonaro for his denials of the pandemic's gravity.

In addition, healthcare workers around the world have staged [socially distanced protests](#) to highlight the challenges they face that have been exacerbated by the pandemic.

These various examples of protests that have taken place during the COVID-19 pandemic demonstrate civic resilience. People have continued to take to the streets to demand fundamental rights, even amid a global health crisis.

However, demonstrations have been met with multiple violations, including the detention of protesters, the use of excessive force by authorities and protest disruptions. These responses from the authorities are inconsistent with international law and standards and not in line with recommendations by international mechanisms, which emphasise that law enforcement officials must refrain from using excessive force or arbitrarily detaining protesters while dispersing peaceful gatherings.

Protests against racial injustice featured prominently during the pandemic. The killing of George Floyd, a Black man, by the Minneapolis police on 25 May 2020 sparked [massive protests](#) against police brutality in the [USA](#), under the banner of Black Lives Matter. However, in several US states these protests were frequently met with militarised law enforcement officers wearing riot gear and often using excessive force, including indiscriminate use of teargas and rubber bullets. During June 2020, Black Lives Matter protests spread to all corners of the globe.



Thousands gathered for [multiple protests](#) in various cities across the **United Kingdom**, chanting 'No Justice, No Peace'. These protests were also met with excessive police force. People in **Senegal**, including renowned activists and HRDs, staged a [symbolic protest](#) at the Gorée-Almadies memorial, which commemorates the slave trade. Protesters knelt for eight minutes and 46 seconds, the time for which George Floyd was pinned down on the ground by police officers.

In June 2020, protesters gathered at the US embassy in Colombo, **Sri Lanka**, [holding placards](#) bearing slogans such as 'Racism is a deadly virus', while wearing masks in compliance with government health guidelines. Despite this, police began to arbitrarily arrest protesters before the demonstrations began. In **Brazil**, Vidas Negras Importam (Black Lives Matter) [demonstrations](#), which took place in Rio de Janeiro and other cities, denounced police violence against Brazil's Black population and called for an end to police operations in favelas. However, police dispersed the peaceful anti-racism protest, using rubber bullets and teargas.

Other protests focused on the impact of the pandemic and emergency measures. Six people, including a pregnant woman, [were killed](#) in **Guinea** in May 2020, during protests against COVID-19 police checkpoints and roadblocks that curbed the movement of people during the pandemic.

In **Serbia**, thousands took to the streets [to protest](#) against the government's reintroduction of a COVID-19 curfew in July 2020. Over two days, protesters faced excessive force, with over 30 people reporting to the [Belgrade Centre for Human Rights](#) that they had been tortured by the police.

In **Hong Kong (China)**, protests continued during the pandemic, particularly against the passage of a [National Security Law](#) imposed by the government of China that undermines fair trial rights, provides sweeping new powers to the police, increases restraints on civil society and the media and weakens judicial oversight. Dozens of pro-democracy activists have been [arrested](#) and there have been reports of torture and cruel, inhumane and degrading treatment of protesters by the police.

In **Chile**, dozens of people, wearing masks and maintaining social distance, [mobilised to](#) denounce police brutality on the 93rd anniversary of the founding of the Carabineros militarised police force in April 2020. However, protesters were met with teargas and water cannon, with over 60 people detained on the grounds of infringing public health measures.

FREEDOM OF EXPRESSION UNDER THREAT

From censoring citizens due to the alleged spread of 'fake news' on the pandemic, to targeting media outlets and detaining journalists, the freedom of expression has continuously come under attack during the pandemic. This is particularly concerning given the [importance](#) of having access to accurate information and the crucial role of journalists and the media during the pandemic.



In **Zimbabwe**, Hopewell Chin'ono, a prominent Zimbabwean journalist known for exposing government corruption, [was arrested](#) in July 2020 after he reported on corruption in the procurement of COVID-19 supplies, leading to the dismissal of Health Minister Obadiah Moyo. In a move that sparked an international outcry, Chin'ono was charged with 'incitement to participate in public violence'. International media watchdog groups have called for all charges to be dropped against Chin'ono, who was released on bail in September 2020.

The [assault](#) on the freedom of expression and media freedom in the **Philippines** has persisted. Top broadcaster ABS-CBN was forced off air in May 2020 after the Philippines Congress refused to renew its licence, while prominent journalist Maria Ressa was convicted for 'cyber-libel'. The authorities also pursued journalists critical of the government's handling of the pandemic.

In **Turkmenistan**, where the government continues to deny the existence of COVID-19 in the country, the [authorities have detained](#) and intimidated people, including doctors, for speaking out about COVID-19-related issues in public places. The government has also accused independent media outlets who report on the pandemic of distributing 'fake news' and 'slander'.

The pandemic has been used by the government in **Turkey** to further crack down on journalists and citizens. During the pandemic, journalists have [been jailed](#) on charges of 'causing people to panic and publishing reports on coronavirus outside the knowledge of authorities'. In addition, social media platforms have become [increasingly subject to surveillance](#) during the pandemic, leading to several detentions of people on the grounds of making 'unfounded and provocative' posts that 'cause worry among the public, incite them to fear, panic and target persons and institutions'. Approximately 6,000 social media accounts have been inspected by the Interior Ministry.

The authorities are accused of using COVID-19 measures [to silence](#) civic activists, opposition leaders and journalists in **Azerbaijan**. Just a day before introducing a special quarantine regime, the authorities amended the information law, obliging owners of internet information resources to prevent the publication of false information online and prohibiting the publication of information that might cause danger to the public. There are concerns that this amendment will lead to stifling journalists and other critics of the government.

In **Nicaragua**, many critical journalists and media have called into question the government's management of the pandemic and the official COVID-19 figures, and doing so has [made them targets](#). For example, during a press conference an army colonel accused a journalist of manipulating information and threatened that 'something had to be done about this'. Government officials have accused journalists and independent media of promoting 'pandemics of fear' through 'fake news' during the crisis.

In **Niger**, three people have [been arrested](#) and charged under the 2019 Law on Cybercrime for criticising the government's measures to fight COVID-19 on social media and in private WhatsApp messages.



RESTRICTIVE LAWS UNDER THE PANDEMIC

As the pandemic has gone on, states have continued to enact overly broad and vague emergency legislation and pass restrictive laws without adequate consultation with civil society. In many states, emergency legislation has been used to crack down on ‘fake news’ on the pandemic, adversely impacting on media freedom.

In **Botswana**, the government passed the [Emergency Powers Act](#), giving the president powers to rule by decree for six months. The Act also introduced heavy punishments for offences, including imprisonment of up to five years or a US\$10,000 fine for anyone publishing information with ‘the intention to deceive’ the public about COVID-19 or measures taken by the government to address the pandemic. It also stipulates that journalists can only reference the country’s director of health services or the WHO when reporting on COVID-19.

In **Cambodia**, a State of Emergency Law was [passed](#) in April 2020 that mandates unfettered power to the executive. The law bestows executive power to ban or restrict meetings and to close public or private spaces. It also allows the government to put in place the means to observe all telecommunications systems, and to ban or restrict news or social media deemed to ‘generate public alarm or fear or generate unrest, or that could bring about damage to national security, or that could bring into being confusion regarding the state of emergency’. The State of Emergency Law contains no sunset clause and can only be ended by Royal Decree, which could allow the law to be used well beyond the end of the current pandemic.

Under the guise of COVID-19 restrictions, limited civil society consultation was permitted for a [new draft law](#) on amendments to legislation regulating the activities of civil society organisations (CSOs) in **Kyrgyzstan**. The law, which was adopted on its second reading, has been criticised by civil society as an unjustified attempt to discredit and demonise CSOs. Only 60 people were permitted at the public hearing on the draft law in May 2020, with mostly pro-government organisations participating, while many independent activists were sidelined, thus seriously limiting consultation.

Egypt has been under a state of emergency since 2017, which was extended in May 2020 due to the pandemic. However, the [extension ratified](#) new amendments that give the president more powers. The Emergency Law (Law 162 of 1958) exploits COVID-19 in order to undermine judicial independence and expand the military prosecution’s jurisdiction to investigate citizens, and gives the president the power to authorise the military prosecution to investigate crimes that violate the Emergency Law (Article 4). It also contains new articles that grant the president powers to ban public and private meetings, demonstrations, processions, celebrations and other forms of gathering.

In **Hungary**, the Authorisation Act [was adopted](#) on 30 March 2020 granting excessively wide powers to the government to rule by decree, absolving it from parliamentary scrutiny. In June 2020 the [government announced](#) an end to the ‘state of danger’, but immediately declared a ‘state of medical crisis’, which cannot be lifted by parliament. There are concerns that this new legal state will be used as a smokescreen for maintaining unchecked and excessive government powers.



EXCLUDED GROUPS LEFT FURTHER AT RISK

While COVID-19 restrictions imposed by states have affected all people, they have disproportionately impacted on excluded groups who were already at risk prior to the pandemic. The human rights of LGBTQI+ people, migrants, refugees and other excluded groups have been further undermined by many states during this time.

In **Uganda**, police are accused of abusing lockdown measures after a shelter housing 23 LGBTQI+ people [was raided](#). Arrests were made for apparent failure to adhere to social distancing rules and risking the spread of COVID-19. However, activists believe that the group was purposely targeted due to their sexual orientation and gender identity. There have also been news reports that blame LGBTQI+ groups for spreading COVID-19, which further stoked homophobia in the country.

Informal migrant workers in **India** were [severely impacted](#) upon by the government's sudden, immediate announcement of a nationwide lockdown in March 2020. The government shut down railways and inter-state bus services to curb the spread of the virus. Many migrant labourers who had lost their jobs decided to journey home to their families, with some braving journeys of hundreds of kilometres on foot. This resulted in chaos, starvation and deaths, prompting the United Nations High Commissioner for Human Rights, Michelle Bachelet, to [call for](#) the humane treatment of migrant groups.

The authorities in **Myanmar** used COVID-19 response measures as a pretext to [harass and extort](#) ethnic Rohingya people, a community that has suffered serious international crimes in recent years at the hands of the military. Rohingya people report that military and police forces regularly subjected them to harassment and physical punishment at checkpoints. In one case, a woman was ordered to do sit-ups for 30 minutes for not wearing a mask at a checkpoint, after which she was left too exhausted to move. In addition, despite the pandemic, the authorities maintained an internet shutdown in Rakhine state where an estimated 600,000 Rohingya people live, depriving them of access to potentially life-saving information.

In **Panama**, during June 2020, COVID-19 cases began to rise again, prompting a re-introduction of the lockdown in some regions of the country. Panama's [lockdown actions](#) included contested gender-based measures, which assigned separate days for women and men to conduct essential activities; transgender rights groups report that these have led to further stigmatisation of transgender people. One transgender rights organisation registered more than 40 complaints from transgender people who faced harassment while shopping for food and medicine during these restrictions.

HRDs have also come under attack. In **Honduras**, the introduction of curfews and restrictions on movement have led to [an increase](#) in the risks of persecution, surveillance and criminalisation for defenders. Indigenous women have also been subjected to increased harassment by law enforcement officers. Similarly, in **Colombia**, restrictions on movement during the pandemic have [intensified risks](#) for social leaders who, for the purposes of security, need to vary their movements.



BRIGHT SPOTS DURING THE PANDEMIC

While the restrictions imposed by many states paint a worrying picture globally, there have also been some positive developments during the pandemic. In **Kenya**, activists and CSOs [successfully challenged](#) the use of excessive police force during the pandemic, resulting in at least a dozen officers being indicted. In March 2020, following a public uproar, human rights activists took to the streets to protest against the use of excessive force by the police, which increased significantly during the COVID-19 curfew. Investigations by the Internal Affairs Unit revealed that more than a dozen people had been killed by police while enforcing the curfew.

In **Bolivia**, the interim government [issued a decree](#) sanctioning those who ‘disinform or cause uncertainty’ to the population during the pandemic. The legislation was widely criticised by CSOs and media freedom advocates who stated that it could be used to silence those who are critical of the government’s COVID-19 policies. The law was also expanded to include an additional decree on criminal sanctions. However, in a positive move, following criticisms by domestic and international CSOs, interim president Jenine Áñez revoked the two decrees.

In another win for media freedom, in **Honduras**, [a decree](#) instituting a state of emergency during the pandemic restricted the right to the freedom of expression without censorship, as guaranteed by the Honduran Constitution. Media associations urged the government to revoke this restriction, with 21 CSOs condemning the decree as a disproportionate measure. Following this pressure, the government re-established constitutional guarantees relating to the freedom of expression.

In an unprecedented move, in **Austria** in March 2020, a law passed by parliament to tackle the COVID-19 pandemic made mention of CSOs, for the first time in Austrian history. CSOs’ demands [were considered](#) in the government’s COVID-19 emergency fund and a €700 million (approx. US\$818 million) support fund was allocated exclusively for CSOs during the pandemic.

**FOR MORE INFORMATION ON THE STATE OF CIVIC FREEDOMS AROUND THE WORLD,
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