



United Nations Human Rights Council, 44th Session

Agenda Item 3- Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Interactive Dialogue with the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression - Oral Statement on behalf of the International Bar Association

10 July 2020

Madame President,

The International Bar Association's Human Rights Institute (IBAHRI) welcomes the Special Rapporteur's recent report in addressing principal challenges presented by the Covid-19 pandemic and any comparable future health crisis, which has tested the foundations of democracy and the rule of law.

The IBAHRI remain concerned at the introduction or amendment of laws to allegedly deal with misinformation and disinformation arising from the pandemic, as well as the implementation and use of sweeping counter-terrorism and national security measures that contravene international human rights standards and impede upon free expression. Language used obscures the scope, meaning and effect of measures, permitting their arbitrary use to censor reporting and criminalise content and dissent, both online and offline. The dismissal of critical legal protections and disregard for principles of legality, necessity and proportionality has permitted state overreach, and allowed restrictive frontiers to target and repress journalists from undertaking their work.

The High Level Panel of Legal Experts on Media Freedom, to which the IBAHRI serve as Secretariat, recently stated that access to good, fact-checked information and independent, trusted media sources is more important than ever¹ and critical reporting of state responses to the pandemic must not be used as a pretext to stifle criticism.

On this occasion, the IBAHRI urges states to:

¹ Statement by the High Level Panel of Legal Experts on Media Freedom on the Covid-19 pandemic, 3rd May 2020

- **promote and protect** the indispensable role of the independent media and journalists as well as fostering an enabling environment for reporting, as the protection of the media is the protection of the public's right to information;
- **to ensure** that these protections are not curtailed by legislation or measures purporting to deal with the dissemination of disinformation/misinformation or to protect national/international security interests;
- **work together**, and with social media companies, to address the spread of disinformation/misinformation by providing reliable content, as well as supporting scientifically informed messaging from public health experts²; and
- **monitor** legislation introduced or expanded during the pandemic under the guise of tackling these concerns, to include sunset clauses to avoid creating a chilling effect to criminalise journalism.

This statement was delivered by:

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² Recommended by the High Level Panel of Legal Experts on Media Freedom in their statement on the Covid-19 pandemic, 3rd May 2020