

Asia-Pacific: Bachelet alarmed by clampdown on freedom of expression during COVID-19

GENEVA (03 May 2020) - UN High Commissioner for Human Rights Michelle Bachelet expressed alarm at the clampdown on freedom of expression in parts of the Asia-Pacific during the COVID-19 crisis, saying any actions taken to stop the spread of false information must be proportionate.

Many countries in the region already have laws governing alleged “fake news” and online media that raise human rights concerns and have been used in other contexts to deter legitimate speech, especially public debate, criticism of government policy and suppress freedom of expression.

Bachelet said the COVID-19 pandemic had seen a further tightening of censorship in several countries, along with the arrest and detention of people critical of their Government’s response or simply sharing information or views about the pandemic.

Arrests for expressing discontent or allegedly spreading false information through the press and social media, have been reported in Bangladesh, Cambodia, China, India, Indonesia, Malaysia, Myanmar, Nepal, the Philippines, Sri Lanka, Thailand and Vietnam.

The High Commissioner recognised the need to curb any harmful misinformation or disinformation on public health, or any incitement of hatred towards minority groups, but said this should not result in purposeful or unintentional censorship, which undermines trust. “While Governments have a legitimate interest in controlling the spread of misinformation in a volatile and sensitive context, this must be proportionate and protect freedom of expression,” Bachelet said.

In **Bangladesh**, dozens of people are reported to have had cases filed against them or have been arrested under the Digital Security Act in the last three months for allegedly spreading misinformation about COVID-19 or criticizing the Government response. Local journalists and human rights defenders, some health professionals as well as some members of the general public have been reporting harassment or reprisals for complaining about denial of health care, inadequate facilities or irregularities in relief distribution. In some cases, journalists or other observers have been physically attacked for seeking to document alleged malpractices.

In **Cambodia**, the UN Human Rights Office has documented the arrest of 30 individuals, including six women, and a 14-year-old girl, for COVID-19 related public comments and social media posts. A number have been charged with spreading of

fake news or false information, incitement to commit a felony, and plotting against the Government. Fourteen remain in detention, 10 of whom are associated with the disbanded Cambodia National Rescue Party (CNRP).

In **China**, the UN Human Rights Office received information on more than a dozen cases of medical professionals, academics and ordinary citizens who appear to have been detained, and in some instances charged, for publishing their views or other information on the situation related to COVID-19, or who have been critical of the Government's response to the outbreak. These cases include two young graduate students who were reportedly detained in April after setting up an online repository of web content related to the COVID-19 outbreak in China.

In **India**, several journalists and at least one doctor have been criminally charged for their public criticism of the authorities' response to the COVID-19. In Mumbai, the police went so far as to pass an order prohibiting "any person inciting mistrust towards government functionaries and their actions taken in order to prevent spread of the COVID-19 virus and thereby causing danger to human health or safety or a disturbance to the public tranquillity".

In **Indonesia**, at least 51 people are reportedly being investigated under the criminal defamation law for allegedly spreading "fake news" on the pandemic, including three men who were arrested for posting a message on social media claiming that an area of northern Jakarta had COVID-19 cases after the government sprayed disinfectant there. There are also reports of the police having blocked several social media accounts.

In **Malaysia**, the national correspondent of the Hong Kong-based South China Morning Post is being investigated for improper use of network facilities or services and intentional insult with the intent to provoke a breach of peace for reporting on the detention of undocumented migrants, reportedly despite Ministerial instructions not to act against the correspondent.

In **Myanmar** on 3 April, three artists in Kachin State were charged over a COVID-19 wall mural deemed insulting to Buddhism. On 21 May, the Kayin State Court convicted and sentenced to 2 years imprisonment the chief editor of the Dae Pyaw News Agency for making a "statement that could cause or incite public fear or mutiny". The news outlet had published an article on 13 May stating that one person died in Kayin due to the virus which turned out not to be accurate. He was arrested, charged, tried, and convicted in under one week.

In **Nepal**, authorities have used a stringent cyber-crime law to arrest a retired bureaucrat who was critical of the Government including its Covid-19 response. According to press freedoms groups, there have been several cases of journalists

detained while covering COVID-related news, incidents of journalists facing obstruction from authorities, and reports of threats and physical attacks.

In the **Philippines**, arrests have been made under new COVID special powers legislation which criminalises the spread of false information. These include an artist in Cebu for online comments about the prevalence of infection in one locality. A Government ministry also sought the deportation of a Filipino migrant worker abroad for her critical online comments.

In **Sri Lanka**, the Acting Inspector General of Police threatened to arrest anyone who criticizes or highlights “minor shortcomings” of officials involved in the coronavirus response or who shares “fake” or “malicious” messages. The Human Rights Commission of Sri Lanka on 25 April wrote a letter to the police informing them that any arrest for the mere criticism of public officials or policies would be unconstitutional. A number of individuals have been arrested over posts in their Facebook pages.

In **Thailand**, the Anti-Fake News Center of the Ministry of Digital Economy and Society and the Technology Crime Suppression Division of Royal Thai Police are conducting joint operations to address social media content deemed to be disinformation in the COVID-19 context. There are concerns that people raising legitimate issues of public interest related to COVID-19 are also being targeted, and such action may create an atmosphere of self-censorship. One example is a Thai artist arrested on 23 April for posting concern about the apparent lack of screening measures in Suvarnabhumi airport upon his arrival from abroad on 16 April. He was later released on bail but has now been indicted.

Since the beginning of the pandemic, authorities in **Viet Nam** reported that over 600 Facebook users have been summoned for questioning relating to online posts about the virus outbreak. Many of them received administrative sanctions and numerous posts have been deleted. To date, at least two Facebook users were handed criminal sentences for posting news deemed to be fake about COVID-19, including up to nine months of detention and fines over 1,000 USD. There have been long-standing concerns about the severity of restrictions and sentencing in cases related to the right to exercise freedom of expression on and offline.

“In these times of great uncertainty, medical professionals, journalists, human rights defenders and the general public must be allowed to express opinions on vitally important topics of public interest, such as the provision of health care and the handling of the health and socio-economic crisis, and the distribution of relief,” said Bachelet.

“This crisis should not be used to restrict dissent or the free flow of information and debate. A diversity of viewpoints will foster greater understanding of the challenges we face and help us better overcome them. It will also help countries to have a vibrant debate on the root causes and good practices needed to overcome the

longer-term socio-economic and other impacts. This debate is crucial for countries to build back better after the crisis.”

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