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**Information Policies of
the Coronavirus Crisis
- A Review of 18 EU
Countries**

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Abstract

In order to tackle the Covid-19 pandemic, EU member states introduced a broad range of measures, with severe impacts on human rights to an extent unseen since World War II. Without freedom of information no democracy and rule of law can function, but it is not obvious how much policy- and lawmakers share this opinion. The present paper examines the information policies adopted by 18 EU member states in the wake of the outbreak of the pandemic, outlines the already existing and the new international freedom of information norms applicable in states of emergency and delves into the questions: what is the policy content and what are the narratives of the measures that legislative, executive and judicial branches have taken in the majority of EU member states in the field of freedom of information in the context of the pandemic? Is there any concept behind restricting access to or distributing information or are these just piecemeal ad hoc (re) actions?

Keywords: Covid-19 pandemic, freedom of information, state of emergency, information policy, European Union member states

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Information Policies of the Coronavirus Crisis – A Review of 18 EU Countries

Ádám Földes¹

Introduction

It is the first time since World War II that countries on such a broad scale, either officially declared or in practice at least, introduced some form of state of emergency. These came with considerable restrictions of fundamental rights. The state of emergency rules of most countries were not designed to regulate such long-lasting events, which also corresponds with the findings of the 2020 UNCERTAINTY/EU/HOPE public opinion survey of the European Parliament.² It shows that EU citizens have been finding the limitations of their individual freedoms less and less justified. The risks of longstanding states of emergency are not merely a matter of perception, but in fact these can be grave threats to democracy and rule of law.

Members states of the European Union have taken exceptional measures to handle the pandemic. All of them³ introduced state of emergency either *de facto* or *de iure*, though only three of them formally notified the Council of Europe and the United Nation about derogating from the European Convention on Human Rights' (ECHR) and of International Covenant on Civil and Political Rights (ICCPR) respectively.⁴ There has been hardly any human right left untouched by the emergency measures.⁵ Furthermore, these measures also affected the functioning of all branches of power and thereby the rule of law and democratic processes too.⁶

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² UNCERTAINTY/EU/HOPE PUBLIC OPINION IN TIMES OF COVID-19, THIRD ROUND, Public opinion survey commissioned by the European Parliament, at <https://www.europarl.europa.eu/resources/library/media/20201119RES92009/20201119RES92009.pdf> (p. 88) and <https://www.europarl.europa.eu/at-your-service/files/be-heard/eurobarometer/2020/public_opinion_in_the_eu_in_time_of_coronavirus_crisis/report/en-covid19-survey-report.pdf> (p. 77) accessed 29 October 2022.

³ The Rule of Law Stress Test - EU Member States' Responses to Covid-19, at <<https://democracy-reporting.org/en/office/EU/publications/the-rule-of-law-stress-test-eu-member-states-responses-to-covid-19>> accessed 29 October 2022.

⁴ Estonia, Latvia and Romania, at <<https://www.coe.int/en/web/conventions/derogations-covid-19>> accessed 29 October 2022.

⁵ Venice Commission - Observatory on emergency situations, <<https://www.venice.coe.int/files/EmergencyPowersObservatory//T10-E.htm>> accessed 29 October 2022.

⁶ See for example the INTER PARES Parliamentary Data Tracker concerning the responses of parliaments, at <<https://www.inter-pares.eu/inter-pares-parliamentary-data-tracker>> (accessed 29 October 2022) and the European Commission for the Efficiency of Justice of the Council of Europe on Impact and lessons of the COVID-19 crisis as regards the efficiency of justice and the functioning of the judiciary, at

Among the restricted rights, freedom of information⁷, freedom of expression, freedom of assembly and freedom of association have eminent role in maintaining democracy and rule of law. An enduring restriction of these freedoms weakens democratic discourse, undermines the trust in government and thereby puts a strain on democratic political systems.

Information is the lifeblood of democracies, an absolute precondition of rule of law by providing for transparency and thereby accountability of public institutions and individuals holding public offices. In emergency situations information becomes even more crucial.

The present research analyses how public institutions and decision-makers have used their powers over information to tackle the coronavirus pandemic in the majority of the member states of the European Union.

In April 2020, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in his report⁸ highlighted that

‘The moment is a challenge for public health, but Governments are also using the crisis to challenge the kinds of freedoms guaranteed in a democratic society. [...] That is the preferred pathway the pandemic should lead States to take: one of strengthened human rights frameworks worldwide. It is the pathway that the Human Rights Council has an opportunity to promote and that all States have an obligation to ensure. [...] This other path is one of opportunism during a time of widespread distraction and human dislocation, of consolidation of authoritarian power and disproportionate use of executive authorities, and of economic policies that can increase inequality and poverty and further human rights violations. On this path, the COVID-19 virus is not just the cause of illness and death, it is also a pathogen of repression.’ [citation omitted]

The UN Special Rapporteur in his text assumed conscious decisions by governments which is not necessarily the case. Measures to tackle the pandemic might have been ad hoc ones without a clear consideration for either of the pathways. In some cases, the measures could have been a mix of disproportionate use of executive authorities and strengthening human rights. There are also examples that in a country various branches of power did not act in unison and a president of the republic or a court fulfilling their role of checks and balances toned down or quashed repressive measures to safeguard human rights.

Besides describing the relevant legal environment and the information-related measures adopted to tackle the pandemic or on the pretext of it, this research also aims to find a pattern of the information policies that EU member states applied.

<<https://www.coe.int/en/web/cepej/impact-and-lessons-of-the-health-crisis-on-the-efficiency-of-justice-and-the-functioning-of-judicial-systems>> accessed 29 October 2022.

⁷ In this paper the terms ‘freedom of information’ and ‘right to information’ are used as synonyms.

⁸ Disease pandemics and the freedom of opinion and expression | Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. A/HRC/44/4, at <<https://www.ohchr.org/en/documents/thematic-reports/ahrc4449-disease-pandemics-and-freedom-opinion-and-expression-report>> accessed 20 November 2022.

1. Freedom of information in states of emergency

Without going into details of the international law framework of state of emergency, the focus of this chapter are two particular questions:

What were the international human rights law provisions applicable to freedom of information in state of emergency in EU member states, prior to the WHO declaration on the outbreak of the pandemic?

During the early months of the pandemic, what new instruments, reports were adopted by international entities that were available to national law- and policy-makers to guide their work?

1.1 International FOI norms in states of emergency prior to the pandemic

The Charter of Fundamental Rights of the European Union does not contain provisions on state of emergency, therefore only the ECHR and the ICCPR are the two international treaties to which each EU member state is a party, and which regulate state of emergency and enshrine freedom of information at the same time.

The Venice Commission identified 'three main instruments under international human rights law that accommodate exceptional situations: the first is exception to human rights, which excludes from the specific scope of such human rights certain actions taken in times of emergency. [...] The second instrument is limitation to human rights, the possibility to do so is laid down in restriction clauses, which allow States to restrict certain non-absolute human rights in order to protect other rights or important interests. [...] The third instrument is a derogation to human rights, the temporary suspension of certain human rights guarantees resorted to in a state of emergency.'⁹

The ECHR's and the ICCPR's provisions on state of emergency are not going into details of the restrictions of freedom of information. Their general state of emergency rules apply and these include no particular exception or limitation concerning the right to information. Since the start of the pandemic, there have been only three EU member states, Estonia, Latvia and Romania which made derogations to particular human rights, but these have not included the right to information.¹⁰

The general comment No. 34 of the UN Human Rights Committee touches upon derogation to Article 19 of the ICCPR, but its remarks are limited to freedom of opinion and freedom of

⁹ Interim Report on the measures taken in the EU member States as a result of the Covid-19 crisis and their impact on democracy, the Rule of Law and Fundamental Rights, adopted by the Venice Commission at its 124th Plenary Session. (2020). CDL-AD(2020)018-e, paras 12-15, at <[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)018-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)018-e)> accessed 29 October 2022.

¹⁰ The World Health Organization (WHO) declared the COVID-19 outbreak a global pandemic on 11 March 2020. As of 14 September 2022, COVID-19 is still characterised as a pandemic by the Director General of the WHO. See at <<https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-media-briefing-on-covid-19---11-march-2020>> and <<https://news.un.org/en/story/2022/09/1126621>> accessed 29 October 2022.

expression and it does not discuss freedom of information.¹¹ General comment No. 29 on states of emergency does not address the topic of freedom information, more than solely elaborating on Article 4 of the ICCPR in general. The Siracusa Principles¹² or the Paris Minimum Standards of Human Rights Norms in a State of Emergency¹³ did not add to the interpretation of the right to information in states of emergency in particular, neither the Venice Commission's Opinion on the Protection of Human Rights in Emergency Situations.¹⁴

Soft law of the Council of Europe (CoE) is more helpful. In 2009, the Parliamentary Assembly of the Council of Europe (PACE) in a resolution stressed that in times of crisis 'reporting facts and expressing opinions as such should never be regarded as constituting a threat to national security, except in circumstances strictly defined by law'.¹⁵ 'Reporting facts' covers the 'receive and impart' elements of the right to information. The Committee of Ministers of the CoE in their 2007 guidelines emphasised that freedom of information is 'crucial for the functioning of a truly democratic society' and for the purposes of the guidelines defined that 'the term "crisis" includes, but is not limited to, wars, terrorist attacks, natural and man-made disasters, i.e. situations in which freedom of expression and information is threatened (for example, by limiting it for security reasons)'.¹⁶ They also pointed out that '[m]ember states should assure to the maximum possible extent the safety of media professionals – both national and foreign. The need to guarantee the safety, however, should not be used by member states as a pretext to limit unnecessarily the rights of media professionals such as their freedom of movement and access to information. [...] authorities in charge of managing crisis situations should allow media professionals accredited by their media organisations access to crisis areas.'¹⁷ Further to these, the guidelines among others underline that 'military and civilian authorities in charge of managing crisis situations should provide regular information to all media professionals covering the events through briefings, press conferences, press tours or other appropriate means' and 'the competent authorities in

¹¹ General remarks of the UN Human Rights Committee (HRC), General comment no. 34, Article 19, Freedoms of opinion and expression, 12 September 2011, CCPR/C/GC/34.

¹² The Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights, UN Commission on Human Rights, 28 September 1984, E/CN.4/1985/4, at <<https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf>> accessed 29 October 2022.

¹³ Richard Lillich, *Current Developments: The Paris Minimum Standards of Human Rights Norms in a State of Emergency*, 79 AJIL 1072 (1985), at <<https://www.uio.no/studier/emner/jus/humanrights/HUMR5503/h09/undervisningsmateriale/ParisMinimumStandards.pdf>> accessed 29 October 2022.

¹⁴ Opinion on the Protection of Human Rights in Emergency Situations adopted by the Venice Commission at its 66th Plenary Session (Venice, 17-18 March 2006), CDL-AD(2006)015, at <[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2006\)015-e#](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2006)015-e#)> accessed 29 October 2022.

¹⁵ The Protection of Human Rights in Emergency Situations, Resolution 1659 (2009), adopted by the Parliamentary Assembly of the Council of Europe adopted on 27 April 2009 (11th Sitting), at <<https://pace.coe.int/en/files/12260>> accessed 29 October 2022.

¹⁶ Guidelines of the Committee of Ministers of the Council of Europe on protecting freedom of expression and information in times of crisis (Adopted by the Committee of Ministers on 26 September 2007 at the 1005th meeting of the Ministers' Deputies), at <<https://go.coe.int/iDqXm>> accessed 29 October 2022.

¹⁷ Ibid. Sections II. 2. and II. 8.

member states should provide information to all media professionals on an equal basis and without discrimination.’¹⁸

1.2 International FOI norms in states of emergency from the beginning of the pandemic

The above texts describe the international legal framework that defined right to information during states of emergency prior to the outbreak of the pandemic. Soon after that countries across the globe started to implement a broad range of measures to tackle the spread of the virus, international organisations and mandate-holders issued a number of new soft law texts, statements and reports to support governments in reconciling emergency law-making and implementation measures with their international law obligations.

‘Governments must promote and protect access to and free flow of information during pandemic, say international media freedom experts’ says the title of the press release issued by the three special mandates on freedom of expression/media of the United Nations, Organization for Security and Co-operation and of the Organization of American States on 19 March 2020.¹⁹ In this press release they call for, among others, governments providing truthful information and refraining from blocking the internet, ‘making exceptional efforts to protect the work of journalists’ and that ‘governments and internet companies address disinformation’. In early April, the CoE Commissioner for Human Rights expressed her concerns that ‘[i]n the past weeks, parliaments, governments and local authorities have adopted legislation, decrees or decisions that clearly risk hampering the work of journalists and media actors and restricting the public’s right to receive information. [...] Access to information is also a collateral victim of the measures governments are taking to face the pandemic’.²⁰ This was followed, some days later, by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association who issued a press statement on states’ responses to Covid, with 10 key principles, including one that emphasised freedom of information and warned of the long history of abuses of criminalising ‘false news’ as such.²¹

Few weeks later, the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression published his report covering the same areas as the press release and provided a detailed summary of the UN treaty provisions and further

¹⁸ Ibid. Sections II. 11. and 12.

¹⁹ United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on freedom of expression of the Organization of American States (OAS), and the Representative on Freedom of the Media of the Organization for Security and Co-operation (OSCE), COVID-19: Governments must promote and protect access to and free flow of information during pandemic, say international media freedom experts, Press release, 19 March 2020 at <<https://www.osce.org/representative-on-freedom-of-media/448849>> accessed 29 October 2022.

²⁰ ‘Press freedom must not be undermined by measures to counter disinformation about COVID-19’, Council of Europe Commissioner for Human Rights, Press statement, 3 April 2020, <<https://www.coe.int/en/web/commissioner/-/press-freedom-must-not-be-undermined-by-measures-to-counter-disinformation-about-covid-19>> accessed 29 October 2022.

²¹ ‘States responses to Covid 19 threat should not halt freedoms of assembly and association’ – UN expert on the rights to freedoms of peaceful assembly and of association, Mr. Clément Voule, 09 April 2020, <<https://www.ohchr.org/en/statements/2020/04/states-responses-covid-19-threat-should-not-halt-freedoms-assembly-and?LangID=E&NewsID=25788>> accessed 29 October 2022.

standards on freedom of opinion, expression, media and information that are applicable in the context of the pandemic.²² The report included numerous examples where governments used the pandemic to impose unwarranted restrictions on these rights and made it clear through these cases which measures are not in line with the international law obligations of these countries. However, it did not include new 'step-by-step' recommendations.

Also in April 2020, the European Parliament adopted a resolution on EU coordinated action to combat the COVID-19 pandemic and its consequences which sporadically included information policy statements and recommendations on (external) disinformation/fake news/propaganda, worsening financial situation of the media, collection of quality and standardised data on health threats, and also condemned 'censorship, arrests and intimidation of journalists, opposition figures, healthcare workers and other individuals'.²³

Several of the relevant bodies of the CoE published reports, guidelines, resolutions and other soft law instruments that, among others, discussed right to information in the context of the pandemic.

In April 2020, the President of the Group of States against Corruption (GRECO) elaborated on the importance of access to information to counter corruption generally in public institutions in times of emergency, as well as in new product research and development (R&D).²⁴

The Venice Commission in its compilation of opinions and reports on states of emergency in April 2020 did not cover the topic of right to information. In their June 2020 report, they made only a few references to the right of information by raising the issues of misinformation/fake news, protection of journalists, proactive measures 'to grant access to information to the population' and the free 'market place of ideas'.²⁵

In July 2020, the OSCE published its comprehensive report on human rights challenges caused by the COVID-19 pandemic throughout the OSCE. The report also covered significant restrictions of freedom of information, among others in a number of EU member states.²⁶

Among the CoE bodies, the PACE was the most outspoken on the topic, in their 'The impact of the Covid-19 pandemic on human rights and the rule of law' resolution (and report) in

²² See note 8.

²³ European Parliament resolution of 17 April 2020 on EU coordinated action to combat the COVID-19 pandemic and its consequences (2020/2616(RSP)) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2021.316.01.0002.01.ENG> accessed 29 October 2022.

²⁴ 'Corruption Risks and Useful Legal References in the context of COVID-19', Marin Mrčela, President of the Group of States against Corruption, Greco(2020)4, 15 April 2020, at <<https://rm.coe.int/corruption-risks-and-useful-legal-references-in-the-context-of-covid-1/16809e33e1>> accessed 29 October 2022.

²⁵ Compilation of Opinions and Reports on States of Emergency, Venice Commission, CDL-PI(2020)003, 16 April 2020 <[https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI\(2020\)003-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-PI(2020)003-e)> (accessed 29 October 2022); Respect for Democracy, Human Rights and the Rule of Law During States of Emergency: Reflections, Venice Commission, CDL-AD(2020)014, 19 June 2020 <[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)014-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)014-e)> accessed 29 October 2022.

²⁶ OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic, Organization for Security and Co-operation in Europe, Date 17 July 2020, pp. 48-49, <<https://www.osce.org/odihr/human-rights-states-of-emergency-covid19>> accessed 29 October 2022.

September/October 2020.²⁷ They harshly criticised some CoE member states' practice of taking the Covid-19 pandemic 'as a pretext for the adoption of emergency legislation introducing restrictions on freedom of information that are discriminatory and go beyond what is lawful, necessary and proportionate'.²⁸

In November 2020, the European Parliament adopted its resolution on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights in which they pointed out numerous critical restrictions of the right to information, including

'media freedom has come under pressure as live press conferences have been cancelled without alternatives, and as some Member States have restricted access to public health information and limited the freedom to publish about public health policy; whereas there have been numerous accounts of questions from media outlets to governments being rejected or ignored; whereas journalists and media workers need to be protected when covering demonstrations and protests; whereas some Member States have restricted access to information by either extending or suspending deadlines for authorities to respond to freedom of information (FOI) requests'.²⁹

The above cited texts by no means provide an exhaustive list of legal standards that set out the limits, expectations and good practices that should guide the policy- and law-makers of EU member states. The purpose of this recapitulation was to show that the governments did not stand there empty-handed at the outbreak of the pandemic and neither were left alone as this unprecedented situation evolved. On the contrary, all intergovernmental organisations reacted immediately and provided a considerable number of recommendations, guidelines, reports to help their member states in finding the right balance between the restrictive measures necessary to tackle the pandemic and at the same time upholding human rights, rule of law and democracy. The field of freedom of information was no exception.

1.3 The knock-over effect of the restriction of freedom of movement on freedom of information

The previous paragraphs showed the outlines of possible restrictions of the right to information in the context of the pandemic. Beyond these direct restrictions there are also measures that result in indirect restriction of right to information.

Restrictive measures adopted to tackle the pandemic impacted most severely the freedom of movement and indirectly, through a knock-over effect, these also lead to restrictions of other human rights, such as the right to information.

²⁷ The impact of the Covid-19 pandemic on human rights and the rule of law, Resolution 2338 (2020) of 13 October 2020 and Report Doc. 15139 of 16 September 2020, Parliamentary Assembly of the Council of Europe.

²⁸ Ibid., paragraph 3 of the Resolution.

²⁹ European Parliament resolution of 13 November 2020 on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights (2020/2790(RSP))
<https://www.europarl.europa.eu/doceo/document/TA-9-2020-0307_EN.html> accessed 29 October 2022.

This knock-over effect may not be unique and there can be further examples in the context of the pandemic where the restriction of a right also impacted on the freedom of information.

Freedom of expression and its twin right, the freedom of information are particularly important rights for the sound functioning of democracy, rule of law and protection of human rights.³⁰ 'The right to freedom of opinion and expression is an enabler of other rights (A/HRC/17/27, para. 22) and access to information is often essential for individuals seeking to give effect to other rights'.³¹

Article 19 of the ICCPR stipulates that 'Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds'. Restrictions of the freedom of information as part of the anti-pandemic measures have taken many shapes and all three partial rights of freedom of information were affected.

1.3.1 Seeking information

The freedom to seek information encompasses many forms. It includes entering physical spaces, meeting individuals, being present at any location where information can be recorded. Restrictions of freedom of movement limit journalists' possibilities to report from places where there is something newsworthy (making interviews in person, asking questions at physical press conferences, reporting from places of key events, and pursuing investigative work), individuals' options to obtain first-hand information from authorities in person, civil society organisations' right to examine any site relevant for their mission, such as detention facilities or areas of environmental contamination, businesses' rights to produce information if the way how they operate requires being physically present to collect information.

Further to these direct restrictions there is a vast range of indirect ones, such as limitations on parliamentary committees of inquiry to gather information, rights of members of parliament to get access to locations either for purposes of inquiry or for direct exchanges with the members of their constituency. Similarly, independent public bodies, such as court of auditors, ombudspersons and parliamentary commissioners also face obstacles in fulfilling their duties and communicating their findings to the public.

1.3.2 Receiving information

Receiving information is often closely coupled with seeking information. In many cases the two can be only artificially separated. Restrictions of the freedom of movement also impact freedom of assembly³² and freedom of association. Both attending public protests and taking part in the life of associations are essential forms of taking part in democratic processes and public discourse, where individuals, among others both seek and receive information.

³⁰ See general remarks of the UN, Human Rights Committee. General Comment No. 34. CCPR/C/GC/34. 12 September 2011.

³¹ paragraph 19 of the Report of the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, A/68/362, 4 September 2013
<<https://digitallibrary.un.org/record/768352?ln=en>> accessed 29 October 2022.

³² Freedom of Peaceful Assembly and the COVID-19 pandemic: A snapshot of protests and restrictions
<<https://monitor.civicus.org/COVID19September2021/>> accessed 29 October 2022.

1.3.3 Imparting information

Besides the restrictions affecting the freedom of assembly and freedom of association, it is probably the freedom of the media that was impaired the most in the ‘imparting’ aspect of freedom of information. Media’s ability to perform its core functions is significantly limited when restrictions of the freedom of movement apply and thereby the quality and quantity of their output that they can impart also stay below the level absent of restrictions.

Lockdowns, closures of borders, travel limitations, prohibitions of use of certain public spaces resulted in the indirect restrictions of freedom of information across the board in all EU countries though to varying degrees, dependent on the actual policies and laws in force which dynamically changed. The above descriptions stayed at an abstract level, because a detailed report on the restrictions of freedom of movement would go beyond the purpose of this study.³³

2. Methodology

This study combines two methods. The first part is a desk research of international law norms. The second part is a discourse analysis.

Concerning environmental issues, Dryzek points out that they ‘do not represent themselves in well-defined boxes labelled national parks, climate change biodiversity, rainforest, heavy metal pollution and the like. Instead, they are interconnected in all kinds of ways’.³⁴ The same applies to information policies and the same limitations are present: ‘[t]he more complex a situation, the larger number the of plausible perspectives upon it and the harder it is to prove any one of them wrong because the more necessary it becomes to be selective in the choice of aspects of the complex situation to highlight’.³⁵

For the purposes of this study discourse is understood as

‘A shared way of apprehending the world. Embedded in language, it enables those who subscribe to it to interpret bits of information and put them together into coherent stories or accounts. Discourses construct meanings and relationships, helping to define common sense and legitimate knowledge. Each discourse rests on assumptions, judgments, and contentions that provide the basic terms for analysis, debates, agreements, and disagreements, in the environmental area no less than elsewhere.’³⁶

³³ For detailed monitoring reports on fundamental rights restrictions, including freedom of movement, under the pandemic see the reports of the Democracy, Rule of Law and Fundamental Rights Monitoring Group (DRFMG) of the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs (LIBE) <<https://www.europarl.europa.eu/committees/en/libe-democracy-rule-of-law-and-fundament/product-details/20190103CDT02662>> accessed 31 October 2022.

³⁴ John S. Dryzek, *The Politics of the Earth: Environmental Discourses*, (3rd edn, Oxford University Press 2015), 9.

³⁵ Ibid.

³⁶ Ibid.

Hajer gives a comparable definition of discourse, 'defined as a specific ensemble of ideas, concepts, and categorizations that are produced, reproduced and transformed into a particular set of practices and through which meaning is given to physical and social realities'.³⁷ Hajer and Versteeg also emphasise that '[t]he basic assumption of discourse analysis is that language profoundly shapes one's view of the world and reality; instead of being only a neutral medium mirroring it. The use of metaphors – seeing something in terms of something else, bringing out the “thisness” of a that or the “thatness” of a this’.³⁸

2.1 The analysed sources

There are two definitions that guided the collection of information policies for this study. 'Information policy is the set of all public laws, regulations, and policies that encourage, discourage, or regulate the creation, use, storage, and communication of information'³⁹ and information policy is 'a combination of law, rules and guidelines that determine or control results, management and information usage – that designs the role of information in a community'.⁴⁰

There is no such inventory and neither was it possible to collect all primary source materials that contain information policies of the pandemic of all EU member states. Therefore, examining the entire population of relevant texts or taking a sample of them in a methodologically stringent way was not viable. Instead, the examined sources have been selected through the following filters:

Only written sources have been examined.⁴¹ The forms of these texts varied on a broad scale from press statements, opinion articles, governmental information websites, policy papers to laws (see Annex 3). Which was common in the selection is that a public entity or a public office-holder issued the text in each case, each has information policy content and reference to the Covid-19 pandemic.

Each text has crossed that threshold where EU institutions (or their sub-units), other intergovernmental organisations, courts or civil society organisations with international profile paid attention to the information policy contained in the document, and these

³⁷ Maarten Hajer, *The politics of environmental discourse: Ecological modernization and the policy process*. (Oxford University Press 1995), 44; (Aliaksandr Novikau calls attention to this similarity in his article *The Evolution of the Concept of Environmental Discourses: Is Environmental Ideologies a Useful Concept?* published 25 March 2016 <<https://www.wpsanet.org/papers/docs/novikau.pdf>> accessed 29 October 2022).

³⁸ Hajer M and Versteeg W, 'A Decade of Discourse Analysis of Environmental Politics: Achievements, Challenges, Perspectives' (2005) 7 *Journal of Environmental Policy & Planning*, 177 (citation omitted).

³⁹ Overman ES and Cahill AG, 'Information Policy: A Study of Values in the Policy Process' (1990) 9 *Review of Policy Research* 803 citing Weingarten, F.W. 'Federal information policy development: The Congressional perspective'. In: McClure CR, Hernon P, Relyea H (eds.) *United States Government Information Policies: Views and Perspectives*, pp. 77–99. Ablex, Norwood (1989).

<<https://onlinelibrary.wiley.com/doi/full/10.1111/j.1541-1338.1990.tb01080.x>> accessed 16 March 2022.

⁴⁰ Yusof ZM, Basri M and Zin NAM, 'Classification of Issues Underlying the Development of Information Policy' (2010) 26 *Information Development* 204 citing Paul T. Jaeger, 'Information policy, information access, and democratic participation: The national and international implications of the Bush administration's information politics' (*Government Information Quarterly*, 24(4) (2007)) 841.

⁴¹ There were few cases where the same text also existed as audio or video recordings of public figures making statements, but in each case only the written text was considered.

organisations reported about it to the public in any form (see the list of entities and office-holders in Annex 1).

Each text containing the policy was identified in its original form, with few exceptions⁴² and as such, translations in the present paper are not to be considered official.

Documents containing covid-19 pandemic related information policy content, which made through these filters are stemming from EU member states only.⁴³

2.2 Disclaimers

The current research assesses policies of public bodies of EU member states' only and does not look into policies proposed or adopted by private entities such as companies, professional associations, civil society organisations. Neither does it evaluate policies adopted by EU bodies themselves.⁴⁴

This research focuses exclusively on the right to information policies and it does not include personal data / right to privacy related policies such as the ones regulating the use of corona-tracing applications.

The study analyses policy content as written, but not their implementation.⁴⁵

2.3 Coding

Each document was fully read (except the Acts of Parliaments where only the relevant sections), annotated, coded and recorded in a qualitative content analysis software called Atlas.ti. The process of coding followed the technique of Strauss and Corbin⁴⁶ in that initial data was collected, reviewed line by line, labels were generated resulting in a list of 74 codes (including 19 EU member states). Then the labels were reviewed and were assigned to a slightly more abstract category, to code groups. When writing up the findings of various code groups, some codes were reassigned to other code groups as the texts of the policies opened up and showed connection to other pieces of texts.

As the code groups around which the codes started to show consistency are rather intertwined, that's why the order of various sections of the findings are to some extent incidental and other structure would also be possible. However, the problem statements,

⁴² Exceptions were where media covered secret policy (source: BE) or where the unwritten policy was not producing written records (source: AT4).

⁴³ Austria, Belgium, Bulgaria, Czechia, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Poland, Portugal, Romania, Spain, Sweden, The Netherlands and United Kingdom. At the beginning of the pandemic the United Kingdom was still an EU member state.

⁴⁴ See for example the Fighting COVID-19 disinformation Monitoring Programme <<https://digital-strategy.ec.europa.eu/en/library/first-baseline-reports-fighting-covid-19-disinformation-monitoring-programme>> accessed 29 October 2022.

⁴⁵ See on implementation for instance: Council of Europe Commissioner for Human Rights, Dunja Mijatović, 'Press freedom must not be undermined by measures to counter disinformation about COVID-19' (Press statement, Strasbourg, 3 April 2020) <<https://www.coe.int/en/web/commissioner/-/press-freedom-must-not-be-undermined-by-measures-to-counter-disinformation-about-covid-19>> accessed 29 October 2022.

⁴⁶ Miles MB and Huberman AM, *Qualitative Data Analysis: An Expanded Sourcebook*, 2nd Ed. (Sage Publications, Inc 1994), 58 referring to Strauss A and Corbin JM, *Basics of Qualitative Research: Grounded Theory Procedures and Techniques*. (Sage Publications, Inc 1990).

arguments, solutions were recurring and showed patterns of the policy-making and these added up to a European discourse of covid-19 pandemic. The list of codes and code-groups are in Annex 2.

3. Findings

The following section looks into the information policies adopted in the context of the Covid-19 pandemic by eighteen EU member states with the aim of finding patterns in the content of these policies. And also eventually verifying the assumptions made by the United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression: how much do countries use ‘the crisis to challenge the kinds of freedoms guaranteed in a democratic society’ and how much do these policies ‘strengthened human rights frameworks’?

It is a further intriguing area of analysis, how much are the information policy contents examined here correspond to the hard and soft international law that bind and guide, respectively the policy- and law-makers of the EU member states?

3.1 Public health

The centrepiece of all Covid-19 related narratives is protecting and maintaining public health.

Latvia was one of the three EU member states that notified the UN and the CoE of derogations from the ICCPR and ECHR respectively. Though none of the derogations of the three countries included the right of access to information, still, it is interesting to see their underlying reasoning:

‘significant danger the spread of COVID-19 has posed to public health [...] The aim of the declaration is to ensure epidemiological safety and restrict the spread of COVID-19’(LV1);

‘increased peril to the public health that the new strain of the COVID-19 virus has brought’(LV8);

‘continuous threat the COVID-19 poses to public health’ (LV2)(LV3);

‘In the light of the continuous threat the COVID-19 pandemic poses to public health in Latvia and after a diligent and careful analysis of the necessary steps to combat the spread of the virus in the most efficient manner and to decrease the number of persons falling ill due to the spread of the virus’(LV7) read the notifications in 2020.

Almost a year later, in October 2021, during another wave of the pandemic measures were adopted restricting certain rights and freedoms with almost the same reasoning, however there are new elements *‘the rapid spread of the new strain of the virus, to prevent an overload of the healthcare system, and to reduce avoidable mortality, whilst ensuring that essential State functions and services can continue to operate’(LV8).*

By November 2021, the prevention of *'an overload of the healthcare system, and to reduce avoidable mortality'*(LV9) reasoning remained, the aim of *'decrease the number of persons falling ill'* changed to reducing reduce avoidable mortality.

Romania, which also derogated from some human rights, in its notifications explained its reasons as to *'ensure the containment of the spread of SARS-CoV-2 virus on the territory of Romania'* and also *'to limit the spread of the virus and ensure public health at national level'*(RO1). The third country that made notifications of derogations, Estonia, similarly to the two other countries emphasised the *'significant danger the spread of COVID-19 has posed to public health'*(EE2).

The German Chancellor in her speech reasoned that without the restrictive measures the hospitals would be totally overstrained although Germany has one of the best healthcare system in the world (DE2).

There are also some sources that included both the reasons why restrictive measures are needed and at the same time, information on the policy content.

The Italian State Council, in a litigation about gaining access to pandemic-related information, though refused the petition because the information request was not filed under the appropriate law, but included in their decision a comment, that primarily *'today's general interest: the contrast and reduction of contagion and the adoption of necessary therapies'*(IT1).

The Austrian Constitutional Court pointed out that the purpose of the corona-measures were the protection of life and health in a judgment where they rejected the petition of performing artists to lift the ban of live performances and exhibitions when libraries and archives were exempt from mandatory closure (AT5).

According to the minister of justice of Hungary, as explained in an *amicus curiae* brief to the Hungarian Constitutional Court, *'the measures serving the preservation of bodily and mental health in the present case are necessary and proportionate limitation of the right of access to information'*(HU4). One of the comprehensive emergency decrees of the Hungarian government reasoned with prevention, understanding, detection and inhibiting the spread of the coronavirus-caused diseases (HU1).

A subtopic of public health was evidently the overstrain of healthcare.

The most common topic that appeared together with public health was the state of emergency as each derogation notification included both topics. Further to these, the questions of tackling mis- and disinformation and ways of providing reliable information to the public was frequently associated with concerns about public health.

3.2 Misinformation, disinformation and instrumental media

In the examined documents one of the most prevalent concerns of policy-makers in this field was that in this unprecedented situation misinformation⁴⁷ could influence the behaviour of people and exacerbates the public health crisis.

In February 2020, the French government announced in a press statement *‘[t]oday we have defined a strategy for monitoring and responding to false information that could pose a public health risk’*(FR1). *As part of that strategy, digital media platforms, social networks and search engines in collaboration with the French government put in place monitoring systems which ‘will be strengthened, refined and reinforced to ensure maximum responsiveness in the event that erroneous information is detected’*(FR1).

The Austrian government also initiated a network of media representatives, experts from civil society, economy and science. *‘The aim of the network is to provide all participants with a good overview of current false reports circulating in relation to the coronavirus through the rapid exchange of information, so that - in the sense of cooperation across society - the corresponding information work and activities in the area of fact-checking can be further optimised’* (AT3) and parallel with this a ‘society-wide "Revealer Network" [was] initiated against misinformation regarding the coronavirus’(AT3).

In Portugal, a fact-checking organisation started a partnership with the Directorate-General for Health *‘in the fight against misinformation about the disease caused by the new coronavirus: a (Covid-19)’*(PT) because *‘the publication and sharing of false information is one of the greatest risks to public health, when it comes to emerging problems such as COVID-19’*(PT).

The Polish government initiated a collaboration with their major national online platforms, including their biggest online marketplace. *‘By supporting the fight against disinformation, Allegro temporarily banned the use of the word "coronavirus" in the titles of offers posted on the platform’*(PL).

At first glance, these initiatives seem to be in line with what the three special mandates called for that *‘governments and internet companies address disinformation’* and also with the points made by the European Parliament in its April 2020 resolution.⁴⁸

However, even in such crises it is not obvious that there is a collaboration between the media and the government. On the contrary, the essential role of the press played as a ‘public watchdog’⁴⁹ can be hardly reconciled with such collaborations mentioned above. Parallel with

⁴⁷ ‘Misinformation, defined as misleading or inaccurate information shared by people who do not recognize it as such, is not our focus.’ -European Commission, Directorate-General for Communications Networks, Content and Technology, ‘A multi-dimensional approach to disinformation: report of the independent High level Group on fake news and online disinformation’, (Publications Office 2018), 10, <<https://data.europa.eu/doi/10.2759/739290>> accessed 30 October 2022.

⁴⁸ See 1.2.

⁴⁹ ‘Guide on Article 10 of the European Convention on Human Rights - Freedom of Expression’, Council of Europe/European Court of Human Rights (2022), Chapter V. <<https://ks.echr.coe.int.>> accessed 30 October 2022.

this, the Legislature's role in passing laws that regulate the media and the Executive's role as media regulatory authority also make it an unlikely cooperation. The curious government media relationship does not stop at these collaborations.

The Czech Ministry of the Interior issued a press release on 24 Covid-19 related recommendations for journalists. The ministry does not hide that they consider journalist instrumental (and it seems in its literal meaning) to tackle the pandemic.

'Recognize that as representatives of the media you are indispensable in crisis situations, you have a great opportunity to support, stabilize emotions in society, you have an influence on people's concrete behaviour'(CZ).

'Promote hope, the value of community cohesion, solidarity and community support'(CZ).

'Draw on key and proven resources in health, hygiene and other areas. Communicate key recommendations repeatedly'(CZ).

In Latvia *'news, analytical and informative broadcasts created and transmitted by the public media of Latvia [may be transferred] to other electronic mass media for use free of charge'* (LV10). The starting point of the above-mentioned French initiative is that the French government recognised *'social networks and search engines are today a decisive vector for the dissemination of information'*(FR1).

The Ministry of Internal Affairs of Romania, unabashedly, compared to their Czech or French counterparts, ordered that *'[t]he audiovisual media service providers must inform the public, through regular broadcast messages, for at least two days from the date of publication, about the content of this Military Ordinance'*(RO4) which provided the rules of the national lockdown.

Besides the more benign misinformation, disinformation is also a problem that governments addressed, which is in line with relevant international human rights standards⁵⁰ and with the EU Action Plan on disinformation.⁵¹

The Austrian chancellor's office responded to a parliamentary question that besides countering

*'dangerous rumours, unconfirmed reports and deliberately spread misinformation [...]
Deliberately spreading false news aims to create mistrust and confusion and thus destroy constructive social discourse. They not only complicate the work of ministries and public authorities immensely, but are also intended to deliberately stir up fears in*

⁵⁰ UN, OSCE, OAS and ACHPR Special Rapporteurs for Freedom of Expression. 'Joint Declaration on Freedom of Expression and "Fake News", Disinformation and Propaganda', (Organization for Security and Co-operation in Europe, 3 March 2017) <<https://www.osce.org/fom/302796>> accessed 30 October 2022.

⁵¹ European Commission [EC], JOIN (2018) 36 final, Joint Communication to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Action Plan on disinformation: Commission contribution to the European Council (13–14 December 2018)' (5 December 2018, Brussels).

people and, especially in the current situation, can have serious consequences for public health as well as order and security in our country'(AT3).

In Sweden, a daily newspaper published a debate article written by the minister of defence in which he was explicit concerning the issue of disinformation and information war with other countries

'The purpose is, of course, to undermine, mislead and create doubts about decisions by authorities and the government. The crisis situation opens up for different forces to play on people's fears and anxieties. And those forces do not hesitate. [...] 'To spread the image that there is some kind of mysterious planning going on behind the citizens' backs and to consciously contribute to anxiety and suspicion'(SW).

3.3 Reliable information, freedom of information

The examined information policies showed that there is consensus among EU governments that it is a public duty providing reliable information to the public about the pandemic and at the same time it is vital to counter mis- and disinformation.⁵²

'Comprehensive, active and trustworthy information work'(AT3);

'The work, which has been underway for several weeks, is aimed primarily at directing users to reliable sources of information. At this stage, all the main players have committed to highlighting these sources of information on their respective services, in particular the dedicated page on the government website'(FR1);

'The proper dissemination of information and recommendations validated by the experts is essential to achieve this objective and requires the cooperation of all the actors concerned.'(FR1);

'Reliable first-hand information. Proven information on the coronavirus (COVID-19) can be found on the website of the Ministry of Health (Ministry of Health)'(PL);

'all content produced by the Polygraph newsroom on the coronavirus will be scientifically validated by the Directorate-General for Health, the highest public health body in Portugal'(PT);

'Informing and educating the general public about the dangers of communicable diseases and the possibilities for their prevention is a public task.'(DE1);

'[The Austrian federal government] attaches great importance to the best possible communication with the population, interest groups and companies, which is why we inform the public comprehensively about current developments through press conferences and meetings.'(AT3).

⁵² See European Union Agency for Fundamental Rights, 'Coronavirus Pandemic in the EU - Fundamental Rights Implications - Bulletin 1' (2020), Chapter 4 <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin_en.pdf> accessed 29 October 2022.

Proactive freedom of information is also encompassed by Article 19 of ICCPR as the UN Human Rights Committee laid out: '[t]o give effect to the right of access to information, States parties should proactively put in the public domain Government information of public interest.'⁵³ This is the unproblematic part of providing information. As long as the governments can freely decide what is comprehensive, reliable, timely and relevant information, their policies give a positive image. However, there are also signs that what is required by law to be published is not necessarily sufficient.

A regional administrative court in Italy, in its inadmissibility decision found that

'Incidentally, it is possible to consider that some of the information requested by the applicant could probably have been made known, without too much difficulty, by the respondent administrations. We refer, in particular, to the statistics on the subdivision of the deceased from the pandemic disease in the various home and hospital locations, and this beyond the actual usefulness of this information, in an information context already rich in data submitted to the public on a daily basis. It is also possible to raise concerns about the current interest in knowing the number of places available in the various intensive care departments, just as it is substantially impossible to hypothesize the availability of further information requested by the applicant such as, for example, In any case, these are issues unrelated to the current matter of the dispute, it being understood that objectively it would be a significant and certainly positive element, certainly desirable for the future, to ensure greater clarity in the timely communication of the effective consistency of the pandemic framework, especially in some regions where, from common experience, criticalities have emerged in the diagnosis and immediate recognition of the seriousness of the epidemiological situation.'(IT3)

Also in Italy, the State Council highlighted in their ruling that it is rather unsure what data is collected at all:

'Furthermore, considering that the additional data requested would certainly be useful for the purposes of an even more detailed cognitive framework for citizens, but the possibility or not that they are collected and then published is the subject of a typical investigation action based on the principle of transparency, and cannot be the subject of a claim for annulment, as there is no act to be annulled;'(IT1)

When it comes to reactive freedom of information, the relevant policy content is rather far from the international law requirements.

The Austrian government's corona-crisis task force does not make any protocol of its meetings and according to the minister of interior it did not have to prepare protocols at all(AT4). Comparably, the former minister of health of the Netherlands 'used his personal

⁵³ Paragraph 19 of the UN Human Rights Committee. General Comment No. 34. CCPR/C/GC/34. 12 September 2011.

iCloud email address for communications about various work-related issues, even though this contravenes official recommendations'.⁵⁴

Several countries extended the timeframe available for public bodies to respond to information requests

'the body performing a public task shall comply with the request within 45 days of the receipt of the request, if it is likely that the fulfilment of the request within the time limit [... as defined in the RTI Act...] would jeopardise the performance of its public tasks related to the emergency'(HU1);

'During the state of emergency, the legal deadlines established for solving the request exercised in accordance with the free access to information of public interest as well as the petition, shall be doubled'(RO5);

Though the Hungarian legal provision that trebled the response time seems to be better reasoned than the Romanian one, the Hungarian Constitutional Court had to clarify in its ruling that it is not a blank cheque for the entire public administration: *'the data controller must record the reasons which make it likely that the fulfilment of the data request within the time limit laid down in the Act on Freedom of Information would have jeopardised the performance of its public tasks in relation to the emergency'(HU4).*⁵⁵

Nonetheless it is questionable how much is a blanket restriction of freedom of information by extending response time or suspending responses are necessary and proportionate measures that pursue a legitimate aim, still these were and are⁵⁶ by far not the harshest measures in this direction.

3.4 Restriction of freedom of information and freedom of expression

'Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds' stands in Article 19 of the ICCPR. The partial right of imparting information very much defines the purpose of exercising this right. Restrictions in a number of countries went beyond setting longer deadlines.

Some of these restrictions were physical ones, through constraining the freedom of movement.⁵⁷

⁵⁴ 'Hugo de Jonge under fire over private email use for official business', [www.dutchnews.nl](https://www.dutchnews.nl/news/2022/04/hugo-de-jonge-under-fire-over-private-email-use-for-official-business/), (5 April 2022) <<https://www.dutchnews.nl/news/2022/04/hugo-de-jonge-under-fire-over-private-email-use-for-official-business/>> accessed 31 October 2022.

⁵⁵ Further EU member states introduced measures to extend deadlines for response "Spain and Slovenia took restrictions one step further and suspended FOI deadlines altogether, leading to criticism from journalists associations and civil society groups. In Italy the government suspended all 'non-urgent' requests for more than two months as part of its package of laws to tackle the pandemic." - International Press Institute, 'Access Denied: FOI deadlines extended or suspended across Europe' (Press statement, 2 June 2020) <<https://ipi.media/access-denied-foi-deadlines-extended-or-suspended-across-europe>> accessed 31 October 2022.

⁵⁶ Hungary continues to be in various forms of state of emergency and the extended deadlines are still in force after more than two years from the outbreak of the pandemic.

⁵⁷ See Chapter 1.3.

‘access to the Press Room will be allowed to journalists and photographers with permanent accreditation’(IT5)

‘To make it easier for media professionals to ask questions, despite not being present, a Whatsapp group was created that morning with the journalists who usually cover the press conferences at the Moncloa Complex.’(ES)

The Italian government restricted the access to the government press conferences and allowed journalist with permanent accreditation only, while in Spain a more vaguely defined and equally problematic ‘journalists who usually cover the press conferences’ had the opportunity to ask questions in person. The Hungarian minister in charge of the healthcare system imposed a ban on hospitals responding to questions of journalists and the ministerial instruction on the ban was not accessible for the public either.⁵⁸

Probably the harshest restrictions on freedom of expression and freedom of information were introduced by those countries that adopted new criminal law offences to address false news, mis- and disinformation:

‘Any person who, during a special legal regime, states or publishes in a public place an untrue fact or distorts a true fact in such a way as to hinder or frustrate the effectiveness of the defence shall be punished for a criminal offence by imprisonment for a term of one to five years’(HU7)

‘Anyone who publicly or via the Internet disseminates or spreads in any way false news that is likely to cause concern or fear among citizens or to shake public confidence in the national economy, the defence capacity of the country or public health shall be punished by imprisonment of at least three (3) months and a fine. If the act was committed repeatedly through the press or via the Internet, the perpetrator shall be punished by imprisonment for a term of at least six (6) months and a fine. The same penalty shall be imposed on the actual owner or publisher of the means by which the acts referred to in the preceding subparagraphs were committed.’(GR)

Besides the Hungarian and the Greek law-makers, the Bulgarian parliament also adopted new provisions of the criminal code as ‘transmission of false information about the spread of a contagious disease’(BG). However, the President of the Republic of Bulgaria vetoed this legislative amendment and it never entered into force. In the reasoning of his decision, he made clear

‘This text directly affects the freedom of expression and dissemination of information, which requires some clarification from the point of view of international human rights standards in a state of emergency. [...] This vague and general wording gives wide discretion to law enforcement agencies, which will create the so-called "chilling effect" on the freedom of expression and dissemination of information. Experts, journalists,

⁵⁸ Tamás Fábián, ‘Kásler megtiltotta a kórházaknak, hogy a járványügyi helyzetről nyilatkozzanak’, *Index.hu* 26 April 2020
<https://index.hu/belfold/2020/04/26/kasler_megtiltotta_a_korhazaknak_hogy_a_jarvanyugyi_helyzetrol_nyilatkozzanak/> accessed 31 October 2022.

citizens under the fear of criminal liability for an act that is not clearly defined in the law, will impose self-censorship. The doors are also wide open for intimidation and harassment by authorities. [...] The amendment in question in the Penal Code violates the requirement for strictly temporary nature of emergency measures and restrictions on fundamental rights - the voted text does not state that this restriction applies only to the period of state of emergency, as explicitly stated in other provisions of the adopted law. state of emergency amending other laws.’(BG)

In Romania a presidential decree that established the state of emergency introduced censoring rules, though at least not through criminal law:

‘(3) Hosting service providers and content providers are obliged, upon the reasoned decision of the National Authority for Communications Administration and Regulation, to immediately interrupt, with the information of the users, the transmission in an electronic communications network or the storage of the content, by removing it at the source, if the respective content promotes false news regarding the evolution of COVID-19 and the protection and prevention measures.

(4) In the situation where the removal at source of the content provided for in para. (3) is not feasible, the providers of electronic communications networks intended for the public are obliged, upon the reasoned decision of the National Authority for Communications Administration and Regulation, to immediately block access to said content and to inform users.

(5) Upon the reasoned decision of the National Authority for Administration and Regulation in Communications, the providers of electronic communications networks intended for the public have the obligation to immediately block the access of users in Romania to the content that promotes fake news regarding the evolution of COVID-19 and to the measures of protection and prevention and is transmitted in an electronic communications network by the persons from para. (3) which is not under the jurisdiction of national law.’(RO5)

In 2017, the four special mandates in their Joint Declaration on Freedom of Expression and "Fake News", Disinformation and Propaganda already warned that ‘General prohibitions on the dissemination of information based on vague and ambiguous ideas, including “false news” or “non-objective information”, are incompatible with international standards for restrictions on freedom of expression, as set out in paragraph 1(a), and should be abolished.’⁵⁹ The law-makers of Bulgaria, Greece, Hungary and Romania did not show much interest in the declaration despite the fact that each of these countries are members of both the OSCE and of the United Nations.

States of emergency and censorship are no strangers to each other. Four EU countries out of the then 28 members, after the breakout of the pandemic, immediately resorted to the most severe restrictions which contravene the freedom of expressions and freedom of information required by the international law obligations of these countries.

⁵⁹ n. 50.

3.5 Concerns, fears, scare and solidarity

On one hand, the topics of concerns and fear, such as causing *'concern or fear among citizens'*(GR), *'stirring up fears'*(AT3), *'contribute to the spread of fear, panic and catastrophic prognoses'*(CZ), *'play on what creates mistrust and pessimism about society's ability to handle the crisis'*(SW), *'sinister times'*(HU8), *'jeopardise our overall societal efforts to contain the coronavirus'*(AT3) are overarching themes presented in the policies of most countries. Some of them give it a particular focus, like Poland with the consumer protection *'Dishonest sellers, taking advantage of the fear of disease, not only significantly increase prices, but also try to trade in products that do not protect against infection in any way'* (PL). Others just show power by criminalising such fear-mongering.

On the other hand, the rhetoric of *'unity'*(HU8), *'maintaining a balance'*(SW), *'the Austrian federal government is also seeking to close ranks with its European partners'*(AT3) was also present. Occasionally, there were more concrete positive messages such as *'You are responsible for those you talk to, those you work with and those who work for you. You can provide psychological first aid to those affected'*(CZ).

Although such content does not serve any legal effect, but some of the information policy documents also entail these and give some background of the motives of the policy-makers or at least it shows the light they want to be seen in.

3.6 National security and public order

The issues of national security and public order are just a step away from the fears and concerns. Article 15 of the European Convention on Human Rights formulates as *'public emergency threatening the life of the nation'* and Article 4 of the ICCPR also uses the same expressions when regulating how countries can derogate from various provisions of these human rights treaties.

A threat to the life of the nation is a national security matter. Partly it was well illustrated by the involvement of the military in tackling the pandemic in numerous EU members states⁶⁰ and partly it is also visible in the information policies as grounds for the a particular information policy measure.

Hungarian law-makers in the preamble of one of the corona acts wrote about *'the most important reserve of strength of the Hungarian nation'*(HU8), the president of Bulgaria

⁶⁰ See for example Gad M and others, 'Civil–Military Cooperation in the Early Response to the COVID-19 Pandemic in Six European Countries' (2021) 167 BMJ Military Health 234 LP <<http://militaryhealth.bmj.com/content/167/4/234.abstract>> accessed 31 October 2022; Hungarian Helsinki Committee, 'Update on Military Supervision of Private Companies Under Covid-19 Pandemic In Hungary' (26 June 2020) <https://helsinki.hu/wp-content/uploads/HHC_Update_on_military_supervision_of_private_companies_under_COVID-19_26062020.pdf> accessed 31 October 2022.

mentions the ‘care that the legislator takes to preserve the potential of the Bulgarian nation’(BG).

The Estonian government when making the notification on the derogations obviously included in their reasoning it is needed to ‘help limit the spread of the virus, which threatens the life of the nation’(EE2).

In Romania the minister of internal affairs issued a military ordinance that is also applicable to civilians (RO4).

The Swedish minister of defence in his article in a daily newspaper left no doubt that disinformation related to the pandemic is a national security issue

‘In Russian RIA Novosti, Sweden's ability to deal with virus outbreaks is questioned, and in the Chinese Global Times, Sweden is considered a "black hole that has capitulated to the virus and must be condemned by the EU". Right-wing extremist sites in Sweden quickly hung on. This is how it goes on in an information war where the USA has been accused of having engaged in research that is a so-called suspected source in special research laboratories in Ukraine, Kazakhstan and Georgia. That campaign is similar to the KGB's and Stasis's old operation that American laboratories were behind the HIV infection.’(SW)

There is also an example where the pandemic led to relaxing security rules for practical reasons

‘In Belgium, an unpublished internal instruction of the Immigration Office established that no new people found in irregular stay on the territory would be detained, however people arriving at the airport and found not in possession of the necessary travel and entry documents were still put in detention.’(BE)

3.7 Democracy, rule of law and life goes on

States of emergency – *de facto* or *de iure*, unprecedented in length and in extent of how many countries and hundreds of millions of people were directly affected – came up directly only in one of the examined information policy documents, in a decree of the Italian State Council on appeal. Of course, each country had some form of emergency legislation that addressed the state of emergency and provide(d) the overall legal framework of other laws and policies detailing the emergency measures. Even if information policies must be read together with these rules, it is still interesting that the two topics don’t appear in the same texts.

It is a well-founded concern that states of emergency bring exceptional risks to rule of law, democracy and respect of human rights.⁶¹ Nevertheless, these concerns are less present in the examined policy documents than the issue of public health or mis- and disinformation.

The president of Bulgaria in his veto against the criminal code provision on the ‘transmission of "false information about the spread of a contagious disease"' warned that *‘[h]owever,*

⁶¹ See the ‘Power and the COVID-19 Pandemic’ debate and symposium hosted by the Verfassungsblog <<https://verfassungsblog.de/category/debates/power-and-the-covid-19-pandemic-debates/>> accessed 31 October 2022.

some of the measures permanently change the regulation in other laws and will be applied not only in the conditions of emergency, but also after its repeal.'(BG)

The Austrian government emphasised that *'[f]reedom of the press and freedom of expression and the work of the independent and critical media landscape in Austria in general and also especially in challenging times like these are invaluable for our democracy and our coexistence.'*(AT3)

The Democracy, Rule of Law and Fundamental Rights Monitoring Group (DRFMG) of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) closely monitored and reported on the functioning of the Parliaments under restrictions.⁶² National parliaments informed the public of their altered way of working, like in Denmark

'the Danish Parliament will keep critically important functions running, but put other activities on hold. [...] it will still be possible to ask written questions directly to a minister, the so-called paragraph 20 questions, and committee questions as part of the parliamentary control of the government.'(DK)

in France the emergency law confirmed the following rules

'The National Assembly and the Senate are informed without delay of the measures taken by the Government under the state of health emergency. The National Assembly and the Senate may request any additional information within the framework of the control and evaluation of these measures'(FR2)

the German chancellor in her television speech emphasised openness and transparency of governance even under exceptional circumstances

'This is part of an open democracy: that we make political decisions transparent and explain them. That we justify and communicate our actions as well as possible so that they are comprehensible.'(DE2)

At the same time governments also communicated that not only they uphold democracy and rule of law, but life goes on, the economy and the public services will keep functioning.

'the state will continue to function, the supply will of course continue to be secured and we want to preserve as much economic activity as possible. [...] The federal government is doing everything it can to cushion the economic impact - and above all to preserve jobs.'(DE2)

'During the state of emergency, registered mail can be delivered to its recipients by the staff of the National Company Romanian Post S.A., by depositing it in the mailbox or, in the latter's absence, by posting it at the address of the recipient, except for procedural documents.'(RO4)

Conclusion

⁶² n.33.

Going back to the initial question: is there a pattern of the information policies that EU member states applied to tackling the Covid-19 pandemic?

It is hard to tell in which cases policy- and law-makers respected international hard law and heeded the recommendations of international entities and special mandates, but it is clearly visible where they disregarded them. Though countries with weaker democratic traditions provided more examples of unwarranted restrictions of right to information, but old democracies also presented numerous examples of disregarding the principles of open governance, democratic oversight, respect of information rights.

Although, the way how the pandemic evolved in various EU member states showed some differences, but not too significant ones. Each country had to face comparable challenges, still the diversity of their responses in the field of information policy – except some general proactive information activities – is remarkable and may be a sign of very different political and legal cultures and/or political agendas of the policy- and law-makers of each country.

“There are no problems separate from the proposals purported to address them”; and hence, that policies can be understood as governing strategies in themselves⁶³ or as Bacchi and Goodwin in their later study put it ‘ [t]he dominant view in most approaches to policy is that the task of government is (simply) to address and to attempt to solve “problems that exist”. *Problem-solving* is a recurring mantra. [...] policies do not *address* problems that exist; rather, they *produce* “problems” as particular sorts of problems. Further it is argued that the manner in which these “problems” are constituted shapes lives and worlds’.⁶⁴

The main themes (code groups) around which the information policies crystallised indicate that policy-makers triggered by the pandemic, in many cases produced particular sorts of problems to be solved which had little to do with the pandemic and a lot more with their way of understanding rule of law and representative democracy.

⁶³ Tawell A and McCluskey G, ‘Utilising Bacchi’s what’s the problem represented to be? (WPR) approach to analyse national school exclusion policy in England and Scotland: a worked example’ (2022), *International Journal of Research & Method in Education*, 45:2, 137-149 cites Carol Bacchi, ‘Analysing policy: what’s the problem represented to be?’ (2009) Frenchs Forest: Pearson.

⁶⁴ Bacchi C and Goodwin S, ‘Poststructural Policy Analysis: A Guide to Practice’ (2016) Palgrave Macmillan, 16.

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Annex 1 - Sources used to identify texts that contain relevant information policies

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2. Covid-19 Litigation Project - Faculty of Law of the University of Trento
<<https://www.covid19litigation.org/>> accessed 20 November 2022
3. European Parliament's Committee on Civil Liberties, Justice and Home Affairs – LIBE Democracy, Rule of Law and Fundamental Rights Monitoring Group (DRFMG) Monitoring of Covid-19 related measures
<<https://www.europarl.europa.eu/committees/en/libe-democracy-rule-of-law-and-fundament/product-details/20190103CDT02662>> accessed 20 November 2022
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<https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin_en.pdf> accessed 20 November 2022
5. International Press Institute, Alerts
<https://ipi.media/alerts/?topic=covid-19&alert_type=restrictions-on-access-to-information&country=europe&years=0&search=&> accessed 20 November 2022
6. The UN Special Rapporteur for the Protection and Promotion of Human Rights while Countering Terrorism published an online-based tracker (<https://www.icnl.org/covid19tracker>) that monitors COVID-19 State responses affecting civic freedoms and human rights and specifically monitors emergency powers emerging across the globe. The tracker was developed by the mandate in partnership with ICNL, ECNL and other global partners.⁶⁵
7. United Nations Treaty Collection - Depositary Notifications (CNs) by the Secretary-General
<https://treaties.un.org/Pages/CNs.aspx?cnTab=tab2&clang=_en> accessed 20 November 2022

⁶⁵ <https://www.ohchr.org/en/special-procedures-human-rights-council/covid-19-and-special-procedures> accessed 29 October 2022.

Annex 2 – Code groups

Crime / discipline

- block access
- corruption prevention
- criminal offence
- discipline
- proportionality
- punishment
- removal of content
- restrictive measure
- undermining protective measures

Public health

- capacity of hospitals
- overload of healthcare
- public health

Misinformation / disinformation /reliable information

- addressed to the media
- block access
- conspiracy theories
- consumer protection
- cooperation with civil society
- digital crisis
- information as public service
- instrumental media
- lack of information
- mis/disinformation
- proactive communication
- proactive measure
- removal of content
- scaring people
- solidarity/cooperation
- statistics
- undermining protective measures

National / public security

- nation
- national security
- order and security

Democracy / rule of law / human rights

- European values
- human rights values
- limited parliamentary oversight
- necessity
- open democracy
- public discourse
- public participation
- risk of permanency

secret law
state of emergency
trust

Serving the public / economy

consumer protection
economy
performing public duties
protecting people
public services
responsible decision
sacrifice
sinister times
slowdown of public administration

Concerns / fears / solidarity

dramatic changes
international issue
protecting people
scaring people
sinister times
solidarity/cooperation
turmoil

Freedom of information

freedom of information
freedom of speech
no in-person contact
restrictive measure
secrecy

Annex 3 - List of analysed documents

Austria

- AT1 Gesamte Rechtsvorschrift für Epidemiegesetz 1950, Fassung vom 18.05.2022 [Epidemics Act 1950, version of 18.05.2022],
<<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10010265>> accessed 20 November 2022
- AT2 Anfrage 1330/J vom 27.03.2020 (XXVII. GP) der Abgeordneten Dr. Susanne Fürst und weiterer Abgeordneter an den Bundeskanzler betreffend "Digitaler Krisenstab" [Question 1330/J of 27.03.2020 (XXVII. GP) by Dr Susanne Fürst and other deputies to the Federal Chancellor concerning the "Digital Crisis Unit"],
<https://www.parlament.gv.at/PAKT/VHG/XXVII/J/J_01330/imfname_789380.pdf> accessed 20 November 2022
- AT3 Schriftliche Beantwortung 1334/AB vom 27.05.2020 zu 1330/J (XXVII. GP) [Written answer 1334/AB of 27.05.2020 to 1330/J (XXVII. GP)]
<https://www.parlament.gv.at/PAKT/VHG/XXVII/AB/AB_01334/imfname_799682.pdf> accessed 20 November 2022
- AT4 'Laut Nehammer gibt es keine Sitzungsprotokolle des Corona-Krisenstabs' [According to Nehammer, there are no meeting minutes of the Corona crisis staff] *Der Standard* (3 June 2020) < <https://www.derstandard.at/story/2000117875183/laut-nehammer-gibt-es-keine-sitzungsprotokolle-des-corona-krisenstabs>> accessed 20 November 2022
- AT5 Verfassungsgerichtshof, V 86/2021-19, 6. Oktober 2021 [Federal Constitutional Court, 6 October 2021, V86/2021-19] <https://www.vfgh.gv.at/downloads/VfGH-Erkenntnis_V_86_2021_vom_6._Oktober_2021.pdf> accessed 20 November 2022

Belgium

- BE Jesuit Refugee Service, 'Covid-19 and Immigration Detention: Lessons (Not) Learned' (25 February 2021) 5 < <https://jrseurope.org/en/resource/covid-19-and-immigration-detention-lessons-not-learned>> accessed 20 November 2022

Bulgaria

- BG Държавният глава наложи вето на разпоредби от Закона за мерките и действията по време на извънредното положение [The Head of State vetoed provisions of the Law on measures and actions during the state of emergency] 22 March 2020
<<https://www.president.bg/news5438/darzhavniyat-glava-nalozhi-veto-na-razporedbi-ot-zakona-za-merkite-i-deystviyata-po-vreme-na-izvanrednoto-polozhenie.html>> accessed 20 November 2022

Czechia

- CZ Ministerstvo vnitra České republiky 'Koronavirus COVID 19 – Doporučení pro novináře' [Ministry of Interior of the Czech Republic 'Coronavirus COVID 19 - Recommendations for journalists'] press release, 15 March 2020, <<https://www.mvcr.cz/clanek/koronavirus-covid-19-doporuceni-pro-novinare.aspx>> accessed 20 November 2022

Germany

- DE1 Gesetz zur Neuordnung seuchenrechtlicher Vorschriften (Seuchenrechtsneuordnungsgesetz – SeuchRNeuG) vom 20. Juli 2000 [Act on the Reorganisation of Epidemic Law Regulations (Seuchenrechtsneuordnungsgesetz - SeuchRNeuG) of 20 July 2000]
<https://www.bgbl.de/xaver/bgbl/start.xav#__bgbl__%2F%2F%5B%40attr_id%3D%27bgbl100s1045.pdf%27%5D__1654784578950> accessed 20 November 2022
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<<https://www.bundesregierung.de/resource/blob/975232/1732182/d4af29ba76f62f61f1320c32d39a7383/fernsehansprache-von-bundeskanzlerin-angela-merkel-data.pdf>> accessed 20 November 2022

Denmark

- DK The Danish Parliament and the COVID19-situation, 11 March 2020
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Estonia

- EE1 Raimo Poom, 'Tähelepanu: koroonaviiruse kohta valeinfo levitamise eest saab trahvi või koguni aresti määrata' [Warning: you can be fined or even imprisoned for spreading false information about the coronavirus.] Delfi, 16 March 2020., at
<<https://www.delfi.ee/artikkel/89248565/tahlepanu-koroonaviiruse-kohta-valeinfo-levitamise-eest-saab-trahvi-voi-koguni-aresti-maarata?>> accessed 20 November 2022
- EE2 Estonia: Notification under Article 4(3) of the ICCPR (C.N.113.2020.TREATIES-IV.4)
<<https://treaties.un.org/doc/Publication/CN/2020/CN.113.2020-Eng.pdf>> accessed 20 November 2022
- EE3 Estonia: Notification under Article 4(3) of the ICCPR (C.N.177.2020.TREATIES-IV.4)
<<https://treaties.un.org/doc/Publication/CN/2020/CN.177.2020-Eng.pdf>> accessed 20 November 2022

France

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<<https://www.legifrance.gouv.fr/eli/loi/2020/3/23/2020-290/jo/texte>> accessed 20 November 2022

Greece

- GR Νόμος 4855/2021 - ΦΕΚ 215/Α/12-11-2021 (Κωδικοποιημένος) Τροποποιήσεις του Ποινικού Κώδικα, του Κώδικα Ποινικής Δικονομίας και άλλες επείγουσες διατάξεις. [Law 4855/2021 - Government Gazette 215/A/12-11-2021 (Codified) Amendments to the Criminal Code, the Code of Criminal Procedure and other urgent provisions.], Article 35 <<https://www.e->

nomothesia.gr/kat-kodikes-nomothesias/nomos-4855-2021-phek-215a-12-11-2021.html>
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Hungary

- HU1 179/2020. (V. 4.) Korm. rendelet a veszélyhelyzet idején az egyes adatvédelmi és adatigénylési rendelkezésektől való eltérésről [Government Decree 179/2020 (4 May) on derogations from certain provisions on data protection and information requests in times of emergency]
<<https://njt.hu/jogszabaly/2020-179-20-22>> accessed 20 November 2022
- HU2 521/2020. (XI. 25.) Korm. rendelet a veszélyhelyzet idején az egyes adatigénylési rendelkezésektől való eltérésről [Government Decree 521/2020. (25 November) on derogations from certain provisions on requests for data during an emergency]
<<https://njt.hu/jogszabaly/2020-521-20-22>> accessed 20 November 2022
- HU3 Government Decree 40/2020 on the declaration of state of danger (as in force on 26 March 2020)
<https://web.archive.org/web/20221012114913/http://njt.hu/translation/J2020R0040K_20200326_FIN.pdf> accessed 20 November 2022
- HU4 Az Alkotmánybíróság 15/2021. (V. 13.) AB határozata a veszélyhelyzet idején az egyes adatigénylési rendelkezésektől való eltérésről szóló 521/2020. (XI. 25.) Korm. rendelet 1. § (3)–(5) bekezdéseire vonatkozó alkotmányos követelmény megállapításáról [Decision No 15/2021 (V. 13.) of the Constitutional Court establishing the constitutional requirement concerning Article 1 (3)-(5) of Government Decree No 521/2020 (XI. 25.) on derogation from certain provisions on information requests in times of emergency]
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<<https://njt.hu/jogszabaly/2021-130-00-00>> accessed 20 November 2022
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amministrativa.it/portale/pages/istituzionale/visualizza/?nodeRef=&schema=cds&nrg=202003007&nomeFile=202001841_16.html&subDir=Provvedimenti> accessed 20 November 2022

- IT2 Consiglio di Stato in sede giurisdizionale (Sezione Terza), Decreto sul ricorso numero di registro generale 6169 del 2020 [Council of State sitting in judicial capacity (Third Chamber)- Decree on appeal number 6169 of 2020] < https://www.giustizia-amministrativa.it/portale/pages/istituzionale/visualizza/?nodeRef=&schema=cds&nrg=202006169&nomeFile=202004574_16.html&subDir=Provvedimenti> accessed 20 November 2022
- IT3 Il Tribunale Amministrativo Regionale per il Lazio (Sezione Prima Quater), Sentenza sul ricorso numero di registro generale 2495 del 2020 [The Regional Administrative Court for Lazio (First Chamber) – Judgement on the appeal of the general register number 2495 of 2020] <https://www.giustizia-amministrativa.it/portale/pages/istituzionale/visualizza/?nodeRef=&schema=tar_rm&nrg=202002495&nomeFile=202007174_01.html&subDir=Provvedimenti> accessed 20 November 2022
- IT4 Il Tribunale Amministrativo Regionale per il Lazio (Sezione Terza Quater), Sentenza sul ricorso numero di registro generale 7682 del 2020 [The Regional Administrative Court for Lazio (Third Chamber) – Judgement on the appeal of the general register number 7682 of 2020] <<https://noiradiomobile.org/il-tar-del-lazio-ordina-al-ministro-della-salute-di-consegnare-il-piano-segreto-sul-covid-al-gruppo-politico-fratelli-ditalia-t-a-r-lazio-roma-sezione-terza-sentenza-21-gennaio-2021-n-87/>> accessed 20 November 2022
- IT5 Government Website of Italy, Nuove regole di accesso alla Sala Stampa di Palazzo Chigi [New rules for access to the Press Room of Palazzo Chigi] (9 March 2020) <<https://web.archive.org/web/20220530065441/https://www.governo.it/it/articolo/nuove-regole-di-accesso-alla-sala-stampa-di-palazzo-chigi/14272>> accessed 20 November 2022

Latvia

- LV1 Latvia: Notification under Article 4(3) of the ICCPR (C.N.105.2020.TREATIES-IV.4) <<https://treaties.un.org/doc/Publication/CN/2020/CN.105.2020-Eng.pdf>> accessed 20 November 2022
- LV2 Latvia: Notification under Article 4(3) of the ICCPR (C.N.60.2021.TREATIES-IV.4) <<https://treaties.un.org/doc/Publication/CN/2021/CN.60.2021-Eng.pdf>> accessed 20 November 2022
- LV3 Latvia: Notification under Article 4(3) of the ICCPR (C.N.122.2021.TREATIES-IV.4) <<https://treaties.un.org/doc/Publication/CN/2021/CN.122.2021-Eng.pdf>> accessed 20 November 2022
- LV4 Latvia: Notification under Article 4(3) of the ICCPR (C.N.135.2020.TREATIES-IV.4) <<https://treaties.un.org/doc/Publication/CN/2020/CN.135.2020-Eng.pdf>> accessed 20 November 2022
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- LV7 Latvia: Notification under Article 4(3) of the ICCPR (C.N.579.2020.TREATIES-IV.4)
<<https://treaties.un.org/doc/Publication/CN/2020/CN.579.2020-Eng.pdf>> accessed 20 November 2022
- LV8 Latvia: Notification under Article 4(3) of the ICCPR (C.N.355.2021.TREATIES-IV.4)
<<https://treaties.un.org/doc/Publication/CN/2021/CN.355.2021-Eng.pdf>> accessed 20 November 2022
- LV9 Latvia: Notification under Article 4(3) of the ICCPR (C.N.378.2021.TREATIES-IV.4)
<<https://treaties.un.org/doc/Publication/CN/2021/CN.378.2021-Eng.pdf>> accessed 20 November 2022
- LV10 Cabinet Order No. 103 Adopted 12 March 2020 Regarding Declaration of the Emergency Situation <<https://likumi.lv/ta/en/en/id/313191>> accessed 20 November 2022

Poland

- PL Ministerstwo Cyfryzacji [Ministry of Digital Affairs], Koronawirus w internecie – razem przeciw dezinformacji i nieuczciwym praktykom [Coronavirus on the internet - together against misinformation and fraudulent practices] (9 March 2020)
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Portugal

- PT Histórico de Destaques - Coronavírus: Polígrafo e Direção-Geral da Saúde estabelecem parceria contra as "fake news" [History of Highlights - Coronavirus: Polygraph and Directorate-General for Health establish partnership against "fake news"], <<https://www.dgs.pt/em-destaque/coronavirus-poligrafo-e-direcao-geral-da-saude-estabelecem-parceria-contra-as-fake-news.aspx>> accessed 20 November 2022

Romania

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- RO2 Romania: Notification under Article 4(3) of the ICCPR (C.N.151.2020.TREATIES-IV.4)
<<https://treaties.un.org/doc/Publication/CN/2020/CN.151.2020-Eng.pdf>> accessed 20 November 2022
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<<https://treaties.un.org/doc/Publication/CN/2020/CN.175.2020-Eng.pdf>> accessed 20 November 2022
- RO4 Ministry of Internal Affairs, Military Ordinance on measures to prevent the spread of COVID 19, The Official Journal of Romania, Part I, No 340/27.04.2020 < <https://rm.coe.int/cets-005-rom-en-military-ordinance-no-10-04-05-2020/16809e4626>> and < <https://www.onrc.ro/index.php/en/legislation/national-legislation>> accessed 20 November 2022
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<<https://legislatie.just.ro/Public/DetaliuDocument/223831>> accessed 20 November 2022

Spain

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<https://www.lamoncloa.gob.es/serviciosdeprensa/notasprensa/presidencia/Documents/2020/29032020_Comparecencias2.pdf> (p. 4.) accessed 20 November 2022

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United Kingdom

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