Bibliography on Covid-19 and Civic Space

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Introduction

It nearly goes without saying that the outbreak of Covid-19 pandemic in 2020 placed both governments and civil society actors around the world squarely in new, more demanding circumstances. The ongoing public health crisis revealed threats and opportunities in the realm of human rights, democratic institutions, and civil society. In this context, it is appropriate to ask what kind of institutional, discursive, and political landscape the current situation creates for civil society organizations and social movements. This bibliography takes a global perspective to identify and categorize the main policies and measures affecting civic space during the Covid-19 pandemic. Civic space should be considered as the layer between state, business, and family in which citizens organise, debate and act.¹ This analytical framework maintains high academic and practical relevance since the conditions of the space within which citizens express their opinions touch upon the broader question of the state of democratic institutions, individual freedoms and the role of civil society organizations.

On top of the already existing tendencies of democratic backsliding in recent years, all types of states (from consolidated democracies, to hybrid states and authoritarian regimes) faced a new public health threat which effectively encouraged a further closure of civic space. Most visibly, liberal democracies became engaged in a process of "balancing" different rights and interests which effectively meant taking drastic steps to keep the epidemic in check, while trying to uphold the basic human rights upon which both democracy and civil society are built. While lockdowns and the principles of social distancing were commonly accepted as necessary measures to contain the spread of the disease, a whole array of restrictions concerning the freedoms of expression assembly, and movement, and the right to privacy were simultaneously put in place. Numerous governments took advantage of the situation to strengthen their grip over civil society organizations by introducing states of emergency, developing contact-tracing apps and cracking down on peaceful protests. Notwithstanding, as the collected textual evidence in this bibliography indicates, the pandemic also fosters new opportunities for civic space to thrive. Quite often, it was citizens themselves who found a void which served as an effective channel for mobilisation and collective action.

By taking a closer look at the global perspective of the impact of Covid-19 on civic space, this bibliography is part of the Centre for Global Challenges' project entitled 'Civic Space Under Attack'. As events keep unfolding this document is necessarily a snapshot in time, providing the reader with the state-of-the-art in July 2020.

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Utrecht, July 2020

¹ For more information consult the project's website: <u>https://www.uu.nl/en/organisation/centre-for-global-challenges/projects/platform-projects-2018/civic-space-under-attack</u>. And: Antoine C. Buyse, (2018). "Squeezing Civic Space: Restrictions on Civil Society Organizations and the Linkages with Human Rights", *The International Journal of Human Rights*, 22(8), 966-988. Retrieved from <u>https://doi.org/10.1080/13642987.2018.1492916</u>, accessed on July 1st, 2020; Chris van der Borgh and Carolijn Terwindt (2014). NGOs *Under Pressure in Partial Democracies*. (256 p.). Basingstoke: Palgrave Macmillan. Retrieved from <u>https://www.palgrave.com/gp/book/9780230368347</u>, accessed on July 1st, 2020.

Summary Overview of Issues

In order to provide a global perspective on how governments' responses to the Covid-19 pandemic have impacted civic space, a literature search of online open access resources was conducted. Available documents were reviewed to determine their relevance, credibility and direct relation to the topic. As a result, the bibliography at hand synthesizes a selection of academic writings, statements and reports of international organisations, and reports and press releases of national and international NGOs. During the period of literature collection, available media reports seemed to focus primarily on *country-specific* trends and developments. Therefore, they were not included in this bibliography.

From the selected literature, four overarching themes can be distinguished:

- 1. Emergency Laws and Restrictions of Civic Freedoms
- 2. Censorship, Access to Information, Discourse
- 3. Digital Surveillance
- 4. Civil Society's Response

The following section provides a brief summary overview for each of these themes, reflecting the main evidence and arguments in the selected literature.

1. Emergency laws and restrictions of civic freedoms

According to the International Center for Non-Profit Law, up until June 26th, 2020 as many as 87 governments around the globe officially declared a state of emergency. Overall, the imposed regulations may differ in labelling and the way in which they are framed by national authorities (sanitary, epidemic, general) but they have at least one underlying principle in common. These measures provide governments with a legal and functional framework for their actions under the circumstances of the pandemic. However, apart from the medical context, one should investigate modalities, scope and effects of the emergencies to establish if they are proportionate and compliant with human rights standards. Centralization of powers in the hands of the executive, rule by decree, suspending or postponing sessions of parliament, new rules determining policing and coercion: they can all create a potentially dangerous reality which encourages abuses and unlawful action. By implication, the broadening of governments' competences has a profound impact on civic space and the operations of civil society organizations and social movements. It creates fewer opportunities to scrutinize and hold authorities accountable and higher pressure and risks coming from states' institutions. Thus, the interaction between state authorities and civic space within the reality of emergency laws carries a special significance in this bibliography.

2. Censorship, Access to Information, Discourse

One of the areas that has been particularly affected by governments' responses to the Covid-19 pandemic, is access to information. Digital transformation is rapidly altering civic space. Whereas on the one hand, it has opened up new civic spaces online where civic actors can mobilize and connect on a global level, on the other hand digital technology is exploited to silence and manipulate civil society or to control the information available for the public. This entails curtailing access to certain information (including censorship), as well as imposing an alternative (unverified) narrative, potentially in the form of propaganda. Some specific situations that are mentioned in the selected literature are: arrests and attacks of journalists, slow-downs of responses to access to state-held information requests, deleted information from the internet, entire Internet shutdowns, and propaganda. Furthermore, disinformation and propaganda by governments seem to reach beyond national boundaries, since state-backed English- and other language news outlets have reached a wider, global

audience. These developments are considered especially problematic in a context in which lockdowns confine civic actors to the digital realm. Moreover, limiting access to timely and verified information weakens the ability of civic actors to assess the needs of communities impacted by the virus, and provide effective support. Subsequently, the collected documents additionally stress certain factors that are deemed essential in safeguarding the freedom to information: provision of verified information; transparency; independent journalism and protecting journalists; assessment of emergency measures for their proportionality and necessity; compliance with international human rights law; the ending of Internet shutdowns; more collaboration between the government and civil society; and civil society coalitions.

3. Digital Surveillance

Contact-tracing allows governments to identify specific individuals who violate quarantine regimes. Big-data analysis can result in the formulation of models which indicate how the virus affects different societal groups. Drones which serve to detect and disperse larger gatherings help to keep the streets empty. All the measures mentioned above reveal a durable tendency: the eagerness of authorities to use digital technology in the fight against Covid-19. Although these techniques proved their high efficiency in constraining the pandemic, praise about their effectiveness intertwines with voices of criticism. South Korea, China or Israel, which extensively used online applications and publicly disclosed the location of potentially infected people, are notable examples. International organizations, academia and civil society organizations pointed towards significant problems related to the wide application of digital surveillance. For instance, the newly implemented measures quite often remain outside any legal framework or civic oversight. This effectively means that their use can be easily extended in scope and duration. Furthermore, the employment of unregulated surveillance may result in breaching privacy as it provides access to very sensitive information, most importantly, state of health. Finally, inaccurate or false data collected by the system can result in unlawful or illegitimate restrictions of human rights. Moreover, there is legitimate doubt whether these restrictions will be lifted once the public health issue fades away. In the countries with less consolidated democratic systems, these measures could remain in place to constrain and monitor civic space by highly advanced means.

4. Civil Society's Response

On a more positive note, the available documents reveal that civil society actors are not passively undergoing the restrictions and challenges outlined above. On the contrary, the pandemic has revealed the actual resilience of civil society actors, as they adapt, evolve and join forces. New initiatives emerged, while others repurposed or deployed new methods to reach collective goals. The digital transformation, already touched upon above, has facilitated this adaptation: forms of offline activism have rapidly moved to online platforms and social media. In fact, in several countries the government's response to Covid-19 in itself has ignited online and offline protests alike. Furthermore, in contexts where public authorities are not adequately responding to the needs of citizens during the pandemic crisis, civic initiatives have been taking over to fill this vacuum. This shows that civil society constitutes a crucial opposing force to inadequate, unlawful and disproportionate government's responses to Covid-19. At the same time, scenarios for the future, "post-pandemic" role of civil society are discussed. It is argued that the strengthening of civil society depends on: a regained legitimacy of civil society initiatives; the ability to sustain momentum; a successful transformation of emergency response into political reform; and collaboration (between civic actors as well as between civil society and governments).

Conclusion

A researcher of civic space in the times of Covid-19 pandemic faces not only the multiplicity of events and processes but also the overwhelming richness of academic literature, reports produced by international organizations and recommendations formulated by civil society organizations. Firstly, one needs to address the imbalance in the coverage of the specific themes mentioned above. The research outcome reveals that some aspects have thusfar been scrutinized more than others. For instance, emergency laws and the use of digital technology and the potential threats they create for civic space, remain at the centre of both public and academic debates. However, scarce information concerning the freedom of movement and mild criticism of imposed lockdowns might suggest that these measures were considered as legitimate and proportionate or, at least so far, remain understudied. Secondly, the difference between the global and local contexts needs to be stressed. Most currently produced materials consider primarily the local, national, or regional cases and their prospects. However, in this bibliography, we focused on the general developments around the world to give first impressions of how the impact of Covid-19 transforms civic space. Undoubtedly, the number of comparative, transnational analyses will increase as the time passes. Thirdly, a bibliographical content is always a matter of individual analytical choices from a moment in time. Due to the inherent dynamism of a state like pandemic the importance of the presented aspects might increase or decrease. Accordingly, new tendencies could come to light soon and consequently reshape the current situation.

Outline

The bibliography at hand starts with a list of general databases relevant for the topic under study. Subsequently, it is structured around the four main themes as outlined above: 1) Emergency Laws and Restrictions of Civic Freedoms, 2) Censorship, Access to Information, Discourse 3) Digital Surveillance and 4) Civil Society's Response. Within these four main categories, the presented writings are organized according to their respective source type: A. Academic Literature, B. International Organizations, C. Civil Society Organizations and Think Tanks.

The General Databases

COVID-DEM. <u>https://www.democratic-decay.org/covid-dem</u> (accessed on June 29th, 2020)

The COVID-DEM Infohub has been established to help democracy analysts worldwide track, compile, and share information on how State responses to COVID-19 are impacting on democratic governance. It is not intended to be comprehensive but will expand over time. Includes policy analysis, research, blog posts and databases. This is now also part of the 'Covid-19 and Democracy' database of IDEA (The International Institute for Democracy and Electoral Assistance): <u>https://www.idea.int/our-work/what-we-do/covid-19-and-democracy</u>.

Centre for Civil and Political Rights. States of Emergencies in Response to the Covid-19 Pandemic. <u>https://datastudio.google.com/u/0/reporting/1sHT8quopdfavCvSDk7t-zvqKIS0Ljiu0/page/dHMKB</u> (accessed on June 30th, 2020)

The presented information reflects measures taken by states in response to the global COVID-19 pandemic that may influence the state's ability to ensure the rights and obligations protected by the ICCPR. The geo-map serves to visually illustrate whether a state of emergency exists and whether the UN has received a notification on the basis of a simple index that assigns a darker blue hue to states with a declared state of emergency, and a lack of notification to the Committee.

Civic Space Watch. https://civicspacewatch.eu/ (accessed on July 1st, 2020)

The European Civic Space Watch is a collaborative, knowledge-sharing online tool contributing to better observing the state of civic space across Europe by gathering together alerts from civil society, existing analyses and institutional resources. It also gives visibility to civil society's actions and demands in the present Covid-19 crisis.

Global Right to Information Rating Map. <u>https://www.rti-rating.org/</u> (accessed on June 30th, 2020)

This page contains a compilation of legal measures which temporarily alter or even suspend right to information (RTI) obligations due to COVID-19. The central idea behind the RTI Rating is to provide RTI advocates, reformers, legislators and others with a reliable tool for comparatively assessing the overall strength of a legal framework for RTI.

International Center for Non-Profit Law. COVID-19 Civic Freedom Tracker: Keep Civic Space Healthy. <u>https://www.icnl.org/covid19tracker/</u> (accessed on June 30th, 2020)

This tracker monitors government responses to the pandemic that affect civic freedoms and human rights, focusing on emergency laws. "Government responses" monitored by the Tracker include enacted legal measures as well as governments' practices undertaken in response to the Covid-19 pandemic.

United Nations. CSOs Response to COVID-19. <u>https://www.un.org/en/civil-society/csos-response-covid-19</u> (accessed on June 30th, 2020)

This website provides an extensive insight into specific examples of civil society organizations' response to the ongoing public health crisis.

The Bibliography

1. Emergency laws and restrictions of civic freedoms

A. Academic Literature

Baumgartner, C. (2020). "Freedom of Religion under pressure in times of a Coronavirus-crisis? Some considerations on Germany and the Netherlands". *Religious Matters in an Entangled World*. May 27th. Available online: <u>https://religiousmatters.nl/freedom-of-religion-under-pressure-in-times-of-a-coronavirus-crisis-some-considerations-on-germany-and-the-netherlands/</u> (accessed on June 17th, 2020)

Keywords: freedom of assembly, religious practice, emergency laws

Abstract: As a response to the spread of SARS-CoV-2, many governments, including those of Germany and the Netherlands, took temporary measures to slow the spread of the Coronavirus. The measures included bans on gatherings of people, including religious ceremonies. In Germany, religious people could not come together in houses of worship, not even to commonly celebrate important religious holidays like Pesach, Easter, or Friday prayers during Ramadan. In the Netherlands, however, an exception was made that allowed religious gatherings of up to 30 people. The strict regulations in Germany as well as the slightly more lenient in the Netherlands were criticized as illegitimate and unjust, albeit from different perspectives.

Kavanagh, M. & Singh R. (2020). "Democracy, Capacity, and Coercion in Pandemic Response – COVID 19 in Comparative Political Perspective" Forthcoming in an issue of *Journal of Health Politics, Policy and Law.* May 28th. Duke University Press. Available online: <u>https://read.dukeupress.edu/jhppl/article/doi/10.1215/03616878-8641530/165294/Democracy-</u> <u>Capacity-and-Coercion-in-Pandemic</u> (accessed on June 20th, 2020)

Keywords: comparison, emergency laws, lockdowns, political capacity, democracy, authoritarianism

Abstract: The COVID-19 pandemic has challenged governments around the world. It has also challenged conventional wisdom and empirical understandings in the comparative politics and policy of health. Three major questions present themselves: First, some of the countries considered to be the most prepared—having the greatest capacity for outbreak response—have failed to respond effectively to the pandemic. How should our understanding of capacity shift in light of COVID-19, and how can we incorporate political capacity into thinking about pandemic preparedness? Second, several of the mechanisms through which democracy has been shown to be beneficial for health have not travelled well to explain the performance of governments in this pandemic. Is there an authoritarian advantage in disease response? Third, after decades in which coercive public health measures have increasingly been considered counterproductive, COVID-19 has inspired widespread embrace of rigid lockdowns, isolation, and quarantine enforced by police. Will these measures prove effective in the long run and reshape public health thinking? This article explores some of these questions with emerging examples, even amid the pandemic when it is too soon to draw conclusions.

Metternich, N. W. (2020). "Drawback Before the Wave? Protest Decline During the Covid-19 Pandemic." *SocArXiv Papers.* May 5th. Available online: <u>https://osf.io/preprints/socarxiv/3ej72/</u> (accessed on June 28th, 2020)

Keywords: protests, decline, activism, emergency laws, comparison

Abstract: The article indicates an unprecedented decline in protest activity around the world during the Covid-19 pandemic. Using data from the Integrated Crisis Early Warning System from January 2018-April 2020, it estimates z-scores from average monthly and weekly protest activity in countries around the world. While comparing continents, an especially pronounced decline of protest in European and Asian countries is revealed. The article provides four conjectures about the implications this decline in protest can have on future protest behavior.

B. International Organizations

European Commission for Democracy Through Law. (2020). Alivizatos, N., BÍlková, V., Cameron, I., Kask, O., Tuori, K. (2020). *Respect for Democracy, Human Rights and the Rule of Law During States of Emergency-Reflections*. May 26th. Available online:

https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-PI(2020)005rev-e (accessed on June 20th, 2020)

Keywords: human rights, democracy, state of emergency, proportionality, constitutionalism

Abstract: The report conducted by Venice Commission investigates the legal grounds for introducing, and maintaining states of emergency, which usually accompanied governmental response to the outbreak of Covid-19. The assessment indicates that certain branches of human rights can be particularly vulnerable to exceptions, limitations and derogations coming from too broad emergency legislation. Thus, special attention needs to be devoted to upholding freedoms of assembly, expression, movement as well as the rights to privacy and social security. The other threat, which has been pointed out by the authors of the report, relates to centralization of competences and authority by the executive. Venice Commission places special emphasis on the clarity when it comes to the duration of a state of emergency. Accordingly, declarations with no specific time limit, including those whose suspension is made conditional upon overcoming the exceptional situation, should not be considered as lawful. Moreover, the report stresses the importance of keeping elections universal, equal, free, secret and with direct suffrage. In the concluding remarks, the Commission points out that the dichotomy between normalcy and exception which is at the basis of a declaration of the state of emergency does not necessarily entail a dichotomy between effective action against the emergency and democratic constitutionalism, or between protection of public health and the rule of law.

United Nations General Assembly and Human Rights Council (2020). Kaye, D. Report of the Special Rapporteur to the Human Rights Council on Disease pandemics and the freedom of opinion and expression. (Doc. A/HRC/44/49). April 13th. Available online: <u>https://undocs.org/A/HRC/44/49</u> (accessed on June 16th, 2020)

Keywords: freedom of expression, digital surveillance, access to information, freedom of press

Abstract: The report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, is being submitted to the Human Rights Council pursuant to Council resolution 34/18. In the report the Special Rapporteur registers alarm that some efforts to combat the coronavirus disease (COVID-19) pandemic may be failing to meet the standards of legality, necessity and proportionality. The Special Rapporteur highlights five areas of concern, showing that access to information, independent media and other free expression rights are critical to meeting the challenges of pandemic: access to information held by public authorities, access to the Internet,

protection and promotion of independent media, public health disinformation and public health surveillance. The concluding remarks entail the necessity to provide access to diligent information, which in author's words is capable of saving lives.

United Nations Human Rights: The Office of the High Commissioner. (2020). Voule, C. 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. April 14th. Available online: https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=E (accessed on June 15th, 2020)

Keywords: freedom of assembly, freedom of association, emergency laws

Abstract: The statement by Clément Voule, which considers the freedoms of assembly and association under the situation of pandemic, constitutes of two main parts. Firstly, the author identifies the dangers coming from the newly imposed restrictions on civil society due to the rapid spread of Covid-19. According to Voule, most emergency laws that have been passed by authorities around the world lack legal accuracy and their implementation misses transparency. Quite often the voice of the civil society organizations which raised serious concerns remained unheard and ignored. As a result, there is a significant risk of breaching the most fundamental human rights. Secondly, the Special Rapporteur emphasizes ten key principles which should accompany governments' action in respect to the freedoms of assembly and association: ensuring that new legal measures respect human rights; public health emergency cannot be used as a pretext for rights infringements; public health emergency is not used as a pretext for rights infringements; public health emergency is not association and assembly online; the necessity to protect workplace rights to freedom of association and assembly; freedom of expression must be ensured; civil society's participation in multilateral institutions must be secured; international solidarity is needed more than ever; responding to popular calls for reforms.

United Nations Human Rights: Office of the High Commissioner. (2020). *Civic Space and Covid-19: Guidance*. May 4th. Available online:

https://www.ohchr.org/Documents/Issues/CivicSpace/CivicSpaceandCovid.pdf (accessed on June 17th, 2020)

Keywords: UN guidelines, freedom of expression, freedom of assembly, access to information, privacy

Abstract: The Office of the High Commissioner issued a set of guidelines which provide an insight into the right political practices during the pandemic, while maintaining open civic space. The report reveals that government should encourage a broad participation in responses against Covid-19. On a practical level, this means maintaining the existing channels of civil society participation, at local, national, and international levels. Moreover, maximising the access to information ought to result in a positive outcome in countering the virus since it increases the awareness of population. The spread of disinformation needs to be addressed by authorities but the decisions to take down misleading content on Covid-19 must be based on clear and publicly accessible criteria and subject to appeal. It is recognized by the report that the current public health issues create a serious threat for the fundamental human rights such as freedom of expression. Instead of restricting the voices of experts and medical staff, governments are obliged to provide the right platform for a public discourse. Freedom of assembly should be only restricted in the event of the serious risk of spreading the disease.

While gathering medical data, authorities are required to fulfil the specific purpose of managing the Covid-19 pandemic and ensuring transparency by advising concerned individuals of the use of their data. Any form of surveillance must adhere to the principles of legality and proportionality.

C. Civil Society Organizations and Think Tanks

CIVICUS. (2020). State of Civil Society Report 2020. May 2020. Available online: https://www.civicus.org/documents/reports-and-

publications/SOCS/2020/SOCS2020 Executive Abstract en.pdf (accessed on June 17th, 2020)

Keywords: restricted freedoms, lockdowns, emergency powers, access to information, privacy, censorship

Abstract: As the report's overview section makes clear, the Covid-19 pandemic has exacerbated, accelerated and further exposed crucial global challenges that came to the fore in 2019: restricted civic and democratic freedoms, economic policies that fail most people, widespread exclusion, limited international cooperation and a failure to follow the science and act on the global emergency of climate change. The report calls for civil society to be recognised as crucial partners in the struggle to build a better post-pandemic world. It suggests that the experiences of civil society strategies deployed and many successes won in 2019, as detailed in the report's pages, can guide a way out of the crisis and help resolve the profound economic, social and political problems that preceded the pandemic.

CSO meter (European Centre for Not-for-Profit Law). (2020). Civil Society Environment in the Eastern Partnership region: January-May 2020. Available online: <u>https://csometer.info/wp-content/uploads/2020/06/CSO-Meter-Overview-January-May-2020.pdf</u> (accessed on June 26th, 2020)

Keywords: civic freedoms, state of emergency, fundamental rights and freedoms, civic responses, CSO-state cooperation

Abstract: There have been several developments that affected the civil society environment in the first five months of 2020. The pandemic has brought serious restrictions to fundamental rights and freedoms. For example, in response to the Covid-19 pandemic all countries except for Belarus introduced some form of state of emergency. It has also limited the possibility for CSO involvement in the adoption of laws affecting them. By now it is clear that some structural changes have already been made. Therefore, there is a need to take prompt measures to address them in a systemic manner to avoid that the limitations remain permanent or new restrictions are adopted in the shadow of the pandemic. The pandemic also highlighted the importance of CSOs and the need to promote a more supportive environment for their operation. It stressed the necessity to support CSOs and improve their access to funding in order to alleviate the damage caused by COVID-19. Despite the negative trends there have been some positive developments that can serve as good practice and inspiration across the region, however, there is a need to closely monitor how they will develop and get implemented in the future.

Danish Institute for Parties and Democracy. De Vrieze, F. (2020). Preparing the roll-back of COVID-19 emergency legislation (adopted from British Westminster Foundation for Democracy). May 13th.Availableonline:https://dipd.dk/news/governments-must-roll-back-emergency-legislation/(accessed on Jun 28th, 2020)

Keywords: emergency legislation, democratic space, privacy, civil liberties, tracing apps

Abstract: Highlights some of the aspects of how the pandemic has affected democracy – and what must be done to reinstall democracy. Main argument: Post-legislative scrutiny and preparing for the rollback of emergency legislation can reverse losses of democratic space, privacy and civil liberties and prevent these ossifying when the pandemic is over.

Global Network of Domestic Election Monitors. (2020) *Guidance on Election Monitoring During the COVID-19 Pandemic*. April 1st. Available online: <u>https://gndem.org/fr/stories/guidance-on-election-</u> <u>monitoring-during-the-covid-19-pandemic/</u> (accessed on June 28th, 2020)

Keywords: civil society, monitoring elections, transparency, democracy

Abstract: The imposed restrictions on civic space resulted in profound consequences for democracy around the globe, including elections. Since electoral procedures entail not only cast of votes but also a campaign, activism, and ability to present political programmes on equal terms, the role of civil society organizations, which monitor the electoral conduct, increased significantly. Undoubtedly, the spread of the virus intensifies political tensions and the potential for violence, disenfranchises voters, and increases conditions for democratic backsliding. These factors elevate the role of electoral oversight techniques and their importance for building inclusion, transparency, and accountability needed to move through the effects of the pandemic. GNDEM has developed guidance on activities members could consider for elections that are expected to take place during the public health crisis as well as transparency and accountability efforts that could occur in the time elections are postponed.

International Center for Not-for-Profit Law. (2020). *Coronavirus & Civic Space: Positive Government Practices in Responding to COVID-19.* June 12th, 2020. Available online: https://mk0rofifiqa2w3u89nud.kinstacdn.com/wp-content/uploads/05.2020-Positive-COVID-<u>Responses.pdf? ga=2.198861607.942386247.1592570597-89923233.1592478229</u> (accessed on June 18th, 2020)

Keywords: government responses, emergency measures, free flow of information, public input, civil society empowerment

Abstract: List examples of government responses to Covid-19 that demonstrate a positive contribution to the safeguarding of rights, such as when: responses are lawful and subject to oversight and review; responses are minimally restrictive and effectively designed; responses are developed and monitored with public input; governments promote the free flow of information; civil society is empowered to respond to Covid-19; use of surveillance is narrowly tailored and transparent; government detention of persons is minimized; free and fair elections are safeguarded.

International Center for Not-for-Profit Law. Rutzen, D. & Dutta, N. (2020). *Coronavirus and Civic Space - Preserving Human Rights During A Pandemic*. March 10th, 2020. Available online: https://mk0rofifiqa2w3u89nud.kinstacdn.com/wp-content/uploads/03.2020-Coronavirus-and-Civic-Space.pdf? ga=2.85106649.197393308.1592478229-89923233.1592478229 (accessed on June 19th, 2020)

Keywords: human rights, international law, government response

Abstract: This article explores the tension between an effective response to a public health crisis and infringing human rights. It discusses how international law provides a framework to help governments move quickly while upholding human rights in their response to a public health crisis. Governments are permitted under international law to adopt measures to protect public health, but this is not an open-ended warrant to restrict assembly rights. Rather, each restriction must meet a strict test, that assesses: the conformity with the law, legitimacy, necessity and proportionality. To meet the necessity and proportionality test, authorities must also ensure that restrictions imposed do not remain in effect

once the public health threat justifying the restrictions has diminished or passed. The article ends with recommendations to promote rights-respecting governmental measures during a public health emergency.

2. Censorship, Access to Information, Discourse

A. Academic Literature

Bright, J., Au H., Bailey, H., Elswah, M., Schliebs, M., Marchal, N., Schwieter, C., Rebello, K., Howard, P. N. (2020). *Coronavirus Coverage by State-Backed English-Language News Sources Understanding Chinese, Iranian, Russian and Turkish Government Media*. Oxford University: COMPROP Data Memo 2020/2. May 13th. Available online: <u>https://comprop.oii.ox.ac.uk/research/state-media-coronavirus/</u> (accessed on June 19th, 2020)

Keywords: State-Backed News, Coronavirus coverage, discourse, critique of democracy, labelling

Abstract: In this data memo, we examine the distribution of health-related news and information on social media of the English-language news outlets backed by the governments of China, Iran, Russia and Turkey. We measure the social distribution networks used on Twitter and Facebook and the levels of engagement with content related to the coronavirus pandemic. Over the two-week period of this study, we find that:

- the state-backed English-language news outlets of China, Iran, Russia and Turkey have a substantial global audience, with content being shared across networks that have tens of millions of members who engage with the content millions of times
- they produce less content than other independent and global news sources, but can achieve as much as ten times the effective engagement on the material that they do produce
- they politicize health news and information by criticizing democracies as corrupt and incompetent or praising their own global leadership in medical research and aid distribution and promoting conspiracy theories about the origins of the coronavirus and the policy choices of international public health agencies.
- B. International Organizations

United Nations Educational, Scientific and Cultural Organization. (2020). *Journalism, press freedom and COVID-19: Issue brief in the UNESCO series: World Trends in Freedom of Expression and Media Development.* (Doc. CI-2020/WTR/2). April 30th. Available online: https://en.unesco.org/sites/default/files/unesco covid brief en.pdf (accessed on June 16th, 2020)

Keywords: freedom of press, freedom of expression, disinformation, journalism, media extinction

Abstract: Issue brief in the UNESCO series analyses the main trends influencing the media industry under the ongoing public health crisis. Firstly, the report calls for a decisive action against the soaring number of disinformation related to the spread of Covid-19. Despite removing, downranking or labelling false statement concerning Covid-19 and directing users towards official health information, more transparency is need on the side of technology companies. Secondly, special emphasis needs to put on promoting verified information. To that end, the report positively assesses the role of independent media which provided the public with accurate reporting and helped to disprove the falsehoods. Thirdly, the physical, legal, psychological, and digital safety of journalists needs to be

upheld. Fourthly, the report addresses the potential impact of the economic crisis, which is expected to follow the pandemic, on journalism. The losses in revenue at many media companies have led to layoffs, pay cuts and furloughs in media organizations around the world. The current moment has been described as a "media extinction event". Finally, UNESCO recognizes future opportunities for journalism and media industry. For instance, the current situation positively stimulated the increasing presence in the discourse of subjects such as: human rights, access and accessibility to information, fact-based science, engagement and empowerment, transparency, and solidarity.

C. Civil Society Organizations and Think Tanks

CIVICUS. Tiwana, M. & Belalba Barreto, M. (2020). *Censorship, surveillance could be the biggest rights challenges post Covid-19.* June 11th, 2020. Available online: <u>https://mg.co.za/coronavirus-essentials/2020-06-11-censorship-and-surveillance-could-be-the-biggest-rights-challenges-post-covid-19/</u> (accessed on June 18th, 2020)

Keywords: censorship, surveillance, tracking apps, privacy

Abstract: This article zooms in on censorship and surveillance policy as a threat for civic space. It provides examples of government policies that have further accelerated the erosion of civic space (China, Vietnam, South Africa, Brazil, US). It argues that international law and constitutional principles mandate that restrictions on civic space must stand the test of proportionality and necessity in a democratic society. Yet the core civic freedoms of expression, peaceful assembly and association seem to be under attack. At the same time, there seem to be higher levels of trust in government responses to the pandemic. Some of the countries reporting increased trust in government include China, India and Saudi Arabia.

Freedom Online Coalition. (2020). *Joint Statement on COVID-19 and Internet Freedom.* May 2020. Available online: <u>https://freedomonlinecoalition.com/wp-content/uploads/2020/05/FOC-Joint-Statement-on-COVID-19-and-Internet-Freedom-1.pdf</u> (accessed on June 18th, 2020)

Keywords: surveillance, Internet shutdowns, censorship, privacy, disinformation

Abstract: Joint Statement about the consequences of Covid-19 for online activity and the impact of government measures to mitigate the pandemic. It argues that more activities are taking place online than ever before, and the coalition is concerned with the human rights implications of certain measures, practices, and digital applications introduced by governments in response to the crisis. This includes the use of arbitrary or unlawful surveillance practices; partial or complete Internet shutdowns; online content regulation and censorship that are inconsistent with human rights law. They are further concerned with the potential short-and-long-term impact of these actions on the rights of freedom of expression, association, and peaceful assembly, and privacy rights, even after the pandemic is over.

International Center for Not-for-Profit Law (n.d.). *COVID-19 and Civic Space: Top Trends. Article, published online*. Available online: <u>https://mk0rofifiqa2w3u89nud.kinstacdn.com/wp-</u> <u>content/uploads/05.2020-Trends-in-COVID-impact-on-CS-</u> <u>vf.pdf? ga=2.169698857.942386247.1592570597-89923233.1592478229</u> (accessed on June 19th, 2020)

Keywords: government responses, access to information, fundamental freedoms, democracy

Abstract: Based on data from the Covid-19 Civic Freedom Tracker, this document summarizes key ways in which governments' reactions to the pandemic reflect a shrinking space for civil society It provides examples of governments that: impede civil society's role in Covid-19 recovery, exploit Covid-19 to

restrict fundamental freedoms, or respond in a way that is dangerous for democracy (e.g. justifying authoritarian rule).

International Press Institute. (2020). WPFD 2020: COVID-19 accelerating a global decline in media freedom. May 1st. Available online: <u>https://ipi.media/wpfd-2020-covid-19-accelerating-a-global-decline-in-media-freedom/</u> (accessed on June 17th, 2020)

Keywords: press freedom, emergency measures, independent media, access to information, misinformation

Abstract: This articles stresses that in a short space of time, the Covid-19 pandemic has reshaped much of the world and posed unprecedented new challenges to journalists and media outlets alike. Arrests, physical attacks and regressive fake news regulations during the Covid-19 pandemic exacerbate already challenging environment for media.

3. Digital Surveillance

A. Academic Literature

Calvo A. R., Deterding, S., Ryan, M. R. (2020). "Health surveillance during covid-19 pandemic: How to safeguard autonomy and why it matters" *BMJ*. Editorial 369: m1373. April 6th. Available online: https://www.bmj.com/content/bmj/369/bmj.m1373.full.pdf (accessed online on June 30th, 2020)

Abstract: digital surveillance, surveillance creep, solutions, ethics

Keywords: The authors of the editorial indicate the dangers deriving from too extensive use of digital surveillance in the context of the ongoing Covid-19 pandemic. By applying the concept of "surveillance creep" to the current circumstances they reassert that technology developed for a limited purpose becomes used in the much broader capacity. However, it is also stated that by incorporating insights coming from psychology of surveillance and safeguarding peoples' privacy it is possible to reconcile the interests of public health and individual autonomy.

Roberts, L. S. (2020). "Covid-19: The Controversial Role of Big Tech in Digital Surveillance". London School of Economics Business Review. April 25th. Available online:

https://blogs.lse.ac.uk/businessreview/2020/04/25/covid-19-the-controversial-role-of-big-tech-indigital-surveillance/

Keywords: digital surveillance, corporations, governments, contact-tracing apps

Abstract: Big tech can trace the movement of not only viruses, but also people, whether in an emergency or not, writes Stephen L. Roberts. In this article, the author identifies the main technological innovations which are eagerly applied to constrain the spread of Covid-19 and describes their practice of usage. Multiple governments decided to enforce contract-tracing apps and collect sensitive data about citizens. In countries like Israel, the technology initially developed for counterterrorism, now is being rearranged to fulfil new tasks and track potentially infected people. Apart from the activities of governments, the author examines the role played by big-tech companies. For instance, Google, Amazon, and data-processing firm Palantir developed a shared data platform to assist in Covid-19 surveillance. According to the author, this raises a justified concern as these corporations have a well-documented history of pursuing commercial gains at the expense of privacy rights. Moreover, Roberts draws audience's attention towards the possible "after life" of digital surveillance which could remain in place even after the pandemic ends. To prevent this from happening he argues for regulations which would flexibly adapt to the overarching context, in order to prevent mismanagement and abuse.

Timotijevic, J. (2020). "Society's 'New Normal'? The Role of Discourse in Surveillance and Silencing of Dissent During and Post Covid-19". SSHO-D-20-00439. *Social Sciences & Humanities Open*. May 27th. Available online: <u>https://ssrn.com/abstract=3608576</u> (accessed on June 21st, 2020)

Keywords: surveillance, discourse, history writing, historical materialism, media narrative

Abstract: Within the historical materialist tradition, communication is principally understood to occur in concrete social contexts which are continually shifting in real socio-historical environments. Such a view of language and communication enables for an examination of media narratives in fast changing political landscapes surrounding the Covid-19 pandemic, in particular the manner in which normalisation of the discourses of surveillance takes place in the time of the health crisis. In examining surveillance practices and silencing of dissent in capitalism, we point to the dangers of a newly emergent narrative of the 'new normal' which threatens a violation of human rights and civil liberties.

B. International Organizations

European Union Agency for Fundamental Rights. (2020). *Coronavirus Pandemic in the EU – Fundamental Rights Implications: With a Focus on Contact-Tracing Apps*. Bulletin 2. May 28th. Available online: <u>https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-may_en.pdf</u> (accessed on June 16th, 2020)

Keywords: emergency laws, digital surveillance, minorities

Abstract: This Bulletin looks at the declarations of states of emergency, or equivalent, and how they came under scrutiny. It considers the impact on fundamental rights in important areas of daily life and includes a thematic focus on the processing of users' data to help contain Covid-19, particularly by contact-tracing apps. It covers the period 21 March – 30 April 2020. Specifically, the analysis outlines some of the measures EU Member States have put in place to protect public health during the Covid-19 pandemic. It highlights how they may affect fundamental rights; where specific Articles are mentioned in the report, these refer to the Charter of Fundamental Rights of the European Union as a proxy also for the many other human rights standards that apply at national level. It focuses on four interrelated issues: states of emergency or equivalent measures; measures to contain the spread of Covid-19 and mitigate its impact on social life, education, work, the justice system, and travel to and within the EU; the impact of the virus and efforts to limit its spread on particular groups in society, namely older persons and persons with disabilities, Roma and Travellers, detainees, and homeless persons; how tracing apps and other technologies to monitor the spread of Covid-19 can impact fundamental rights, in particular data protection and privacy. The following paragraphs outline key findings from FRA's data collection across the 27 EU Member States, illustrating the impact of the virus and the measures to contain it.

The Organisation for Economic Co-operation and Development. (2020). *Policy Responses to Coronavirus: Ensuring data privacy as we battle COVID-19.* April 14th. Available online: <u>http://www.oecd.org/coronavirus/policy-responses/ensuring-data-privacy-as-we-battle-covid-19-</u> <u>36c2f31e/#section-d1e69</u> (accessed on June 30th, 2020)

Keywords: digital surveillance, privacy, recommendations

Abstract: Digital technologies, in particular mobile and biometric applications, are being adopted in innovative ways to improve the effectiveness of government front-line responses to Covid-19. The resulting information and trends are invaluable for governments seeking to track the Covid-19 outbreak, warn vulnerable communities, and understand the impact of policies such as social

distancing and confinement. Disclosures of personal information can allow the public to better identify potential Covid-19 infections and track the spread over time. However, current digital solutions for monitoring and containment have varying implications for privacy and data protection. Fully transparent and accountable privacy-preserving solutions should be embedded by design to balance the benefits and the risks associated with personal data collection, process and sharing. Data should be retained only for so long as is necessary to serve the specific purpose for which it was collected.

C. Civil Society Organizations and Think Tanks

Human Rights Watch (2020). *Mobile Location Data and Covid-19: Q&A*. May 13th. Available online: <u>https://www.hrw.org/news/2020/05/13/mobile-location-data-and-covid-19-qa</u> (accessed on June 15th, 2020)

Keywords: digital surveillance, privacy, discrimination, emergency laws

Abstract: Governments and the private sector are increasingly relying on data-driven technologies to help contain the novel coronavirus, Covid-19. While some see technological solutions as a critical tool for contact tracing, quarantine enforcement, tracking the spread of the virus, and allocating medical resources, these practices raise significant human rights concerns. Human Rights Watch is particularly concerned about proposals for the use of mobile location data in the Covid-19 response because the data usually contains sensitive and revealing insights about people's identity, location, behavior, associations, and activities. The article provides an extensive insight into the usage of technology against the pandemic. Governments quite commonly employ contact tracing, mobile location data to monitor compliance with new restrictions, big data analytics and hot spot mapping. The general overview is supplement by the cases of specific countries.

4. Civil Society's Responses

A. Academic Literature

Dunin-Wasowicz, R. (2020). Europe's COVID-19 response must be delivered by society at large, not just governments. London School of Economics Covid-19 Blog. 2nd June. Blog Entry. Available online: http://eprints.lse.ac.uk/105130/1/covid19 2020 06 02 europes covid 19 response must be deli vered by society.pdf (accessed on June 30th, 2020).

Keywords: response, civil society, organization, restrictions, visions of Europe, nationalisation of response

Abstract: So far, the focus has been on the EU's institutional responses to the COVID-19 crisis. Drawing on the Visions of Europe project, Roch Dunin-Wąsowicz (LSE) explains why we need to pay attention to how civil society can survive the pandemic and help shape the response to it. It has become a durable tendency that European governments closed down the borders, restricted the movement of foreigners and protected their medical resources. The author considers this phenomenon as nationalisation of the response which aims at securing the wellbeing of own citizens, quite often without coordination or cooperation with other countries. To counter this unfavourable development, the role of civil society needs to be recognized and strengthened. Accordingly, showing cross border solidarity, providing assistance for minorities enhances not only post-pandemic recovery in social and economic terms, but also deepens the integration within the European Union.

B. International Organizations

The Organisation for Economic Co-operation and Development. (2020). *Digital Transformation and the Futures of Civic Space to 2030*. OECD Development Policy Papers, No. 29 (June 2020). Available online: https://www.oecd-ilibrary.org/docserver/79b34d37-

en.pdf?expires=1593073539&id=id&accname=guest&checksum=09CCE78813EBFD62D10378CABF16 69B0 (accessed on June 26th, 2020).

Keywords: digital transformation, civil society response, risks, policies

Abstract: The objective of this paper is to shed light on how civic space is evolving in the face of digital transformation including the context of the Covid-19 pandemic, and support OECD members and other providers of development co-operation to integrate the implications of a range of plausible futures into positive policy action today. To this end, it provides an overview of the variables (i.e. current trends, drivers of change and uncertainties) that may determine the trajectory of civic space in the context of digital transformation; identifies four plausible futures that emerge from four different logical interactions of these variables - that could materialise over a ten-year horizon and be fully realised by 2030; and draws policy implications to support OECD members and other providers in designing development co-operation policies that best leverage the opportunities that digital transformation is risks.

C. Civil Society Organizations and Think Tanks

European Centre for Development Policy Management. Bossuyt, J. & Ronceray, M. (2020). *Claiming back civic space: Towards approaches fit for the 2020s?* May 18th. Available online: https://ecdpm.org/wp-content/uploads/Claiming-Back-Civic-Space-Towards-Approaches-Fit-2020s-<u>Report-May-2020-ECDPM.pdf</u> (accessed on June 15th, 2020)

Keywords: civil society, organizations, opportunities, enabling environment

Abstract: The report provides a comprehensive overview of methods and actions which could allow the recreation of shrinking civic space around the world. Apart from its long-term perspective, it includes the most novel conditions related to the outbreak of global pandemic. Initially, the analysis identifies the main drivers of collapsing civic space such as: forced disbandment relocation or change activities, inability to secure funding and wider movements of democratic recession. The report scrutinizes the efforts for a better understanding of the phenomenon, commitments to address the 'enabling environment' on local, regional, national and global levels, different resistance and resilience strategies for social actors. The main aim of this research should be considered as an attempt to conceptualize a next generation of more proactive, coherent and coordinated approaches to civic space.

Carnegie Endowment for International Peace. Brechenmacher, S. Carothers, T. and Youngs, R. (2020). *Civil Society and the Coronavirus: Dynamism despite Disruption*. April 21st. Available online: <u>https://carnegieendowment.org/2020/04/21/civil-society-and-coronavirus-dynamism-despite-disruption-pub-81592</u> (accessed on June 18th, 2020)

Keywords: civic mobilization, lockdown, civil response, censorship, state surveillance

Abstract: Article focuses on how the Covid-19 catalyses new forms of civic activism. It gives examples of new initiatives (e.g. in Tunisia), repurposing of existing initiatives (e.g. in India, Brazil and Kenya), fighting disinformation (e.g. Brazil, Poland, Hungary), new advocacy roles and tactics (e.g. Nigeria, Zimbabwe, Argentina, Chile, Singapore), shifts in protest activity (e.g. Hong Kong, Algeria). Some pivotal questions remain for civic activism, revolving around: how to regain legitimacy, how to sustain momentum, how to shift from emergency response to political reform, and to what extent are

governments willing to collaborate? It states that international supporters of civil society should step up their efforts to bolster these local responses.

Carnegie Endowment for International Peace. Carothers, T. & Wong, D. (2020). *The Coronavirus Pandemic is Reshaping Global Protest*. May 4th. Available online:

https://carnegieendowment.org/2020/05/04/coronavirus-pandemic-is-reshaping-global-protestspub-81629 (accessed on June 18th, 2020)

Keywords: civic mobilization, civil response, protests

Abstract: Although Covid-19 might have led to faltered or subsided protests, this article demonstrates that protesters in various countries have also changed their methods and focus to fit the new circumstances. These includes protests directly related to the coronavirus. In short, while lockdowns and quarantines may appear to provide a timely respite to besieged governments, protesters are adapting and evolving. With the pandemic inflicting severe economic pain in countries around the world and brutally exposing governance failures, the numbers of unsettled and angry citizens are on track to rise rather than fall. In the months and years ahead, as countries emerging from the worst phase of the infection curve start to ease restrictions and reopen public life, more protests are likely.

Carnegie Endowment for International Peace. Narsee, A. (2020). *Coronavirus and European Civil* Society. June 23rd. Available online: <u>https://carnegieeurope.eu/2020/06/23/coronavirus-and-</u> european-civil-society-pub-82112 (accessed on June 26th, 2020)

Keywords: civic resilience, injustice, restrictions, activists

Abstract: A wave of civic resilience is sweeping across Europe. From online protests to symbolic messaging within the confines of physical distancing, activists are finding creative ways to fight back against perceived injustices amid restrictions to stop the spread of the coronavirus. The extent to which civil society can succeed in these efforts will determine what kind of Europe emerges from the pandemic. A tug-of-war between restrictions and resilience is playing out in Europe. On the one hand, greater restrictions on civic space point toward a Europe that may emerge from the pandemic more fragile and, in some cases, more authoritarian. On the other hand, stories of resilience suggest a future of optimism, in which activists and civil society organizations are stronger than before.

Freedom House Perspectives (2020). Orlosky, S. "When Autocrats Fail, Civil Society Steps Up". May 26th. Available online: <u>https://freedomhouse.org/article/when-autocrats-fail-civil-society-steps</u> (accessed on June 20th, 2020)

Keywords: authoritarianism, civil society, responses to crisis, politics

Abstract: In the midst of governments' inability to provide the necessary services tackling the emerging public health issues, numerous civil society organizations took over and addressed the most basic societal needs. Surprisingly, this tendency has been particularly sound and present within the authoritarian regimes such as Russia, Belarus, and Azerbaijan. The article by Sofya Orlosky traces the ways in which the vacuum left by public authorities is being filled by civic initiatives. Their activity ranges from assisting medical workers, tracking rights violations in the context of Covid-19 to providing citizens with credible information concerning the virus. When it comes to the interactions between different non-governmental actors, the current situation resulted in breaking down traditional divides between human-rights groups and socially oriented civic initiatives and propelling public support for civic engagement generally. All and all, the evidence in the article proves vividly that civic space exercises significant resilience during a crisis which may in fact stimulate positively the mobilisation of citizens for a social action.

OpenDemocracy. Savage, J. 2020. *How civil society is fighting back against coronavirus crackdowns.* June 24th, 2020. Available online: <u>https://www.opendemocracy.net/en/how-civil-society-fighting-back-against-coronavirus-crackdowns/</u> (accessed on June 25th, 2020).

Keywords: civil response, adaptation, grassroot activists

Abstract: In some countries where civic space is under attack civil society remains vibrant and activism is flourishing as frontline, grassroots activists and local leaders adapt to the crisis. The article touches upon some of these initiatives.

U4 Anti-Corruption Resource Centre, Chr. Michelsen Institute. (2020). Mullard S. & Aarvik P. *Supporting civil society during the Covid-19 pandemic: The potentials of online collaborations for social accountability.* (U4 Guide 2020:1). April, 2020. Available online: <u>https://www.u4.no/publications/supporting-civil-society-during-the-covid-19-pandemic.pdf</u> (accessed on June 20th, 2020)

Keywords: corruption, civil society, online collaboration, responses to the crisis

Abstract: This report has taken stock of the developments which influence civic space from the standpoint of corruption. The current crisis presents challenges for civil society; however, there are also new opportunities for it to embrace digital civic engagement as an anti-corruption initiative. In particular, the report argues in favour of establishing digital accountability networks which have the potential to increase awareness of corruption and build new alliances and promote accountability initiatives. However, it also identifies possible limitations and risks of this approach such as poor technology infrastructures, lack of access to mobile devices or the skills to communicate, cyber security issues, misuse of data, and a reluctance to engage at a time when health is at risk.