

Media Regulation during the COVID-19 Pandemic

A Study from Central and Eastern Europe

Edited by

Gergely Gosztonyi and Elena Lazar

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Introduction

Gergely Gosztonyi, Elena Lazar

Protecting freedom of expression and media freedom in times of a pandemic is of utmost importance. In almost all European countries, people have been living in confinement for months, a measure that has triggered different reactions. In times of pandemic, we have, more than usual, been relying on the media for news and information over COVID-19, but also to be aware of the responses of our governments and the global community. The crisis intensified the need for people to access reliable news and sources, thus enhancing the media's responsibility of informing the public and mitigating health and other risks stemming from the virus.

However, the impact of digital technologies and the shift of media consumption onto online platforms have brought to light the phenomena of online disinformation and fake news, resulting thus in a decline of trust in the media. As Romain Badouar puts it in his book *Les Nouvelles Lois du Web* (2020): "Today, we face a democratic paradox. In many ways, we live in a golden age of freedom of expression, because never before has it been so easy to get an idea out into the open and reach as many people as possible. At the same time, it has never been so easy to restrict, filter and block speech, and the prevention of speech has never been concentrated in the hands of so few private actors." Therefore, regulating the sprawling of new media and establishing a correct informed public opinion became imperative.

Consequently, seeking to protect their population from the threat, States adopted measures that inevitably come with limitations on

the rights and freedoms available in a democratic society, precisely the freedom of expression and the freedom to receive and impart information. As such, this collective publication aims to address and analyse the legislations adopted to prevent and combat disinformation and fake news of countries from Central and Eastern Europe, like Hungary, Romania, Ukraine, Serbia, Bosnia and Herzegovina or Italy. In addition, the edited volume aims to bring together the historical and contemporary challenges of the press, the media and our mediatized world to explore the issue from the perspectives of (legal) history and existing law, as well as social and political science, identifying the intersections where past experience can help to address the social and regulatory challenges of the present.

The main objective of this collective book is to cast light on the strong links between the pandemic situation and media legislation (having both negative or positive outcomes), its history, its social impacts, its effects on the exercise of fundamental rights, and the experience, research findings and academic positions in Central and Eastern Europe on past and current regulatory issues.

Our conclusions will focus on the fact that, while effective responses to the crisis proved critical, the measures taken by States should not have undermined Europe's shared values of democracy and human rights.

Being honest with people? The state of freedom of expression and censorship in Central and Eastern Europe during the COVID-19 pandemic*

Gergely Gosztonyi

Introduction

At the time of the COVID-19 pandemic outbreak, Spain, Italy, and the United Kingdom reported hundreds of infected citizens and even deaths every day. The countries of Central and Eastern Europe coped with the first wave of the epidemic with much lower recorded infection and death rates.¹ However, the situation changed dramatically in late summer and early autumn 2020, when the rate of virus spread in the region's countries also increased significantly. Governments in central and eastern Europe introduced strict measures to protect the population's health, including a lockdown, but significant other restrictions were also observed. State of emergency-type restrictions can include a wide range of measures, but notable among these are lockdowns, physical distancing, travel

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¹ A number of hypotheses have been suggested to explain the surprising containment success in the spring, including „the widespread prevalence of the bacilli Calmette-Guérin tuberculosis vaccine, lower population density and exposure to tourism, lack of trust in the healthcare system and government in general, low testing numbers (which may have led to underreporting of cases), and an autocratic advantage leader of imperfect democracies” (King and Loblova, 2021).

restrictions, right to assembly, Freedom of Expression, and other restrictions. Unfortunately, as was observed, some governments 'got the taste for it' and settled issues under the guise of emergency decree governance that certainly had little or nothing to do with the pandemic.² Selam Gebrekidan (2020) called this a "parallel epidemic", where some governments use the COVID-19 pandemic as a pretext to consolidate political power undemocratically or impose undue restrictions on the exercise of civil and political rights.

The most significant cases that affected the normal functioning of legal systems were:

- governance systems have been at least temporarily altered,
- campaigns and elections have been postponed,
- parliamentary sessions were taking place with a reduced number of participants or via videoconference,
- deactivation of checks-and-balances systems,
- functioning of justice bodies was suspended or slowed, and
- provision of essential public services was seriously affected.

All these instruments have contributed to a significant breakdown of the institutional guarantees and operational mechanisms that underpin the fundamental values of the rule of law (Pech, 2022) in some countries and, to a lesser extent, in others. However, even less significant changes can affect the functioning of the legal system in the short or long term, so the analysis of this area should be more exhaustive than those States that have resorted to more robust instruments. The vulnerability of human rights in a pandemic situation is apparent, and their protection is essential for future

² A textbook example of this in Hungary is the subordination of nature conservation considerations in the context of mining development. See in details (Sulyok and Márki, 2022).

generations. It could also be seen as a 'stress-test' for democracies (Guasti, 2020, p. 56).

The legal grounds for derogations and restrictions

Article 4 of the International Covenant on Civil and Political Rights (ICCPR) states that:

In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

Derogations are not possible from Articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 of ICCPR. State Parties that would like to use this public emergency derogation must inform other State Parties immediately through the United Nations (UN) Secretary-General about the derogation and its reasoning. They also have an obligation to do the same through the UN Secretary-General when the derogation terminates. In connection to this, it should be noted that such provision can also be found in Article 27 of the Inter-American Convention on Human Rights (IACHR) and Article 15 of the European Convention on Human Rights (ECHR).³

Centre for Human Rights (2021) published those countries that used the public emergency derogation provision and acted as it was enacted in Article 4:

³ The African Charter on Human and People's Rights does not contain any such provision.

- Derogations from Article 21 of the ICCPR: Guatemala, Latvia, Armenia, Estonia, Ecuador, Romania, Peru, Georgia, Palestine, Chile, Kyrgyzstan, Colombia, El Salvador, San Marino, Moldova, Ethiopia, Dominican Republic, Senegal, Namibia.
- Derogations from Article 19 of the ICCPR: Columbia.
- Derogations from Article 11 of the ECHR: Romania, Armenia, Moldova, Estonia, Georgia, Albania, North Macedonia, Serbia, San Marino, Latvia, Paraguay.

Although these countries are definitely only a small number of the total number of countries, these are the ones that acted adequately. UN Office of the High Commissioner for Human Rights (UN OHCHR) issued a guidance on emergency measures that stated the declared emergencies should be time-limited, 'the least intrusive to achieve the stated public health goals,' and include safeguards 'to ensure a return to ordinary laws as soon as the emergency situation is over' (UN OHCHR, 2020, p. 1). They also refer to the General Comment (GC) No. 29, as they also point out that any derogation should be strictly used in duration, geographical coverage and material scope of the state of emergency (UN, 2001). That means that measures used by State Parties should be transparent, non-discriminatory, and subject to independent review. In GC No. 27, the UN also call the State Parties for self-limitation as they 'must not rely on derogation from the right of peaceful assembly if they can attain their objectives by imposing restrictions in terms of Article 21' (UN, 2020, 96).

This could also be underlined with the Siracusa Principles, which emphasise that any derogation in public emergency circumstances could be justified only if the danger is 'exceptional and actual or imminent' (Siracusa Principles, 1985, 39). That could be possible if

- “the whole of the population and either the whole or part of the territory of the state is affected, and
- the physical integrity of the population is threatened”
(Siracusa Principles, 1985, 39)

Based on the well-established case law of the European Court of Human Rights (ECtHR), the so-called three-part test should also be used (UN OHCHR, 2020, p. 1), so any restriction on human rights during these difficult times must be

- “suitable to achieve the legitimate aim pursued (suitability);
- the least intrusive instrument amongst those which might achieve the legitimate aim (necessity); and
- strictly proportional to the legitimate aim pursued (proportionality *sensu stricto*).” (Oster, 2015, pp. 123-124.)

The importance of freedom of expression during COVID-19 and the main challenges

As freedom of expression is the cornerstone of any democratic society, it alone makes possible the continuing intellectual controversy, the contest of opinions that forms the lifeblood of free and democratic constitutional order (Claude-Reyes et al. v. Chile, 2006, 85; Ríos et al. v. Venezuela, 2009, 105). This includes the right to seek, receive and impart information and ideas of all kinds regardless of frontiers (Autronic AG v. Switzerland, 1990, 45). It should also be noted that the European Court of Human Rights (ECtHR) stated that ‘the Internet plays an important role in enhancing the public’s access to news and facilitating the dissemination of information in general’ (Cengiz and Others v. Turkey, 2015, 52). Freedom of expression is essential to a healthy and vibrant society and is considered fundamental to an individual’s

moral and intellectual development (Ingabire Victoire Umuhiza v. Rwanda, 2018, 132).

This is particularly important in complex social situations where a nation needs to work together to solve the problems that arise. Such was the case with the COVID-19 pandemic, during which present generations were confronted for the first time with a global disease that claimed large numbers of lives.

In such a situation, freedom of expression contributes to:

- facilitate and preserve keeping the public educated about the pandemic,
- ensuring that healthcare professionals have access to global information about the disease and the steps to address it,
- guaranteeing that the public has access to information held by public authorities concerning the pandemic,
- media and journalists can adequately report on the pandemic's different aspects and implications.

Without this, it is more difficult for a country to defend itself and for members of society to access the information they need, which can create unnecessary tensions. Moreover, the 'success of any efforts to contain the spread of the virus depends to a large extent on access to accurate, reliable, diverse and timely information' (Council of Europe, 2020, p. 2).

The main challenges in such a situation may be:

- making access to information held by public authorities more difficult and slowing down or stopping the release of data of public interest,

- restricting internet access by various means (Gosztonyi, 2020),
- disinfodemic (restrictions on 'fake news', 'misinformation' or 'causing panic') (Lin, 2022; Costescu and Lazar, 2023),
- Data protection and privacy,
- Strategic Lawsuits Against Public Participation (SLAPP) (Noorlander, 2020, p. 9),
- Contact-tracing apps' privacy concerns (e.g. in Bulgaria, Latvia, Lithuania, or Hungary),
- Safety of media and journalists,
- Protection of whistleblowers (Bucur and Toma v. Romania, 2013),
- Keeping intact the public watchdog role of the media (Szurovecz v. Hungary, 2019, p. 54; Bajomi-Lázár, 2006, p. 51),
- Installing massive video surveillance systems (Cendic et al., 2021),
- Excessive criminal prosecutions and sanctions (Szentgáli-Tóth et al., 2023).

General principles for the legislation in a world pandemic: Being honest with people

Amid a global pandemic, it is natural that governments do everything they can to protect the health and safety of their citizens. However, this is only possible if legal restrictions are sufficiently limited and legal safeguards are in place. In all this, human rights must be given special attention. Therefore, emergency curtailments of the exercise of civil and political rights in the context of COVID-19 responses should meet the following criteria (UNHRC, 2020b):

- some of the provisions cannot be subject to derogation in any case;
- be grounded in law and subject to independent oversight;
- serve a legitimate and necessary public health purpose;
- be strictly proportionate to the public health threat and limited in duration; and
- be non-discriminatory.

But these are only primary conditions, without which the restrictions will certainly not be legally appropriate. An examination of the jurisprudence of individual Central and Eastern European states may lead us closer to deciding whether the legislation met these conditions and was compatible with the derogation from the ICCPR.

As the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression stated in the Disease Pandemics and the Freedom of Opinion and Expression report in 2020, “In legal terms, ensuring the dignity and respect owed to all individuals entails: being honest with people and giving them access to information in ways they can consume, in a way that promotes non-discrimination” (UNHRC, 2020a, 63.a)

The state of freedom of expression and censorship in Central and Eastern Europe during the COVID-19 pandemic

Freedom House’s Freedom in the World report is the most widely read and cited report of its kind, tracking global trends in political rights and civil liberties. If we look at the latest 50th-anniversary report, 2023, the very sentence is striking: ‘Global freedom declined for the 17th consecutive year’ (Freedom House, 2023, p. 1.) The picture is even darker when looking at the situation in Central and

Eastern European states. In the region, Poland, the Czech Republic, Slovakia, Austria, Italy, Slovenia, Croatia, Romania, Bulgaria and Greece are among the free countries, while Hungary, Bosnia and Herzegovina, Serbia, Montenegro, Kosovo, Albania and Northern Macedonia are in the semi-free category (Freedom House, 2023, p. 23.) If we compare this with the democracy index for Central and Eastern Europe and Asia, we see that only the Czech Republic, Slovakia and Slovenia are considered consolidated democracies in the region, while Poland, Romania, Bulgaria and Croatia are only semi-consolidated democracies, and the rest of the countries are in the category of transitional or hybrid regimes.⁴ A very similar picture can be observed in the 20th-anniversary Reporters Without Borders World Press Freedom Index (RSF, 2022): the Czech Republic, Slovakia, Austria, and Croatia have been placed in the so-called yellow colour, while all other states have earned the orange colour.⁵

Although, as Zsolt Kokoly stated (2021, p. 66), "The most challenging issues to examine are the efficiency of the national law-making and national regulating authorities in offering an adequate response to a new and unprecedented situation where swiftness and flexibility are considered key elements", it seems that almost all the regulatory solutions of the Central and Eastern European states under COVID-19 would fail the rule of law test, as they have introduced legal instruments that raise more questions than they solve. Among these, the following should be highlighted:

- regulating by decrees,
- severe limits on requests for information,

⁴ Hungary is a textbook example; see (Bellucci, 2021, pp. 152-153.)

⁵ The World Press Freedom Index uses colours ranging from light yellow to blood red to indicate a country's position in the survey: the darker the colour, the lower the country is in the ranking for the given year.

- too broad discretion by public authorities for granting information about the outbreak,
- blanket suspensions,
- loss of continuity in the recording of government decisions and actions,
- limits were lifted later than possible.

Conclusion

Freedom of expression is increasingly under threat in many parts of the world, not only in its own right but also concerning its role in democratic discourse (Papp, 2022; Török et al., 2022). Although the ECtHR stated that “the Internet has now become one of the principal means by which individuals exercise their right to freedom to receive and impart information and ideas” (Cengiz and Others v. Turkey, 2015, 29), this form of communication has also been increasingly under threat in recent years. The ideals of *cyberlibertarianism* seem to be failing (Zanathy, 2021, p. 44), and cybersovereignty is the new keyword (Griffiths, 2019, p. 17.; (Gosztonyi, 2021). There are growing voices that, in the case of the Internet, individual countries could regulate both the infrastructure and the content displayed (Gosztonyi, 2022, p. 255). The formula is further complicated by the various platforms’ own legislation and specific judicial mechanisms (Lendvai, 2022, p. 22). Rising digital repression in many countries mirrored broader crackdowns on human rights over the past year (Freedom House, 2022, p. 2), and we could see in Eastern Europe “a level of censorship not seen since the Soviet period, massive disinformation” (RSF, 2022).

This downward spiral of communication, which has been going on for years, was triggered by the COVID-19 pandemic, under cover of which governments could take the above steps, which are incompatible with the rule of law. Empowerment was the fear of the

unknown, which provided an excellent breeding ground for the “parallel epidemic”. As was stated in a report about Hungary: “During the Covid era, freedom of information was further restricted. The centralised online public reporting itself made it significantly more difficult, if not impossible, for non-government news outlets to ask real questions about the outbreak.” (Kovács and Polyák and Urbán, 2021, p. 64.)

All this is compounded by the ongoing hybrid conflicts (Farkas and Kelemen, 2022), so we can only hope that the pressure of the international community can keep the leaders of the Central and Eastern European states under some control so that the “democratic paradox” (Badouard, 2020, p. 11) and the digital gap do not grow further. Although it is well documented now that governments “used the cover of COVID-19 to strengthen their grip on power” (Bohle et al., 2022), the most fundamental lesson from a legal perspective of the COVID-19 pandemic is that access to public information and transparency in the region must be increased, as “no State is free to use this public health crisis for unlawful purposes beyond the scope of the health threat” (UNHRC, 2020a, 63.f).

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Fake News Laws in Pandemic Times: A Human Rights Perspective

Ştefan Bogrea

Fake News – an umbrella term

It is highly unlikely that anybody was surprised when Collins Dictionary announced that its 2017 word of the year was “fake news” (Collins Language Lovers Blog, 2017). While the term was not new at the time – and the concept certainly was known beforehand – the specific term exploded in popularity due to Donald Trump’s (then President of the United States of America) use of the term (Lind, 2018). In his first year in office, he had used this term as an insult more than 400 times – averaging out more than one use per day (Stelter, 2018). The term has become pervasive in modern-day political discourse, so it should come as no surprise that the legal consequences would soon follow.

As with other widely circulated terms, using the notion of „fake news” carries a certain risk since there is no clear definition of the term, especially from a legal point of view. Collins dictionary defines “fake news” as “false, often sensational, information disseminated under the guise of news reporting” (Collins Dictionary, 2022); Oxford’s Advanced Learner’s Dictionary defines it as “false reports of events, written and read on websites”(Oxford Advanced Learner’s Dictionary, 2022); Cambridge Dictionary provides a definition as “false stories that appear to be news, spread on the internet or using other media, usually created to influence political views or as a joke”(Cambridge Dictionary, 2022); a 2018 study found attempted a typology of scholarly definitions of “fake news” and

found that, in general, the common usage of the term refers to information that has a low level of facticity and a high immediate intention to deceive the recipient of the information (Tandoc, Lim and Ling, 2018, p. 12); in a study, “fake news” has been defined as “fabricated information that is patently false”, with the proposed taxonomy attempting to enable machine-learning algorithms to discern fake news from parody on the basis of intentionality (Molina et al., 2021, p. 1).

Nevertheless, regardless of the definitions given, there is agreement that “fake news” poses an existential threat to democracy, given that citizen’s participation in a democratic environment is based on accurate information, with media manipulation preventing normal participation, thereby promoting totalitarian regimes (Higdon, 2020, p. 21).

An inherent difficulty in combatting fake news also comes from the fact that, as an umbrella term, it can be reasonably used to refer to anything from obvious parody to a direct incitation to violence or genocide. By some of the above definitions, Orson Welles’ 1938 radio adaptation of H.G. Wells’ novel *The War of the Worlds* and the panic said adaptation created could be certainly catalogued as fake news (Schwarz, 2015, p. 132). Nowadays, the story of said adaptation is a classic tale on the power of media, but one can legitimately wonder whether the panic would have been greater (and more dangerous) in 2022 than in 1938.

A useful definition might also be one used by the European Commission as regards the term “disinformation” in a 2018 Communication: “Disinformation is understood as verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm. Public harm comprises threats to democratic political and policy-making processes as well as

public goods such as the protection of EU citizens' health, the environment or security. Disinformation does not include reporting errors, satire and parody, or clearly identified partisan news and commentary." (European Commission, 2018, pt. 2).

The noxious character of fake news does enable a working definition similar to the one used for disinformation: dissemination of incomplete, inaccurate or otherwise misleading information, with the objective, goal or aim of deliberately deceiving others about the truth. What differentiates "fake news" from errors of reporting and parody is the intent of the speaker, in that the former is created to spread such false information. This working definition will be familiar to those versed in disinformation or propaganda – terms which certainly predate "fake news". This does not make the task of combatting "fake news" any easier: since it is an umbrella term, on the one hand, it may lead to sanctioning protected speech, and on the other, risks diluting safeguards posed against dangerous speech.

Fake News Laws during COVID-19: a pandemic unto themselves

Seven months into the pandemic, the author has identified laws combatting "fake news" which had been passed or proposed in at least 18 states or territories: Algeria, Azerbaijan, Bolivia, Bosnia and Herzegovina, Brazil, Cambodia, Hungary, Jordan, Malaysia, the Philippines, Puerto Rico, Romania, Russia, Tajikistan, Thailand, the United Arab Emirates, Uzbekistan and Vietnam (International Press Institute, 2020a). Specialised NGOs have estimated that press freedom has been in an apparent decline during the pandemic (International Press Institute, 2020b), a trend exacerbated by studies showing that digital freedoms have also declined recently (Freedom House, 2018).

Some aspects worth highlighting are as follows:

- In Algeria, a wider reform of the criminal code in place also criminalised the spreading of “false news” that “threatened the security and stability of the country or undermined national unity” (Amendement du Code pénal: criminalisation de la diffusion des fake news, 2020).
- In Azerbaijan, the OSCE’s Media Freedom Representative underlined that amendments made in March 2020 to the law on information put owners of any internet information resources under the obligation to prevent the publication of false information online (Coronavirus response should not curb freedom of the press in Azerbaijan, says OSCE Media Freedom Representative, 2020), and soon after calls were made to release three journalists detained for reporting on COVID-19 and the measures taken by the Government in a critical way (IPI Advocacy Officer Jaime Wiseman, 2020).
- In Bolivia, the sanctioned speech was defined as “any kind of information, whether written, printed, artistic or by any other process that puts at risk, affects public health or generates uncertainty among the population” (‘El Gobierno persiste en las restricciones a la libertad de expresión’, 2020). The harsh punishment could have amounted up to 10 years in prison. After international pressure, these measures were soon repealed (‘Gobierno deroga la norma que vulneraba la libertad de expresión’, 2020).
- In Bosnia and Herzegovina’s Republika Srpska a decree was issued that forbade incitement to panic and disorder during a state of emergency under the sanction of fines, a measure highlighted as concerning by the OSCE (OSCE, 2020).
- In Brazil, a “fake news” bill proposed in June 2020 was met with criticism for restricting legally protected speech and

freedom of association both in its initial shape (Human Rights Watch, 2020a) and after some changes were made to the text (Alimonti, 2021), for, amongst other provisions, providing for blanket bans as penalty for non-compliance, affecting privacy and having a chilling effect on freedom of expression. The bill did not yet pass, at the moment of writing the present chapter (Câmara dos deputados, 2020).

- In Cambodia, the Government had already faced criticism for closing independent media publications starting with 2017 (Matilda Jokinen, 2019) and in 2019 for adopting a law which permitted licenses of print and online media outlets to have their licenses revoked if found guilty of spreading disinformation that threatened “national security” (Wiseman, 2019). The state of emergency law passed in April 2020 allowed the government to mass surveillance of telecommunications, control the press and social media and restrict freedom of movement and assembly, seize private property and enforce quarantines. Offending parties could have faced up to 10 years in jail for not respecting the measures put in place during the state of emergency (Ratcliffe, 2020).
- In Hungary, as shown in the present volume, new legislation criminalised the spread of misinformation, which undermined the authorities’ fight against COVID-19 with fines and a prison sentence of up to 5 years (IPI-Admin, 2020a).
- In Jordan, an emergency defence law handed the Prime Minister powers to censor and shut down any outlet without justification, without time limits, for spreading “rumours, fabrications and false news that sows panic” (Human Rights Watch, 2020b).

- In the Philippines, the Bayanihan to Heal as One Act, passed on March 25th, 2020, criminalised the spread of false information on social media and other platforms. People who proliferated information that had “no valid or beneficial effect on the population, and are clearly geared to promote panic, chaos, anarchy, fear and confusion” could have been imprisoned for up to two months or fined up to one million pesos (approx. USD 25.000). In less than a month since its implementation, nearly 50 people were sanctioned, including a famous artist who wrote a critical post on social media (Joaquin and Biana, 2021, pp. 37–38).
- In Puerto Rico, a “fake news” law was challenged under the First Amendment because it criminalised sharing information the government deems false about emergencies in Puerto Rico (including the COVID-19 pandemic), under penalty of up to three years in jail or a fine of up to USD 5.000 (ACLU, 2020).
- In Romania, the presidential decree enacted when instituting a state of emergency provided expressly that content hosts and providers were obligated to take down any content which was deemed to contain false news pertaining to COVID-19 (European Federation of Journalists, 2020), even though the decree did not expressly mention freedom of expression as one of the fundamental rights to be limited during the state of emergency (Președintele României, 2020 Article 2). The Romanian situation is analysed in-depth by my colleagues in the present volume.
- In Russia, lawmakers approved fines of up to USD 25.000 and prison terms of up to five years for spreading false information about the virus, with media outlets facing fines of up to USD 127.000 for disseminating false information about the virus (Litvinova, 2020), and the law was soon put

into use, with websites blocked and journalists investigated in what has been called a ramping up of censorship (IPI-Admin, 2020b).

- In Serbia, “the Government tried to centralise information distributed to the public and forbade anyone not in its Crisis Staff led by the Prime Minister, from making any statements about the virus.” (Cendic and Gosztonyi, 2020, p. 22.)
- In Tajikistan, changes to the domestic provisions made it illegal to disseminate false information about the COVID-19 pandemic in the media and on the internet, including social media (Asia-Plus, 2020; IPI-Admin, 2020c). While the fines which could be applied to media outlets were not as high as in the other examples (EUR 800 – 1000), the changes were still reportedly used to silence civil society groups and allegedly cover up the reality of the COVID-19 outbreak in Tajikistan (Eurasianet, 2020).
- In Thailand, the state of emergency allowed the government to shut down media spreading “false information” (Satrusayang, 2020).
- In the UAE, fines up to USD 5.500 could be applied to individuals sharing medical information about the coronavirus which contradicted official statements (Al Jazeera, 2020).
- In Uzbekistan, a country where the minimum wage at the time was USD 60 a month, fines “managing or storing materials with the aim of creating panic among the population” was punishable with a fine of up to USD 9.200 or three years imprisonment, whereas “disseminating false information about the coronavirus” and publishing “fake news” in the media risked up to two years

of correctional labour and three years in jail, respectively (Pikulicka-Wilczewska, 2020).

- In Vietnam, posting or sharing fake news online became punishable with a fine of up to several months' worth of salary for the average Vietnamese, with the authorities also having the power to force the user to remove the offending post. The Vietnamese Law on Cyber Security, in force since 2019, had already prohibited the spreading of fake news, but without a specific fine imposed. Moreover, the definition of fake news provided for by the law included not only posts which include "incorrect or misrepresented information" but also "slanderizing the reputation of companies and organisations and insulting the honour and dignity of individuals" (Harb, 2020).

While each of the examples given has its own specificity, it is clear that several troubling trends are seen to emerge. Many of the laws in question outright criminalised the dissemination of "fake news", fined it with often important fines and allowed the government to either force the offending content to be taken down or directly shut down the media outlet in question. In most of the examples provided, alarms were raised by either free speech-promoting NGOs or journalists themselves, underlining that such laws are liable to be used to silence legitimate criticism of the respective government and its handling of the pandemic. Moreover, these are examples of legislation specifically enacted in the context of the COVID-19 pandemic. Certainly, legislation already in place in many countries worldwide could have been construed as applying to spreading "fake news" in the context of a public health emergency.