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COVID-19 Infodemic: fake
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Information and freedom
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COVID-19 Infodemic: fake news, real censorship. Information and freedom of expression in time of Coronavirus

Auteur(s)

Dr Marco Marsili, Universidade Católica Portuguesa, Instituto de Estudos Políticos, Centro de investigação do Instituto de Estudos Políticos, Portugal

MOTS CLEFS

COVID-19, Fake-news, Disinformation, Misinformation, Communication

RÉSUMÉ

Infection disease outbreaks are invariably characterized by myths and rumors, boosted by social media accounts, that media often pick up and circulate. On the grounds of protecting public health in the context of the COVID-19 pandemic, some Member States of the Organization for Security and Co-operation in Europe imposed strict rules on the dissemination of

“fake news”. This paper reviews the outbreak communication principles established by the World Health Organization and checks the compliance of emergency legislation, adopted under the pretext of combating misinformation and disinformation, against fundamental human rights.

TEXTE

This study aims to shed light on the right to information and the freedom of the media in the context of the COVID-19 outbreak. Infection disease outbreaks are invariably characterized by myths and rumors, boosted by social media accounts, that media often pick up and circulate. Under the justification to avoid panic and confusion, and to combat “fake news” during the COVID-19 pandemic, some governments took emergency measures that curtail the freedom of information. The lack of a legal definition of the term “fake news” leaves room for arbitrary and broad interpretations.

Emergency legislation adopted under the pretext of combating misinformation and disinformation and to protect public health restricts the freedom of expression and information. Decrees issued during the state of emergency – including the practice of detaining journalists for their work and the abuse of pre-trial detention and Internet censorship – sound like measures adopted to restrict the freedom of expression and the freedom of the media, and to shout down dissenting voices. Authorities cannot invoke the state of emergency or national security as a motivation to suspend or limit fundamental human rights. The fight against COVID-19 can be a pretext for restricting civil liberties.

The World Health Organization warns governments about the spread of misinformation in an outbreak and suggests tackling

it but keeps silent on the compliance with fundamental human rights, including freedom of expression in the press: an ambiguous posture that leaves room for restrictive policies. Measures adopted by governments in time of public emergency, which threatens the life of the nation, even if derogating from their obligations, should not be inconsistent with other obligations under international law. The rule of law and civil liberties should however be ensured in situation of public emergency.

The attempt to introduce a single source under the state of emergency is serious and dangerous, and deprives the people of complete, updated and impartial information. Media play a key role in providing important information to the public, and a pluralistic and vibrant media landscape is indispensable to any democratic society. Access to information and a free working environment are therefore essential and need to be ensured at all times, even under state of emergency. Any kind of pressure against journalists has an immediate consequence, not only on them but also on the public’s right to be informed. Restrictive policies adopted under emergency powers with the purpose of countering disinformation should not restrict fundamental rights.

