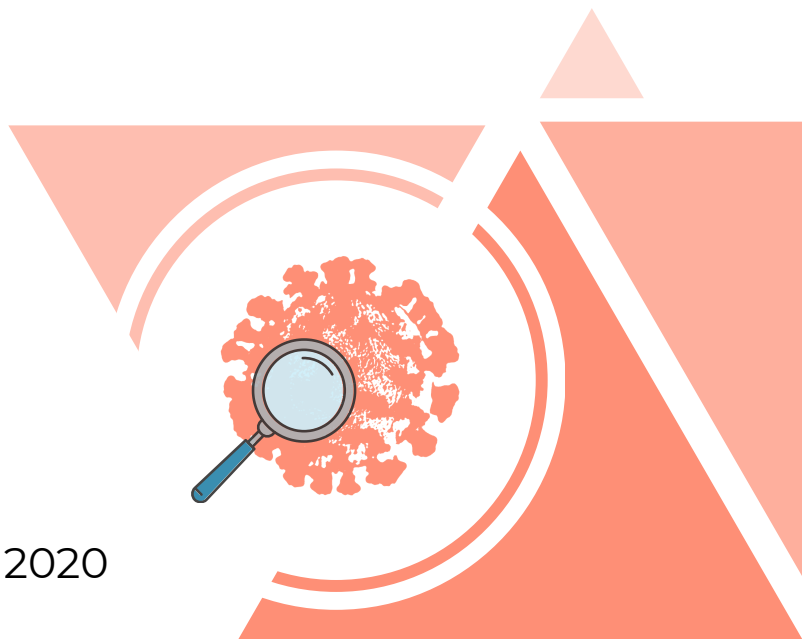


# Fundamental rights and freedoms during the COVID-19 crisis

**EAP CSF COVID-19 BRIEFING PAPER**

#PrepareEaP4Health



July 2020



## Methodological Note

This paper has been elaborated in the framework of the Eastern Partnership Civil Society Forum #PrepareEaP4Health campaign and aims to illustrate the context in which civil society is addressing the challenges brought about by the COVID-19 public health crisis. It is based on the author's desk research, and collective input from EaP CSF member organisations, provided through an online consultation conducted between 25 March and 3 April 2020. A total of 84 responses from all six EaP countries and EU member states took part in the survey: 25 from Armenia, 13 from Azerbaijan, 5 from Belarus, 10 from Georgia, 6 from Moldova, 17 from Ukraine, and 8 from EU member states. The survey was designed to identify the major needs and concerns of civil society.

## Authors

Author: Billie Bell

Contributors: Tania Marocchi, Vera Rihackova Pachta, Francesca Nista

#PrepareEaP4Health

## EaP CSF COVID-19 Briefing Paper Series

### *Fundamental rights and freedoms during the COVID-19 crisis*

Billie Bell

#### SUMMARY

The COVID-19 pandemic has seen an **inevitable trade-off between public health imperatives and human rights considerations** in even the most advanced democracies. Yet measures aimed at mitigating the crisis must still be lawful, necessary, and proportionate, and this has been a difficult balance to maintain for the flawed democracies and authoritarian regimes of the EaP region. CSOs in all 6 EaP countries have highlighted a series of concerns related to the respect for fundamental rights during the current crisis, touching on **freedom of expression, access to information, personal privacy, and the rule of law**, giving rise to a number of areas requiring further attention by the EU in its monitoring of partner countries' adherence to their obligations under the Eastern Partnership and other agreements. These issues also serve to highlight the importance of adjusting EU financial support to the EaP countries to reflect the new, emerging realities of the post-COVID era.

#### INTRODUCTION

Throughout the COVID-19 pandemic, the most visible impact has unquestionably been on public health. As of 30 June, more than 10 million cases have been confirmed

worldwide, with an estimated death toll of over 500,000, and the Eastern Partnership (EaP) countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine) are no exception: collectively, the 6 states have now experienced in excess of 164,000 cases, with more than 2700 deaths.<sup>1</sup> However, one aspect which has hitherto lacked attention is **the impact of extraordinary measures adopted during the pandemic on fundamental rights and freedoms, and on civil society's role in holding governments to account.**

Indeed, each EaP country's response to the current public health emergency has had an inevitable trade-off between public health imperatives and human rights considerations, with some excessive restrictions having been imposed, and some apparent abuses of power having also occurred. In all these cases, civil society organisations (CSOs) have been at the forefront of efforts to ensure respect for fundamental rights and freedoms, yet, going forward, the EU must also increase both the attention and resources it dedicates to this vital issue in its policies and initiatives in the EaP region – particularly those aimed at mitigating the immediate and longer-term effects of the COVID-19 pandemic.

To this end, this paper provides an overview of the restrictions imposed by each of the

<sup>1</sup> “#Prepare EaP4Health – Civil Society's COVID-19 Response.” *Eastern Partnership Civil Society Forum*, 2020,

<https://eap-csf.eu/campaigns/prepare-eap-for-health-covid-response>.

EaP countries in order to limit the propagation of the COVID-19 virus, especially those measures associated with 'locking down' society and limiting people-to-people contacts. Drawing on desk research by the EaP Secretariat, as well as information provided by civil society organisations on the ground via an online consultation of EaP CSF members, the paper sets out four main areas of potential concern with regards to the impact of such measures on fundamental rights and freedoms: **freedom of expression** (including in the media); **access to information** and the fight against disinformation; **personal privacy**; and **the rule of law**.

## THE COVID-19 PANDEMIC AND RESPECT FOR FUNDAMENTAL RIGHTS AND FREEDOMS

In March, all EaP governments (with the exception of Belarus) adopted a series of extraordinary measures to limit the spread of the COVID-19 virus, including the partial or total closure of state borders, the suspension of educational institutions and non-essential economic activities, and the strict limitation of individuals' movements outside their home. In **Armenia**, **Georgia**, and **Moldova** these restrictions were adopted within the framework of a formal State of Emergency, voted by their respective parliaments, while the Cabinet of Ministers of **Ukraine** chose to instigate an 'Emergency Situation Regime' rather than an outright State of Emergency. The government of **Azerbaijan** also imposed restrictions, but it

did not instigate an emergency regime in order to do so. In stark contrast, the authorities in **Belarus** did not put in place any measures limiting the exposure of people to the virus, except for a 14-day quarantine period for people arriving from abroad, and mass events, including Belarusian premier league football matches and the annual Victory Day parade on 9 May, have continued as normal.

## Freedom of expression and the media

Civil society organisations have raised concerns over respect for **freedom of expression** – both for individuals and in the media – in a number of EaP countries. In **Armenia**, the State of Emergency adopted on 16 March initially prohibited the sharing of any information on the number of COVID-19 cases which did not originate from an official government source, though this limitation was quickly watered down on 24 March after a consultation between the government and 11 human rights and media CSOs, and ceased to apply entirely from 13 April.<sup>2</sup> Similarly, in **Moldova**, the president of the Audiovisual Council issued a directive ordering journalists to "give up the enunciation and uninformed favouring of their own opinion" and instead only publish information from "the competent public authorities". Widely considered as equating to a form of censorship, the directive was rescinded within 36 hours following pressure from the Moldovan National Platform of the EaP CSF, thus somewhat allaying fears for Moldovan media freedom going forward.<sup>3</sup>

<sup>2</sup> "The government has clarified the procedure for providing information during emergency". *Armenian Unified Info Center*, 20 March 2020, <https://www.facebook.com/ArmenianUnifiedInfoCenter/photos/a.286192515550016/655096615326269/?type=3&theater>; "OSCE Media Freedom Representative welcomes swift reaction of Armenian Government in addressing his concerns on State of Emergency Decree." *OCSE*, 27 March 2020, [https://www.osce.org/representative-on-freedom-of-](https://www.osce.org/representative-on-freedom-of-media/449290)

[media/449290](https://www.osce.org/representative-on-freedom-of-media/449290); "Armenia lifts coronavirus media coverage restrictions." *Armenpress*, 13 April 2020, <https://armenpress.am/eng/news/1011968>.

<sup>3</sup> "Dispoziție nr.02 din 24.03.2020." *Audiovisual Council of the Republic of Moldova*, 24 March 2020, <http://www.audiovizual.md/files/Dispozitie%20CA.semnat.pdf>; Dulgher, Maria. "Media censorship during the state of emergency: no personal opinions, no information that is not confirmed by state officials." *Moldova.org*, 25 March 2020,

Unfortunately the same cannot be said for Azerbaijan and Belarus. In the case of **Azerbaijan**, amendments to the country's information law have led the OSCE Representative on Freedom of the Media, Harlem Désir, to urge the Azerbaijani authorities not to "impede the work of journalists and their ability to report on the pandemic".<sup>4</sup> Indeed, with the new regulations banning the sharing of any information the government deems to be "dangerous to the public", there is consequently the potential for widespread censorship – even beyond the duration of the pandemic itself. For its part, the government of **Belarus** has used the global public health emergency as a guise for the further suppression of media freedom in the country. The number of journalists and bloggers detained is on the rise, with the country's ongoing presidential election campaign having seen the government double down on its efforts to quash criticism of the regime: in addition to some fifteen Belarusian journalists detained for reporting on peaceful demonstrations between 19 and 20 June, international media organisations such as Radio Free Europe/Radio Liberty have also revealed government attempts to

stifle their independent coverage of events in the country.<sup>5</sup>

## Access to information

The Belarusian case is also indicative of a broader concern for government transparency and **access to information** in the EaP region in the context of the current pandemic. As stated by the Office of the UN High Commissioner for Human Rights, it is essential – even an obligation under human rights law – that governments "provide truthful information about the nature of the threat posed by the coronavirus".<sup>6</sup> While all EaP governments provide daily updates on figures regarding COVID-19 contagion, deaths and recoveries, they vary in reliability and scope.

On the one hand, the government of **Georgia** has demonstrated a considerable commitment to transparency, publishing data on a daily basis on its dedicated stopcov.ge webpage (available in Abkhaz, Armenian, Azerbaijani, English and Ossetian, as well as Georgian) and sending instructions on new measures directly to citizens by SMS, although the legally-mandated response time for official

<https://www.moldova.org/en/censorship-during-state-of-emergency-no-personal-opinions-no-information-that-is-not-confirmed-by-state-officials>; "Public call regarding the disposition issued by the president of the Audiovisual Council." *Moldovan National Platform of the Eastern Partnership Civil Society Forum*, 26 March 2020, <https://www.eap-csf.md/wp-content/uploads/2020/03/2020-03-26-EN-declaration-media-ngos.pdf>; "The Audiovisual Council has invalidated its decision: In order to calm the spirits, I cancel the disposition." *Moldovan National Platform of the Eastern Partnership Civil Society Forum*, 27 March 2020, <https://www.eap-csf.md/en/the-audiovisual-council-has-invalidated-its-decision-in-order-to-calm-the-spirits-i-cancel-the-disposition>.

<sup>4</sup> "Coronavirus response should not curb freedom of the press in Azerbaijan, says OSCE Media Freedom Representative." *OSCE*, 25 March 2020, <https://www.osce.org/representative-on-freedom-of-media/449146>.

<sup>5</sup> "Belarusian journalist arrested for criticizing president's Covid-19 approach." *Reporters Without Borders*, 21 April

2020, <https://rsf.org/en/news/belarusian-journalist-arrested-criticizing-presidents-covid-19-approach>; "Vitsebsk blogger Volha Zhuravskaya was fined and detained."

*Staronki Racyi*, 2020, <https://www.racyja.com/hramadstva/vitsebskuyu-bloggerku-volgu-zhurausku>;

"CIS journalists were detained in the country." *Belarusian Association of Journalists*, 19 April 2020,

<https://baj.by/be/content/pa-kraine-zatrymlivali-zhurnalistau-spis>; "Gantsevichi journalists will be tried for disobedience: editor's statement." *Pieršy Rehijon*, 21 April 2020, <https://1reg.by/2020/06/21/gancevichskih-zhurnalistov-budut-sudit-za-nepovinovienie-zayavlenie-glavnogo-redaktora>; "Head of Radio Svaboda: The police treated our journalists as criminals." *Radio Svaboda*, 20 June 2020, <https://www.svaboda.org/a/30681692.html>.

<sup>6</sup> "COVID-19: Governments must promote and protect access to and free flow of information during pandemic – International experts." *OHCHR*, 19 March 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25729&LangID=E>.

information requests was temporarily prolonged at the height of the crisis.<sup>7</sup> In **Armenia**, the Armenian Unified Infocenter Facebook page is providing regular updates, including live streams of statements from the prime minister.

On the other hand, while the authorities in **Azerbaijan** and **Moldova** are also publishing daily updates, CSOs have accused the former's publications of being unreliable, and the latter's of being incomplete (through their exclusion of cases among medical staff, for example). The situation in **Belarus** is even less satisfactory: with no data of cases per region provided, the Ministry of Health provides very limited data on coronavirus cases, and the information which it does choose to provide has been characterised by CSOs and some doctors in private as either inconsistent or contradictory. For example, the EaP CSF's own data-monitoring has indicated that figures for the period of 18 to 21 April were in fact the number of people hospitalised, rather than the number of active cases. Evidence is also emerging of police action and the authorities' retaliation against medical professionals who've spoken openly about the realities of the spread of COVID-19 in the country.<sup>8</sup>

Civil society organisations have also been at the forefront of combatting the prevalence and impact of **disinformation**. One particularly concerning observation in the EaP countries is the prevalence of articles and sites written in Russian or originating in Russia among those spreading

disinformation (particularly in Georgia and Belarus). Trends in fake news across the region include claims that "secret labs" run by NATO or the United States are the source of COVID-19 in "Russia's neighbourhood" and further afield, a narrative that the EaP countries – and even some EU member states – have been abandoned to their fate by the EU, which is characterised as incapable of responding to the crisis, and various adaptations of the common myth that George Soros is behind most of the world's ills. A number of messages have also been adapted to local contexts. To give just two examples, in **Georgia** a number of sites have asserted that Georgian blood is "unique" and contains "special particles" which prevent the virus, while in **Ukraine** various sources insist that COVID-19 will cause the country's disintegration and collapse. In addition to official and state-backed sources from Russia, the EEAS's recent report on disinformation also highlights sources linked to the Chinese government as having "continued to widely target conspiracy narratives and disinformation both at public audiences in the EU and the wider neighbourhood".<sup>9</sup>

## Personal privacy

Turning to **personal privacy**, civil society organisations have raised varying levels of criticism of the authorities of Armenia, Azerbaijan and Ukraine in this area. In **Armenia**, the adoption of amendments to the country's Law on Electronic Communication, granting the government

<sup>7</sup> "Civil Society Environment in the Eastern Partnership region: January-May 2020." *CSO Meter*, June 2020, p.4, <https://csometer.info/wp-content/uploads/2020/06/CSO-Meter-Overview-January-May-2020.pdf>.

<sup>8</sup> "#Prepare EaP4Health – Civil Society's COVID-19 Response." (op. cit.); "Vitsebsk doctor who wrote about COVID-19 spread interrogated." *Belsat*, 2 April 2020, <https://belsat.eu/en/news/vitsebsk-doctor-who-wrote-about-covid-19-spread-questioned>; "A paramedic was

arrested in Lida for commenting on the situation with the coronavirus." *Reform.by*, 8 May 2020, <https://reform.by/v-lide-arestovali-feldshera-kotoryj-vyskazyvalsja-o-situacii-s-koronavirusom>.

<sup>9</sup> "EEAS Special Report Update: Short Assessment of Narratives and Disinformation Around the COVID-19/Coronavirus Pandemic." *EUvsDisinfo*, 24 April 2020, <https://euvsdisinfo.eu/eeas-special-report-update-2-22-april>.



the power to harness mobile phone data in order to track coronavirus patients' direct contacts, have led to fears that such measures may lead to an unacceptable infringement of citizens' privacy. While these amendments will only be applicable during the country's State of Emergency, and make it a criminal offence to access the content of calls or messages, the very existence of these powers gives rise to the potential for abuse, and according to the Office of the Human Rights Defender of the Republic of Armenia, more precise guarantees are required.<sup>10</sup>

Similarly, the requirement in **Azerbaijan** for citizens to obtain prior authorisation by SMS in order to leave their home, by specifying their motive for leaving their residence and providing their national ID number, posed a number of basic privacy concerns, to say nothing of the potential for the abuse of the system to track the movements of political opponents of the regime. As the transmission rate began to slow down, the SMS authorisation system was abolished in most of the country on 4 May, alleviating some of that concern. However, the system remains in place in Baku, Sumgayit, Ganja, Lankaran, Yevlakh, Masalli, Jalilabad and Absheron regions, where the lockdown regime resumed on 21 June in light of a rise in the infection rate.<sup>11</sup> It therefore remains to be seen if the continued application of this system in the country's

most populous cities will be subject to improper use, particularly in light of the police crackdowns elaborated in more detail in the next section.

Less pressing, but somewhat discomfiting for a number of CSOs on the ground, is the new obligation in **Ukraine** for citizens to carry their national ID card when leaving their home.<sup>12</sup> While this measure may not appear particularly cumbersome on the surface, it should be borne in mind that the compulsory carrying of ID is a measure permitted by State of Emergency legislation but not by the terms of an 'Emergency Situation Regime' – as such, this regulation could at the very least be regarded as an unnecessary breach of individuals' privacy when moving outside of their home, if not a case of government overreach.

### Rule of law

The question of government overreach, particularly in terms of **respect for the rule of law**, is an important one, since the International Covenant on Civil and Political Rights (ICCPR) requires that restrictions on rights for public health reasons or at a time of national emergency be lawful, necessary, and proportionate. Civil society organisations raised concerns to this effect – with differing degrees of severity – in Armenia, Azerbaijan, Georgia and Moldova.

<sup>10</sup> "Parliament Ends Work of Extraordinary Sitting." *National Assembly of the Republic of Armenia*, 31 March 2020, [http://www.parliament.am/news.php?cat\\_id=2&NewsID=12839&year=2020&month=03&day=31&lang=eng](http://www.parliament.am/news.php?cat_id=2&NewsID=12839&year=2020&month=03&day=31&lang=eng); "Armenia: Law Restricts Privacy Amid COVID-19 Fight." *Human Rights Watch*, 3 April 2020, <https://www.hrw.org/news/2020/04/03/armenia-law-restricts-privacy-amid-covid-19-fight>; "Armenian government wants to use location data to manage coronavirus." *Armenpress*, 30 March 2020, <https://armenpress.am/eng/news/1010479.html>; "Legal position of the Human Rights Defender on draft laws restricting the privacy of correspondence and other rights." *Human Rights Defender of the Republic of Armenia*. 31

March 2020, [https://ombuds.am/en\\_us/site/ViewNews/1137](https://ombuds.am/en_us/site/ViewNews/1137).

<sup>11</sup> "Azerbaijan restricts citizens' movement amid COVID-19 quarantine regime." *Azernews*, 3 April 2020, <https://www.azernews.az/nation/163678.html>; "Task Force under the Cabinet of Ministers of the Republic of Azerbaijan." *Cabinet of Ministers of the Republic of Azerbaijan*, 1 May 2020, <https://cabmin.gov.az/en/article/832>.

<sup>12</sup> "Government has approved new restrictive measures to curb the spread of coronavirus." *Cabinet of Ministers of Ukraine*, 3 April 2020, <https://www.kmu.gov.ua/en/news/uryad-zatverdiv-novi-obmezhuvalni-zahodi-u-borotbi-z-koronavirusom>.

To begin with what might be considered the 'least concerning' case, some CSOs in **Georgia** had initially expressed fears about the potential for the politically-motivated postponement of the country's upcoming parliamentary elections, currently scheduled for October. However, with the government having been praised for its deference to public health minds throughout the pandemic, there is now some reason to doubt that the elections would be postponed for anything other than public health reasons. That said, one aspect worthy of further monitoring is the 100 million GEL (29 million EUR) donation by the country's richest man and former prime minister, Bidzina Ivanishvili, to the government's StopCov fund. Widely regarded as the most powerful man in Georgian politics, it is yet to be seen if this unprecedented donation will be leveraged against any of Ivanishvili's own political objectives.<sup>13</sup>

In **Armenia**, the manner in which key legislative amendments have been adopted in the context of the COVID-19 pandemic has been criticised by opposition parties as rushed, with changes voted into law after just two readings (instead of the usual three) in the space of 24 hours. Though the current emergency does indeed necessitate swift action, this, of course, should not come at the expense of proper parliamentary scrutiny and respect for the country's established law-

making procedures. It should be noted, however, that the government nonetheless enjoys broad support from Armenian civil society, particularly with regards to its efforts to modify the constitution and tackle corruption.<sup>14</sup>

In **Moldova**, some concerns have been raised about the imposition of a compulsory 4.056 MDL (200 EUR) health insurance premium on those members of the country's sizeable diaspora returning to Moldova in light of the current situation.<sup>15</sup> Considered an infringement of the constitutionally-enshrined right of citizens to return to their homeland, the opposition Action & Solidarity Party has lodged a challenge to this requirement at the Chişinău Court of Appeal. Moreover, some have stated that the announced derogations from the rules of the Administrative Code, the Code of Civil Procedure, the Labour Code and the Misdemeanour Code in particular are contrary to the provisions of Article 54 of the Constitution, which governs the state of emergency regime.<sup>16</sup>

Although the authorities there did not implement a lockdown regime, **Belarus** has also witnessed serious breaches of human rights and rule of law principles in the context of its ongoing presidential election campaign. Indeed, in addition to the attacks on freedom of the media and freedom of

<sup>13</sup> "Ruling party head Ivanishvili donates 100 mln GEL to StopCov Fund." *Agenda.ge*, 9 April 2020, <https://agenda.ge/en/news/2020/1092>.

<sup>14</sup> "Parliament Ends Work of Extraordinary Sitting." (op. cit.); "Statement of the EaP CSF Armenian National Platform on Support to the RA Authorities in their Fight against Corruption and Reform of the Judiciary." *Armenian National Platform of the Eastern Partnership Civil Society Forum*, 25 June 2020, <https://eap-csf.eu/wp-content/uploads/ANP-statement-support-RA-authorities-fight-against-corruption-reform-judiciary.pdf>.

<sup>15</sup> Necsutu, Madalin. "New Pandemic Fees on Returnees Divide Moldovans." *Balkan Insight*, 3 April 2020, <https://balkaninsight.com/2020/04/03/new-pandemic-fees-on-returnees-divide-moldovans>;

<sup>16</sup> PAS Appeared at the Court of Appeal Regarding the Commission on Exceptional Situation's Provision Conditioning the Diaspora's Right to Return Home by Paying the Insurance Policy." *Partidul Acţiune şi Solidaritate*, 2 April 2020, <https://unpaspentru.md/2020-pas-sesizat-curtea-de-apel>; "IPRE and LRCM experts presented the Opinion on the proportionality and legality of the measures taken by the Government during the state of emergency." *Institutul pentru Politici şi Reforme Europene*, 30 March 2020, <http://ipre.md/2020/03/30/expertii-ipre-si-crjm-au-prezentat-opinia-privind-caracterul-proportional-si-legalitatea-masurilor-intreprinse-de-guvern-pe-perioada-starii-de-urgenta>.



expression mentioned on pages 2 and 3, a number of political activists - including potential presidential candidates - have been arrested or fined for demonstrating against the regime of President Aliaksander Lukashenka. Some of the most serious cases of political repression are detailed in a recent joint statement of the EaP CSF's Steering Committee and Belarusian National Platform.<sup>17</sup>

Finally, in **Azerbaijan**, a number of opposition figures have faced arrest on exaggerated or fabricated charges following President Ilham Aliyev's insistence on the "historic necessity" of rooting out "anti-Azerbaijani forces, the fifth column and national traitors" during the current pandemic. Indeed, since lockdown measures were first put in place, at least 10 activists and opposition members have been unfairly detained or fined for alleged violations of the quarantine regime. A number of these cases have already been highlighted in a recent statement by the Steering Committee of the EaP CSF. A further 127 people have been issued with official warnings and 28 fined or arrested for social media posts criticising the government's response to the COVID-19 pandemic, following the adoption of the amendments to the country's information law mentioned above. In total, it is estimated that the number of citizens brought to administrative or criminal responsibility for apparent 'violations' of the quarantine regime amounts to tens of thousands of people.<sup>18</sup>

<sup>17</sup> "Joint Statement of the Steering Committee of the Eastern Partnership Civil Society Forum (EaP CSF) and the Coordinating Committee of the Belarusian National Platform of the EaP CSF on mass repressions in the Belarus presidential election campaign." *Eastern Partnership Civil Society Forum*, 25 June 2020, <https://eap-csf.eu/wp-content/uploads/SC-BNP-joint-statement-mass-repressions-presidential-campaign-Belarus.pdf>.

<sup>18</sup> "Message of congratulation of President Ilham Aliyev to the people of Azerbaijan on the occasion of Novruz holiday." *President of the Republic of Azerbaijan*, 19 March 2020,

With Azerbaijan already considered one of the least free countries on Earth (Freedom House gives it a score of just 10/100 in terms of political rights and civil liberties, for example), there is a risk that such abuses will continue beyond the timeframe of the current pandemic, particularly if an economic downturn of the scale predicted were to arise. Indeed, since the current measures were adopted using non-constitutional procedures – according to Article 71(3) of Constitution, the government only has a right to restrict rights and freedoms after a formal declaration of war, of martial law, or of a state of emergency, none of which have been instigated in these current circumstances – this possibility remains very real.

## FUTURE PROSPECTS

Emergency regimes of some form remain in place across the EaP region: **Armenia's** State of Emergency has been extended to at least 13 July, the full State of Emergency in **Moldova** was replaced by a State of Emergency in Public Health which is set to continue until 15 July at the earliest, and **Ukraine's** region-specific quarantine regimes are currently set to continue until at least 31 July. Notwithstanding the continuation of these emergency regimes, a number of restrictions have been relaxed or suspended, with economic freedoms among the first to be restored. With regards to fundamental rights and freedoms, one particularly welcome development is the

<https://en.president.az/articles/36212>; "Statement of the Steering Committee of the Eastern Partnership Civil Society Forum on the suppression of civil liberties in Azerbaijan in the context of the COVID-19 pandemic." *Eastern Partnership Civil Society Forum*, 24 March 2020, [https://eap-csf.eu/wp-content/uploads/SC-Statement\\_Azerbaijan-COVID-19-crackdown.pdf](https://eap-csf.eu/wp-content/uploads/SC-Statement_Azerbaijan-COVID-19-crackdown.pdf); "There is no such thing as "special quarantine regime" in the legislation." *Turan İnformasiya Agentliyi*, 21 April 2020, <http://www.turan.az/ext/news/2020/4/free/Interview/en/123392.htm>.

authorisation of protests and demonstrations in **Georgia** from 23 May - especially important in light of the upcoming parliamentary elections in the country.<sup>19</sup>

Just as encouraging was the government of **Azerbaijan**'s decision to abolish its SMS authorisation system for leaving the home across most of the country from 4 May. Yet this positive development has since been eclipsed by the imposition of harsh weekend lockdown regimes in major cities on 6-8 June and 14-16 June and reports of abuses of power and even outright brutality by police officers while seeking to force citizens to comply with renewed restrictions. The country has since restored a full lockdown (completed with SMS authorisation) until at least 5 July, restricting citizens' freedoms once again.<sup>20</sup>

Azerbaijan is by no means the only country which continues to present causes for concern. For example, although the State of Emergency in **Georgia** ended on 23 May, parliamentarians from the ruling party granted the government extraordinary powers to reimpose restrictions outside the framework of a formal State of Emergency until at least 15 July in a vote boycotted by the opposition.<sup>21</sup> More worrying still, is the decision of the government of **Belarus** to impose even greater restrictions on freedom of assembly than are the norm in the country: indeed, the COVID-19 pandemic

has been used as an excuse for limiting opposition mobilisation during the ongoing presidential election campaign, despite no formal lockdown measures having been imposed in the country.<sup>22</sup> Thus, despite the relaxation of a number of measures across the EaP region since the end of May, an apparent uptick in the infection rate in a number of EaP countries has the potential to reverse any tentative improvements to the human rights situation observed in recent weeks. Extra vigilance on the part of CSOs and international institutions is therefore vital going forward.

## CONCLUSIONS

As seen in even the most advanced democracies, public health considerations during the COVID-19 pandemic have necessarily led to a trade-off in rights and freedoms, particularly those associated with free circulation and the exercise of economic activities. Notwithstanding these 'necessary' restrictions, a number of concerns of differing degrees of gravity have been identified in all six EaP countries. While some of these anxieties appeared to be allayed in the context of a progressive relaxation of restrictions from the end of May onwards, the continuation - and, in some cases, restoration - of a number of limitations in recent weeks serves to highlight the imperative of remaining

<sup>19</sup> "Which Restrictions Will Be Removed and Which Restrictions Will Remain in Force After the State of Emergency Has Been Lifted." *Government of Georgia*, 23 May 2020, [http://gov.ge/index.php?lang\\_id=ENG&sec\\_id=288&info\\_id=76249](http://gov.ge/index.php?lang_id=ENG&sec_id=288&info_id=76249).

<sup>20</sup> "Task Force under the Cabinet of Ministers of the Republic of Azerbaijan." (op. cit.); "Displeased Azerbaijani citizens write letters to the president as the country awaits two more days of quarantine." *JAMnews*, 10 June 2020, <https://jam-news.net/displeased-azerbaijani-citizens-write-letters-to-the-president-as-the-country-awaits-two-more-days-of-quarantine>; "Decision on

additional measures to tighten the special quarantine regime in Baku, Sumgayit, Ganja, Lankaran, Yevlakh, Masalli, Jalilabad and Absheron region." *Cabinet of Ministers of the Republic of Azerbaijan*, 19 June 2020, <https://cabmin.gov.az/az/document/4517>.

<sup>21</sup> "State of emergency, curfew end, some restrictions remain in Georgia." *Agenda.ge*, 23 May 2020, <https://agenda.ge/en/news/2020/1619>.

<sup>22</sup> "Belarus: new restrictions on freedom of assembly in the shadow of COVID-19." *CSO Meter*, 2020, <https://csometer.info/belarus-new-restrictions-on-freedom-of-assembly-in-the-shadow-of-covid-19>.

vigilant, and of supporting human rights CSOs in their efforts.

This is not just essential in the short term, during the pandemic itself; it must also be a long term priority in the post-COVID world. Indeed, for all the talk of the need to adapt to a ‘new normal’ once the virus has been adequately contained, it is equally vital to ensure that the current curtailments of fundamental rights and freedoms – ostensibly conceived as temporary measures – do not become a part of that ‘new normal’. Recent developments in Azerbaijan and Belarus in particular suggest there is a very real danger of this being the case, while an uptick in the infection rate in Armenia, Moldova and Ukraine are also likely to see the prolongation of unprecedented restrictions on citizens’ economic, social and political activities in the name of public safety.

With this in mind, the European Union should be more steadfast in calling out and sanctioning abuses when they occur, as part of a wider effort to adopt a more human-rights based approach to its COVID response strategy and its relations with the EaP countries overall. It should also take active steps to continue supporting civil society in its role as a watchdog for the respect for fundamental rights and freedoms. Indeed, both aspects are essential for the future success of each country’s ongoing reform processes and, perhaps more fundamentally, for the longer-term health of their respective societies. In addition to financial and capacity-building support measures outlined in the EaP CSF’s upcoming paper on support for civil society in the context of the COVID-19 pandemic, the European Union should **actively remind partner governments of the necessity of ensuring respect for fundamental rights and freedoms.**

Unprecedented restrictions have been imposed on citizens’ rights and freedoms during the COVID-19 pandemic, yet these restrictions should always be lawful, necessary, and proportionate, and should be lifted as soon as public health considerations allow. **Excessive measures – as well as outright abuses of power – should be condemned without reservation and the voices of the civil society calling out the abuse reinforced.** Moreover, **additional funding should be made available to support human rights watchdogs and other organisations working on fundamental rights and freedoms** in order to prevent the current restrictions from becoming the ‘new normal’, and to ensure the longer-term viability of such organisations in the post-crisis era. And finally, in the longer-term, where central governments have resorted to excessive human rights restrictions and demonstrated consistent abuses of power during the pandemic, and practiced a lack of transparency on the usage of funds vis-à-vis their population and the EU, **EU financial assistance in the post-crisis era should be incrementally re-routed from those governments to bona fide CSOs** whose activities seek to mitigate the longer-term economic and social impact of the COVID-19 crisis.

EaP civil society has shown itself to be highly resilient in the face of the most serious crisis the world has faced for many decades. Yet without due attention and an adequate policy response from the European Union, improvements made in the areas of human rights, good governance and the rule of law over the last decade under the Eastern Partnership policy risk to be reversed.



This publication was produced with the financial support of the European Union. Its contents are the sole responsibility of Eastern Partnership Civil Society Forum and do not necessarily reflect the views of the European Union



Funded by  
the European Union

## About EaP CSF

The Eastern Partnership Civil Society Forum (EaP CSF) is a unique multi-layered regional civil society platform aimed at promoting European integration, facilitating reforms and democratic transformations in the six Eastern Partnership countries - Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. Serving as the civil society and people-to-people dimension of the Eastern Partnership, the EaP CSF strives to strengthen civil society in the region, boost pluralism in public discourse and policy making by promoting participatory democracy and fundamental freedoms. For more information, please visit the EaP CSF website at [www.eap-csf.eu](http://www.eap-csf.eu).



Eastern Partnership Civil Society Forum  
Rue de l'Industrie 10  
1000, Brussels

Our contacts:

+32 2 893 25 85  
[Info@eap-csf.eu](mailto:Info@eap-csf.eu)