

# Re-Imagining The Effect Of Covid-19 On Freedom Of Expression And Access To Information On Selected Arab Countries

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## Abstract

Since COVID-19 emerged, the Arab world continues to face a diverse set of health and sociopolitical challenges. As the world has just celebrated World Press Freedom Day on 3 May 2020, it is a reminder of the essence of the freedom of expression by the media and society. Paradoxically, media professionals in some countries continue to experience some kind of violence that ranges from harassment and imprisonment by those supposed to protect them, cyberbullying, censorship, and gender-based violence. These forms of violence are not only an attack on press freedom but also human rights. This study was premised on these and other aspects. It aimed to establish the extent to which some governments limited the freedom of expression and access to information to journalists while they reported COVID-19 related issues. In order to achieve the objectives of the study, focus group discussions were done with 20 journalists from Egypt, Jordan, Libya and Tunisia. The results of the study indicated that journalists in these countries experience violence in many forms such as torture, imprisonment, closure of their websites and censorship of content. In the four countries investigated, the results revealed that there is severe censorship from both ( self-censoring or the governments ) censoring content presented to the public, an element that is inconsistent with the Arab constitutions and the international law, thus violating human rights laws. In addition, the governments publish COVID-19 misinformation without supporting an independent media environment. Based on these findings, the following recommendations were made. Arab societies need freedom of expression and the right to access information to allow journalists to cover news during the epidemic period and not to obscure the COVID-19 statistics takes precautionary measures.

**Key words:** journalism, freedom of expression, access to information, COVID-19

## Introduction

The Access to Information held by public authorities is recognised under international law as a fundamental human right. Access to information is important in its own right, and as a means to protect other rights, including democracy and to support sustainable development. Its importance was recognised in Sustainable Development Goal Target 16.10, which calls on States to “Ensure public access to information” (UNESCO, 2020).

In addition, Freedom of expression is a fundamental human right enshrined in Article 19 of the Universal Declaration of Human Rights, along with its corollaries of freedom of information and press freedom, freedom of expression serves as an enabler of all other rights (UNESCO, 2015).

The COVID-19 pandemic outbreak has fueled a crisis for democracy around the Arab countries and grown worse. Governments have responded by engaging in abuses of power, silencing their critics, and weakening or shuttering important

institutions, often undermining the very systems of accountability needed to protect public health (Freedom House, 2021).

During the crisis, the COVID-19 pandemic has highlighted the heightened importance of information. Access to accurate information helps people make safe choices for themselves, with governments having a corresponding obligation to disseminate widely public interest information and to address disinformation and give Freedom of expression for journalists' to cover the COVID-19 crisis (UNESCO, 2020).

The Arab countries puts during the COVID-19 extensive domestic laws and regulations that significantly restrict freedom of expression and the government with further opportunity to restrict online content and promote the state's own narrative about its handling of the pandemic (Moynihan & Patel, 2021).

The problem of the study is to map the restrictions of Arab governments on access to information and freedom of expression depending on journalists who were covering the epidemic and other political events. Then, the paper analyzes the opinions of journalists about the impact of the epidemic on freedom of expression and access to information, and the degree to which the government's approach is shaping broader trends in the Arab region, before and during COVID-19. Finally, the paper looks at the direction of tightening restrictions on journalists freedom of expression in the wider context of the growing influence of the rulers of the Arab region on technology management in multilateral and bilateral contexts. This includes the assertion of Arab governments increasing in international discussions on access to democracy and the growing aspirations of countries after the Arab Spring revolutions.

RQ1: How do Egyptian, Jordanian, Libyan and Tunisian journalists perceive their level of expression and access to information related to COVID-19?

RQ2: What are the obstacles that journalists face in reporting COVID-19-related issues?

## Literature review

### Restrictions in Arab countries

Media freedom is a core value and a cornerstone of democracy in the world over (Demet Çelik, 2013). However, media freedom across the Arab countries has deteriorated during the epidemic period, the majority of the Arab countries have witnessed a decrease in their press freedom score (Karanicolas, 2020). However, an array of legal and extralegal mechanisms continues to limit free expression, regulations, and restrictions governing online content. Since 2011, the spread of false information that seriously disturbs public order constitutes a crime punishable by up to ten years in prison. After that, the Arab countries governments implemented a new Cybersecurity Law, which requires social media platforms to republish and link to news articles from state-approved news media (Shishkina and Issaev, 2018).

A year after the world declared national health emergencies due to the COVID-19 virus pandemic, more than 2.2 million COVID-19 infections have been registered in the Arab countries (OECD Policy Responses to COVID-19 virus (COVID-19 , 2020). In order to be permitted to operate, media houses must abide by state-imposed constraints and cooperate on implementing heavy-handed restrictions on journalists. While the important role that free media plays in providing information, the Arab countries authorities plays the second role in the prospect of reduced media freedom, which has a significant negative impact on the quality and reliability of the information provided to the public and the requirement to censor sensitive content. Therefore, individuals' rights to privacy and control over their own data are significantly restricted (Bentzen et al, 2020).

Media freedom in the Arab countries was under serious threat during the COVID-19 pandemic. However, the crisis has further exposed health system weaknesses in many countries, where governments and leaders appear to have used the situation as an opportunity to implement a further crackdown on media freedom under the presence of concern for health and national security and the imposition of a curfew (Tasnim et al, 2020).

The authority used intense information suppression, narrative control and disinformation campaigns often carried out with the Ministry of Health assistance aimed at covering up

government information about the pandemic; these restrictions have worsened because of emergency measures introduced under COVID-19 (Pomeranz & Schwid, 2021). According to that, governments had to choose between freedom and security. Indeed, Arab countries have chosen a retreat in freedom of expression and withholding health information in order not to create panic among citizens. This showed that Arab countries are more in control of the epidemic, unlike Europe and Asia, which have higher rates with insufficient health care.

### **The position under Freedom of Expression and Access to Information Laws**

The UN Human Rights Council has held that the same rights that people have offline must also be protected online and media houses, in particular are widely recognized that Freedom of expression is a foundational human right that has great value. It is a key to the protection of human rights. Toby Mendel argues that the Universal Declaration of Human Rights has protections for freedom of expression through Article 19 of the International Covenant on Civil and Political Rights (ICCPR). It states, "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice." (Mendel, 2011).

Pomeranz (2021), Sen (1999) and Shirazi (2008) noted that the American Convention on Human Rights, African Charter on Human , the European Convention for the Protection of Human Rights and Fundamental Freedoms, and Association of Southeast Asian Nations Human Rights Declaration, among other instruments, also affirm the right to freedom of expression. Therefore, the right to free expression is the most significant right. The UN General Assembly, in its first session in 1946, declared that freedom of expression is a basic human right (Balkin, 2017). Some scholars have argued that constitutional democracy in the Middle East is essential as it provides the basis freedoms via its protection of civil liberties and political rights (Lundstrom, 2005; Bavetta et al, 2014; Shirazi, 2008).

The right to access information is very important during the COVID-19 crises. The right to receive

information through all media provide citizens with the right to know about their government. To fulfill that right, governments should disclose information that is in the public interest. Governments should recognise that an independent, uncensored and unhindered press is essential to the free exercise of these rights (Karanicolas, 2020). Nevertheless, these rights are not absolute. Article 19 of the International Covenant on Civil and Political Rights (ICCPR) does not protect against war such as the Libyan, or threats to national security like the case in Egypt. Adherence to this article is necessary for Arab countries to tackle COVID-19 to restrict information by not sending it to journalists to cover the health crisis (Pomeranz & Schwid, 2021).

However, the United Nations special rapporteur on the protection of the right to freedom and expression (Moynihan and Patel, 2021). It indicates that even if COVID-19 threatens the public, the authority should depend on the access to information Act, rather than using violent conflicts and overtly repressing by using Article 4 as a means to decrease their obligations to protect freedom of expression (Farrell & Schneier, 2018).

More worryingly, in the region, governments have used common strategies to combat the epidemic by tightening restrictions on freedom of expression by declaring the protest of the state of emergency (Liquori O'Neil, 2020). Those who violate this pay a large fine, governments have forced individuals to impose fines for not wearing masks. On the other hand, the governments deal with this news firmly using cybercrime laws. They announced to reporters that whoever publishes rumours, slander, and false news that spread panic may pay fines and go to jail, and for press organizations, they will be closed (Karanicolas, 2020). Some scholars have argued that during the COVID-19 pandemic the onus was on governments seeking to limit expression and access to information under the ICCPR to limit the freedom of expression and the threat to the national security, and any restriction to protect and public health (Radoini, 2020; Nadikattu, 2020).

### **Restrictions Arab countries**

## Egypt

Censorship continued to impact freedom of speech and internet freedom in Egypt continued to deteriorate as a result of increased website blocking and social media. At least 546 websites were blocked in 2020, and the Supreme Council for Media Regulation (SCMR) blocked Mada Masr and Darb, both independent news outlets and censored outlets from covering “sensitive” topics related to the Grand Ethiopian Renaissance Dam, COVID-19, and the conflicts in Libya and the Sinai Peninsula (Ashour, 2020).

The Supreme Council for Media Regulation (SCMR) confirmed the censorship measures and stated, “the need for all media and social media sites,” to publish the data of official sources when “broadcasting information regarding Libya, the Renaissance Dam, and the military operations in Sinai against terrorism.” Also, if any journalists’ post content critical of the government amid the COVID-19 crisis, during the pandemic coverage one human rights activist received a 15-year sentence for content posted to Twitter (Freedom house, 2020)

## Libya

Libya has been racked by internal divisions and intermittent civil conflict since 2011. The international efforts to bring rival administrations together in a unity government has repeatedly failed, and interference from regional powers has exacerbated the fighting (Alqatar, 2017). A proliferation of weapons and autonomous militias, the ongoing violence has displaced hundreds of thousands of people, and human rights conditions have steadily deteriorated (Alwarshafani, 2019).

Most of the Libyan media outlets inside and outside the country are biased towards the two governments, and in many cases, they promote propaganda, hate speech, or disinformation in coordination with foreign supporters, and journalists are subjected to intimidation, arbitrary detention, and physical abuse by both parties to the conflict. Among other incidents that occurred during 2020, in May, a military court under the control of the Libyan armed forces in Benghazi sentenced independent journalist Abu Zareebah al-Zwi to 15 years in prison for working with a Turkish-based TV station. Despite the risks, some

journalists and independent media outlets have made efforts to share reports on the COVID pandemic that have also been misleading information and data (Freedom House, 2021).

## Jordan

Jordanian media laws are restricted and enforced arbitrarily. Various laws penalize defamation, criticism of the king or state institutions, and any content deemed subjective is prohibited from publishing in the media in relation to news coverage. Journalists rarely face serious violence or a long prison term for their work, but they often practice self-censorship (Altshuler, 2020).

Journalists faced severe restrictions under measures related to COVID-19. In March 2020, the Cabinet suspended publication of all newspapers for a period of two weeks. The government issued a vaguely worded decree prohibiting the publication of information related to the epidemic that would “cause panic”. Four journalists working in Jordan have been arrested for reporting on the ongoing pandemic (Freedom House, 2021).

## Tunisia

Tunisia started a democratic transition process after the ouster of a prolonged autocratic ruler in 2011, now citizens enjoy unprecedented political rights and civil liberties. However, the impact of corruption, economic challenges, and security threats continue to pose obstacles to full democratic consolidation (Salibi, 2021).

Freedom of the press has improved in recent years through the laws of the constitution, which include freedom of opinion, thought, expression, information and news while observing some restrictions. Several news outlets were launched on the Internet, and Tunisia signed the International Declaration of Information and Democracy, which outlines the basic principles of a global information and communication space (Wise et al, 2020)

During a pandemic, some journalists face pressure and intimidation from government officials regarding their work. Journalists who cover security forces continue to be particularly vulnerable to harassment and arrest. Journalists and bloggers are also targeted with defamation laws. In April 2020, a blogger was convicted of

insulting a public official after posting a video of food distribution efforts related to COVID-19 on Facebook and was sentenced to a suspended prison sentence. Commentator Tawfiq Ben Brik received a modified one-year prison sentence for defamation and insulting public officials. In November 2020, a blogger received a two-year prison sentence for criticizing the prosecutor in a Facebook video about covering the pandemic. Another blogger was accused of causing disturbance for posting a video of a protest, but he was acquitted. (Freedom House, 2021).

### **Theoretical framework**

Four Theories of the Press: The Authoritarian, Libertarian, Social Responsibility, and Soviet Communist Concepts of What the Press Should Be and Do, by Frederick S. Siebert, Theodore Peterson, and Wilbur Schramm, has continued the four Theories are a linear combination of two analytical sub dimensions based on government systems: authoritarian and libertarian. (Siebert, Peterson, & Schramm, 1963).

In that study will depended on which were later adopted as a yardstick for the measurement of the freedom of expression the world over. These are the Authoritarian, Libertarian and the Social Responsibility theories.

### **Authoritarian Theory**

The authoritarian state system requires government control of the mass media and does not allow anything, which is viewed as undermining the authority of the government (McQuail, 1994). In addition, media professionals are, therefore, not allowed to exercise any operational independence within their media organizations, and all the media houses are subordinate to the established authority and the repressive legislation restricts the operations of such media organizations (Ostini et al, 2018).

The Authoritarian theory can be applied to early pre- democratic forms of society and to present-day undemocratic or autocratic military systems. It is still in practice in countries like Egypt, Jordan, Libya and Tunisia (Shishkina & Issaev, 2018). In these systems, all the media under the supervision of the ruling authority, which contravened rights of freedom of expression and the authority control the media through heavy

taxation, repressive laws, and a ban on electronic websites by-laws (Vaca-Baqueiro, 2017).

### **Libertarian Theory**

The Libertarian theory is premised on the idea that the individual should be free to publish whatever he or she likes. The theory proclaims complete freedom of public expression and of economic operation of the media and rejects any interference by government, in any aspect of the press (McQuail, 1994). In the Libertarian system, journalists and media professionals ought to have full autonomy within the media. However, the source of information and a platform for the expression of divergent opinions, informing people about government affairs and other issues and enabling them to monitor their government and form their own ideas about policy (Screpanti, 2007).

### **The Social Responsibility Theory**

The responsibility theory is associated with —the Hutchins Commission on the Freedom of the Press in United States in 1942 (Kuhn & Deetz, 2009). The assumption of the theory holds that the press must be free but with a responsibility to serve the public by way of state regulation or self-censorship. The model is based on the idea that the media have a moral obligation to society to provide adequate information for citizens (Heald, 2018).

McQuail (1987) argues that the media should be socially responsible, ensure that all sides of the story are fairly represented, and that the public has enough information to decide. If the media do not take such responsibility, it may be necessary for other agency of the public to enforce it. In addition, “freedom of expression under the Social Responsibility Theory is not an absolute right, as under pure Libertarian Theory. One's right to free expression must be balanced against the private rights of others and against vital social interests (Nerone, 2018. p45).”

In view of the theories discussed above, this study adopted the Authoritarian Theory as an analytical tool for this study, in the sense that it closely relates to the experiences of the media and journalists in the said countries.

### **Methodology**

The study sought to investigate how journalists perceived Freedom of Expression and Access to Information violations by government during COVID-19. The study was conducted during 2020-2021 after the epidemic spread in the four countries.

### **The sample**

Focus group discussions were done with 20 journalists' who were purposively sampled responsible for covering the outbreak of the epidemic since March until now who were purposively sampled, five from each country (Egypt, Jordan, Libya and Tunisia) done by zoom platform.

The journalists' who were interviewed include (4) editors and (16) reporters who work for the following organizations: from Egypt (Al-Ahram, Al-Shorouk, and Al Youm El Sabea), Jordan (Ad-Dustour, Al GhadAssabeel, and Jordan News) Tunisia (The Tunis Times (English), Tunisia News and AlKabar Plus) Libya (Al Bilad, Fabriar, and Hawsh Al Mighar)

### **Instrument**

The instruments that were used for data collection in this study were documents, and group interviews. Documents such as the Freedom house and the Universal Declaration of Human Rights were used. This study also utilised group discussions in the form of five-to-one structured interviews for primary data collection. The discussions lasted more than 4 hours to discuss the conditions of press freedoms from the viewpoint of journalists who were subjected to violence and violations during their coverage of the COVID-19.

The discussions were conducted in Arabic and then translated into English. The sample of the participants included a range of journalists who were subjects to different levels of interference and/or enjoy different degrees of independence such as Tunisia is free. The participants' identities were withheld at their request, as well as to protect them from potential retribution

### **Presentation and analysis of findings**

### **Freedom of Expression and Access to Information during the COVID-19 pandemic**

The Egyptian, Jordanian, Libyan, and Tunisian authorities have implemented several exceptional measures to maintain public health, after World Health Organization (WHO) declared the COVID-19, so that the Arab countries call to performing every necessary, protective action, and restrict the information, which made infection surge in wave one and two. The most prominent measures taken by countries include restrictions on movement through imposing a partial lockdown, suspension of all educational and economic activities, but the situation became more dangerous in the second wave after the curfew was not imposed in Egypt, Tunisia and Libya. While Jordan continued to close borders and impose a curfew despite the severe measures, which resulted in an increased number of injury cases which went unreported because media houses were not allowed to operate, despite being classified as essential services in other countries. Upon asking the journalists about the restrictions on the press freedom, the following responses emerged:

Egyptian Journalist #1 "during COVID-19 virus, the authority has instructed to take all necessary, legal measures against anyone who broadcasts false news, statements, or rumours on the COVID-19 developments, only the news publish through our government".

Egyptian Journalist #2 "many journalists were attacked for example, my friends journalist at Al-Youm newspaper and the Editor-in-chief of Al-Qarar Al-Dawly newspaper, were arrested when they posted on their personal social media accounts, denying the Ministry of Health's numbers on the infected people in Egypt".

Egyptian Journalist #3 "Many journalists have been subjected to illegal detention and arrest while reporting that citizens are waiting for a COVID-19 test in the central laboratories of the Ministry of Health. After the photos were published, citizens' panic occurred, that there is no accurate analysis that those who contract the virus do not go to the hospital".

Egyptian Journalist #4 "the Supreme Council for Media played an important role in besetting the news and data on the COVID-19 spread in Egypt

by sending a warning statement to the journalists' websites concerning posting false news about Covid -19 case in Tanta City.

Egyptian Journalist #5 "Governments are using the emergency laws imposed due to the COVID-19 crisis to crush opposition and control people and even prolong their stay in power. The authority has also implemented prosecutions of activists and journalists on various charges, including those related to spreading false news related to the crisis, and the Egyptian authorities exploited the conditions of quarantine to restrict opposition and critics, especially and that some of them have passed new laws in light of the health crisis that arouse criticism from human rights groups".

Jordanian journalist #6 "Internet freedom in the country has improved slightly, but internet freedoms are still being undermined by the arrest and prosecution of journalists, as well as activists and social media users for criticizing government performance, blocking news sites, and shutting down news sites".

Jordanian journalist #7 "There are several laws that penalize legitimate expression online, although concerns persist about the state's monitoring of online activity. During the COVID-19 pandemic, the government issued an Executive Order criminalizing the spread of disinformation about the virus which had even greater impacts on freedom of expression for journalists".

Jordanian journalist #8 "The system in Jordan is different from Egypt, Libya and Tunisia. Jordan is a monarchy in which the king plays a dominant role in politics, governance, and the electoral system still puts the opposition in its rightful place, and the parliament exercises little power, and we find that the media and civil society groups are hindered by restrictive laws and government pressure".

Jordanian journalist #9 "The authority issued a royal decree that prohibited publishing or re-publishing any news about the epidemic to terrify people or cause panic among them, which is an attempt to crack down on misinformation during the COVID-19 pandemic".

Jordanian journalist #10 "Several journalists were arrested, prosecuted, and imprisoned for their online activities during COVID-19, and most of them faced charges related to social

media posts, for example the Director of Ru'ya Channel, due to a report that showed the impact of the COVID-19 on the economic situation of the day-to-day labourers and that they and their children suffer from hunger".

Libyan journalist #11 "One of the most important challenges is the lack of stability, external interference and the economic situation, but the COVID-19 pandemic remains a source of concern about the spread of the virus in the coming months, many journalists and workers in the Libyan media sacrificed their lives while carrying out their duties seeking to cover events and transmit them to the public".

Libyan journalist #12 "The fear of the spread of the COVID-19 virus is the result of the health system being unable to deal with the pandemic. Libya is an increasingly fertile arena for misinformation and falsehood during the COVID-19 pandemic. In light of this massive disclosure of inaccurate information, we call it "the information epidemic" in Libya, because there is no legal legislation on freedom of opinion or access to information".

Libyan journalist #13 "In Libya, women journalists face a double burden: they are attacked as journalists and as women, as they devote their lives and freedoms to defend the idea of freedom of expression and opinion, and they have lost their lives in order to fulfil their journalistic duty. Many female journalists have been threatened and detained because there is no legal legislation or an activated constitution that guarantees freedom of opinion and expression".

Libyan journalist #14 "Journalists are the voice of the voiceless and should not be silenced. Nor should truth become another victim of the ongoing war. A free press is critical in providing facts, information and analysis, holding leaders accountable and transferring truth to power. "This is especially true in times of conflict or crises, as Libyans are now threatened by a year-old conflict and the COVID-19 COVID-19 pandemic".

Libyan journalist #15 "Freedom of the press is important at all times, but its importance is evident, in particular, in this period as Libya prepares to hold national elections. ....in light of the COVID-19 pandemic, the means must be provided. The media is accurate and timely news coverage to help raise awareness that can save

lives. The legal framework can be described as contradictory and inconsistent with local legislation and human rights conventions to which Libya has ratified and became a party to it. That gives the authorities wide powers to restrict and criminalize the freedom of expression of opinion, in contravention of the provisions of international treaties".

These findings presented above echo some sentiments found in other studies. Libya's legislative progress has meanwhile been slow and inadequate for free speech and press freedom (Elgamaty, 2018; Mohamed, 2019). Menaker (2018) suggests that the lack of rule of law have had a devastating effect on internet freedom in Libya, as it was difficult for journalists to send information to international media organisations, which confirmed by journalist 14&15 during COVID-19 pandemic, the media should cover the crises issue to raise the awareness and save citizens lives.

In addition to the above, the participants from Tunisia weighed in as follows: Tunisian journalist #16 "The Tunisian authorities applied laws to prosecute individuals for exercising their right to freedom of expression online, at least 40 bloggers, administrators of widely followed Facebook pages, political activists and human rights defenders have faced criminal prosecution for publishing online".

Tunisian journalist #17 "Tunisian authorities locked-down the country and partially enforced by the army, also mass gatherings were banned, though small-scale events took place during the lockdown and larger protests from journalists; while authorities responded forcefully to some demonstrations, they used the new law in October, parliamentarians considered a draft bill that would provide immunity for security personnel who respond with lethal force while dispersing gatherings".

Tunisian journalist #18 "In light of the time of emergency and the conditions in Tunisia, as a result of the outbreak and spread of the COVID-19 epidemic (COVID-19 ), a number of Parliament deputies on March 12, 2020 submitted a proposal for the "Electronic Slander and Fake News Act No. 29/2020" in an urgent manner, under the pretext of combating false news and information Through social media, which would

affect "security and public order." Although combating fake news, especially in light of this crisis, is legitimate, the danger of this proposal lies in the fact that it paves the way for compromising freedom of expression and silencing journalists. And activists, in addition to exercising censorship and intimidation on them and limiting and accessing information necessary to document any violations that may occur during these circumstances".

Tunisian journalist #19 "This law affected the concern of civil society and journalists, and we must know that exploiting the current situation to pass the law would affect public rights and freedoms, which prompted a number of representatives from different parliamentary blocs to retreat and withdraw their signatures after the wave of criticism that affected them through various social media, To be reintroduced after the end of the epidemic crisis".

Tunisian journalist #20 "Article 25 of the law provides a broad definition of electronic defamation or defamation, which is "all disclosure of false or questionable sermons between users of electronic means and social media platforms, if individuals, groups, or institutions offend in every way, whether that is fabrication, publication, distribution, or directing to them in a manner. Original or occasional". There are some phrases in the law such as "questionable in their authenticity" and "accidental publishing and distribution" that violate the rights and freedoms guaranteed in the constitution, especially since some of this news does not go beyond being false news that does not pose a threat to public security or national defense, while Article 247, It deals with the penalties that will be applied in the event of breaching the provisions of this bill, which combine a penalty of up to two years in prison and a fine of up to twenty thousand Tunisian dinars, which are exaggerated penalties. The penalty is also doubled in the event of defamation, which affects freedom of anonymity, which the United Nations considered necessary to protect journalists and activists from censorship". This result was further supported by Ferejohn and Pasquino (2004) pointed that the Arab countries are used Declarations of emergency to empower leaders to take swift action that is not normally



legal during times of crisis, the history of emergency powers is fraught with exploitation. As Law theorists, John Ferejohn and Pasquale Pasquino explain, “When the public safety is seriously threatened, there may be a need for quick and decisive action that cannot, perhaps, wait for the deliberate pace of ordinary constitutional rule”. While Altshuler (2020) argue that the human rights violations are often egregious such as Libya, while Jordan used obvious at the time which actions justified, particularly when Jordanian governments insist that they are acting to keep the public safe crisis. This is confirmed by the responds from journalists from the four countries. Similarly, Cheng et al (2020) explained that in many cases, emergency powers have been used to fight the COVID-19 virus in compliance with Article 4. Limitations on freedom of assembly and freedom of religion have helped keep large groups from aggregating and therefore functioned to reduce transmission of the virus. Journalists in Jordan and Tunisia confirm this notion. Altshuler (2020) confirmed in his study some governments have taken action legitimately directed at stopping the spread of false information and did limitation on freedom of expression, which is a fundamental human right that has come under attack during the COVID-19 virus crisis. This confirmed the response from Egyptian Journalists

### **Restrictions on Freedom of Access to Information during COVID-19**

#### **Asking journalists about Restrictions on Freedom of Access to Information during COVID-19, they noted the following:**

Egyptian Journalist #1 “journalists' lack of access to information on the Ministry of Health's and Prime Minister's information has restricted the information from the Ministry of Health's”.

Egyptian Journalist #2 “The absence of the Freedom of Information Act gives the security service the authority to arrest and punish journalists, who are covering COVID-19 issues or criticizing the government performance. Under the law, the journalists are arrested because they are publishing false news, circulating rumours and harming the public interest”.

Egyptian Journalist #3 “The Ministry of Health did not publish accurate figures due to the

Parliament's continuous delay in issuing the Freedom of Information Act, and this law is its goal and the citizens' right to know information... This information is important for preserving public health... We need more transparency from the government. Providing updated information on its strategies to face all aspects of the crisis is not withholding information”.

Egyptian Journalist #4 “Disclosure of information is inevitable during a pandemic, and not making it available to the public or journalists is a crime forever. First, the comprehensiveness of the information, and second, the provision of data models that enable an independent surveyor data analysis. Information from the Ministry of Health The official information does not include an adequate classification of infections according to age, gender, timing, geographical distribution, etc., in addition to insufficient data on the number of hospitals. And for the injured inside and from the isolated people, my new investigation revealed and was banned from the bulletin that the death figures are incorrect. Hospitals issue that the death is due to a drop in blood pressure or shortness of breath, but the patient is dead with COVID-19”.

Egyptian Journalist #5 “We have a lack of daily information about the government's procedures for financial aid for daily wage workers, how citizens deserved this money”.

Jordanian journalist #6 “Freedom of expression of personal opinion and freedom of access to information is mentioned in the Jordanian Constitution which stipulates the protection of human rights and their rights to express an opinion and constructive criticism and to transmit truthful and correct news and information from the source. Without visiting or distorting .... The media, websites, press and publishing. Jordan played an important role in educating the Jordanian community and those in charge in light of the COVID-19 pandemic and the spread of the dangerous virus that threatened humanity and the countries of the world. .... But after the outbreak of the COVID-19 epidemic as an excuse to restrict freedom of the press and free media, to withhold information and criticism of the government”.

Jordanian journalist #7 “There is a tendency not to transmit the shaded information that terrifies the

public and frightens them by exaggerating the number of injured and deaths ... because of speaking to journalists and the media, pressuring them and threatening their lives, safety and ability”.

Jordanian journalist #8 “Since the beginning of the epidemic, some media professionals and journalists have been arrested because they were free to perform their legal duties and show the facts to the people ..... referring media professionals and journalists to the court shakes the confidence of governments and officials and that the time is not right for them to be imprisoned. The free, independent and honest media provides an opportunity for experts and research owners to build on their scientific efforts .... Jordan must deal with transparency, integrity and credibility with citizens and with press with the responsibility to give them accurate information so that it is published by television stations, media, websites and the press”.

Jordanian journalist #9" In Jordan, there is no provision of information. It is important for governments to provide real information about the nature of the threat of the emerging COVID-19 virus. Under the human rights law. The internet service is very slow so that the internet must be accessed in times of crisis because it is important for governments to refrain from blocking internet service. Governments must make exceptional efforts to protect the work of journalists. Because the press performs an important function under a general health emergency, especially when it aims to inform the public of important developments and monitor the government's actions”.

Jordanian journalist #10"self-censorship remained pervasive, more than 50 news sites were blocked and got unblocked after they got obtain licenses. The government issued directives around reporting, misinformation and false news during the COVID-19 pandemic”.

Libyan journalist #11" As a result of the lack of rule of law and the absence of legal frameworks that provide a safe space for activists, journalists and Internet users to express their opinions and share information, militias have resorted to imposing control over social media platforms by exercising censorship and control over their activities and personal accounts. As a result,

journalists are unable to cover the crisis and educate the public”.

Libyan journalist #12" The right to information is inherent in the right to health, as confirmed by international law. But in Libya, the state has tightened its control over all sources of information and press releases that are issued related to news and information about the epidemic and its impact in light of the war has been restricted and only the information that the authorities want to publish is sent”.

Libyan journalist #13" There is no information about correct casualty figures. Misinformation about the pandemic raises our concerns, and it may create health concerns, panic and chaos. It is imperative that governments and internet companies tackle disinformation in the first place by providing reliable information”.

Libyan journalist #14" This can be done by sending reliable messages to the public, supporting public service statements and providing emergency support to public radio and the local press (for example, through government health announcements)”.

Libyan journalist #15" Increased use of sophisticated surveillance devices must be made to track the spread of the COVID-19 virus. While we understand and support the need for active efforts to confront this pandemic, it is also important that these devices be of limited use, that the privacy of the individual is preserved, that there is no discrimination, and that the sources and other freedoms of journalists are strictly protected”.

Tunisian journalist #16" The authorities allowed the declaration of a state of health emergency as a stone on the right to obtain information, which prevented the possibility of surrounding the virus”.

Tunisian journalist #17" The country maintains laws regarding sharing false or inaccurate information or news about the COVID-19 virus, and considering the focus on criminalising speech or the use of other coercive measures against false information or communications in relation to the epidemic is a relative response that can be justified through the public health emergency”.

Tunisian journalist #18" Criminal laws that combat information shared by individuals in the

context of COVID-19 create a dangerous space for human rights violations that may take the form of prosecutions or unjustified targeting of opponents, activists and journalists”.

Tunisian journalist #19"Some countries use criminal law measures to target journalists or health care workers - specifically those who have sought to share important information or criticized governments for not responding adequately to the COVID-19 crisis”.

Tunisian journalist #20"Existence of restrictions does not mean absence of procedures. As proposed in Human Rights Council Resolution 16/18, states can take equally effective steps in combating misinformation by sending strong public messages, through effective education and communication, or through regular public service announcements at the national and local levels. Tunisia should also refrain from adopting restrictive criminal legal measures to combat disinformation surrounding the COVID-19 pandemic and epidemic”.

These findings echo some result found in Christie et al, (2020) who noted that 23 countries in the America have frameworks that ensure access to public information. Eighty legal and practical restrictions related to COVID-19 have limited the exercise of this right and shows civil society groups found that 83 percent of countries in Latin America were not complying with deadlines for delivery of information, and 81 in some countries. The restrictions on processing of freedom of information requests were significant. Pomeranz and Schwid (2021) argue that since COVID-19 emerged, a plethora of misinformation has undermined the public's ability to identify reliable sources of accurate information, and the goal of addressing COVID-19 misinformation is best served by protecting expression, disseminating information, ensuring strong protections for whistleblowers, and supporting an independent media environment. Some journalists indicated that because of the interference of these laws, they could not publish any information about the pandemic due to the fear of persecution under any of these draconian laws. This notion was further supported by the authoritarian theory, which applies in dictatorial societies such as the four countries. It also surfaces in less authoritarian societies when the freedom of expression and access to information

may be presented as conflicting with the interest of the state or society. In addition, in follow up, the respondents from group interviews were advocating for media freedom, which is supported by the libertarian theory that there should be no restrictions on the import or export of media messages across the frontiers and all of the information should be transparent.

### **The obstacles that journalists face in reporting**

There are legal frameworks designed to ensure the right of freedom of expression and access to information while protecting against abuse of these rights and unlawful behaviour. In Arab countries, the right of freedom of expression and access to information on publications quite acute, this is because of the positions of authority they want themselves to be in the power.

The respondents of the study pointed out the obstacles that some journalists were tortured when they reported on COVID-19. The respondents were of the view that the media in the four countries was not free because those who formulated and implemented the laws were selected on political grounds. Asking journalists about how the restriction of freedom affects the journalists and press during COVID-19, they noted the following:

Egyptian Journalist #1"There are many punishments such as preventing journalists and the media from reporting, or by mass banning press and media institutions through the constant suffocation of using digital rights laws that were established in 2018 Special Law on Combating Information Technology Crimes Article 19 gives the Supreme Council for Media the power to block any blogs. Personal or social media accounts with more than 5000 followers”.

Egyptian Journalist #2"The authorities are aiming for controlling the news and information through the traditional and digital press the new banning through social media networks, because these platforms play an important role as an alternative tool that is more open to freely accessing and circulating information, fed by citizens themselves. On the other hand, the Ministry of Interior arrests a woman in Damietta on charges of posting rumours, she posted a video on her personal Facebook account”.

Egyptian Journalist #3"during the pandemic, the panic escalation of the virus spread in the country,

the rate of online news and posts has increased. The Prime Ministry post a statement on its official Facebook page to the journalists and citizens warns them the authorities would take all legal measures against anyone who publish false news, about COVID-19 developments, to terrorize citizens .... a few days after the statement, many stories about arresting journalists on charges of spreading rumors".

Calingaert (2010) underlines that after the revolution, Egypt did not encourage free expression online there are restrictions on media. However, Shishkina and Issaev (2018) point out that Egypt is considered a moderate cyberspace censor using extensive censorship of media resources through Article 48 of the Egyptian Constitution prohibited the censorship of the mass media: freedom of the press, printing, publication, and mass media shall be guaranteed. However, in case of a declared state of emergency or in time of war, limited censorship may be imposed on newspapers, publications and mass media in matters related to public safety, or for purposes of national security in accordance with the law (Egypt's Constitution, 2014)

Jordanian journalist #6 "The king gives Prime Minister Omar Razzaz the power to the state of emergency was declared in Jordan on March 17, 2020, to confront COVID-19 virus he appeared on television to assure the public that he would use these new powers to the "narrowest extent" possible to control, to root out media criticism of his regime. The journalists' critical of the Razzaz regime after that the government issued a law threatening up to three years in prison for publishing any news about the epidemic, the government moved quickly to arrest journalists". Jordanian journalist #7 "Jordan's laws are restrictive, vague, and arbitrarily enforced. .... and any content from journalists considered to lack objectivity..... many law various statutes penalize defamation, criticism if the journalists criticize the king or state",

Jordanian journalist #8 "To register the news websites you should pay to face onerous registration requirements this can serve as a justification for blocking".

Jordanian journalist #9 "Journalists rarely face serious violence for their work, but the

governments' used only self-censorship on the content".

Jordanian journalist #10 "many Acts restricts work or freedom to an expression such as limits free assembly, the government require prior notification for any demonstration and the governments have broad discretion to disperse public gatherings.....violations of the law on assembly can draw fines and jail time".

But the responses from the Libyan journalists was different:

Libyan journalist #11 "Among the most prominent obstacles facing journalists are the issuance of the Libyan Law on Publications, and the state's control over the media, directly through the nationalization of independent newspapers and the tightening of control over publications, with media instability, increasing division and lack of commitment to standards and ethics of media work and its propagation of violence and hate speech. With the increase in the number of assassinations, kidnappings and imprisonment of media professionals, and the increase in attacks on media institutions during the epidemic".

Libyan journalist #12 "Many journalists were arrested when reporting the developments of the epidemic ..... The role of journalists at this time in informing the public and informing them of the latest developments during the COVID-19 crisis is a pivotal role that will save lives in emergency situations"

Libyan journalist #13 "We are talking about freedom of the press today, while countries in a war and in which there are no press freedoms, the international community must intervene and save many journalists from imprisonment and imprisonment, and it is imperative that member states ensure the protection of the freedom of the journalist while covering the events of COVID-19 without any interference".

Libyan journalist #14 "I was one of two-thirds of the imprisoned journalists who were accused of committing anti-state crimes such as terrorism or belonging to banned groups. Press coverage in Libya is very dangerous because it is under terrorism".

Libyan journalist #15 " During the COVID-19 crises, there are political events that must be covered. I was one of the Journalists who were present at Benina Airport to cover the first visit of

the new President of the Presidential Council, Muhammad Al-Manfi, but after the media professionals left the airport, the Presidential Council's office refused to respond to the journalists who refused to enter us ..... We don't know why they are dealing with local and international channels in this way",

Tunisian journalist #16 "I am one of the journalists who were present at the Tunis Africa News Agency, and the journalists and workers at the agency were attacked, with the aim of imposing the installation of a new director-general of the institution by public force. Tunisia. The Tunisian press and technical institutions and trade union structures warned a few days ago of the danger of political appointments at the head of national media institutions, headed by the official Tunis Africa News Agency. However, the Ennahda Movement Party government chose confrontation and repression of journalists instead of dialogue and the adoption of transparent standards, as well as insisting on implementing the decision. By using security personnel to impose a de facto policy on the sit-in journalists, to reject the decision".

Tunisian journalist #17 "The parties in Tunisia are now working on the infringement of journalists, which has retreated from freedom of expression, and the attempts to nationalize freedom of the press and terrorize and suppress journalists".

Tunisian journalist #18 "After the Tunisian Ennahdha Movement demonstrated its strength on Saturday March 2021 with a march that it had mobilized several days ago, criticism rose from the occurrence of violations affecting many journalists and photographers, which prompted the Bar Association to denounce what happened and confirm its intention to pursue the aggressors".

Tunisian journalist #19 "I am sure, after participating in the coverage of the march organized by the movement, that the latter possesses militias that play a parallel role to the security forces, and this time they directed the attack on and against journalists. I have also been subjected to verbal and physical assaults and sexual harassment by some of the Ennahda supporters and the organizing committee".

Tunisian journalist #20 "Those renaissance militias donned the guise of the March

Organizing Committee, but they seized the role of the security forces and used excessive force against journalists while trying to cover the march and carry out their professional duty, under the pretext of imposing security and order, despite the intense spread of police elements. We are working in light of the COVID-19 crisis to cover the protests with all impartiality. Objectively speaking, it was surprised by a violent reaction by the Organizing Committee by searching journalists or asking them to show their identities and press cards, in an unprecedented incident, and then practicing the most horrific types of repression and bullying to prevent them from carrying out their duties, in exchange for leniency with the pro-party media, which was allocated to it and its members A place to do their job with ease".

Shishkina and Issaev (2018) point out the restriction of media freedom can affect the journalists in a virtual environment, which require licensing, payment of insurance premiums, and other types of fees. In this regard, all of the information in Egypt, Jordan, Tunisia and Libya is subject to censorship, based on the content of the published content.

## Discussion

The research findings presented above showed that freedom of expression and access to information is in a risky position and restricted in Egypt, Jordan, Tunisia and Libya. The journalists' survey proved that accessing legal protection is still nearly impossible for them, despite the international law offering theoretical protection. Moreover, the Arab countries identified in this study have either ratified and or signed the ICCPR. Accordingly, countries previously adopted laws of various strengths to protect freedom of expression and access to information in the public interest held by public authorities, These findings agree with (Pomeranz & Schwid, 2021) study.

The countries stressed free expression and their role in disseminating information about COVID-19, but Jordan and Tunisia veered from these commitments in the name of addressing misinformation. Thus, these findings counter the Social Responsibility Theory.

Kuhn & Deetz (2009) argue that media freedom may not need to be restricted to help the country

progress during COVID-19. Given that Libya is further removed from armed conflict than Egypt has longer to develop its social and economic infrastructure, it is possible that the Social Responsibility Theory no longer applies in Egypt and Libya.

The examples we identified from the Arab countries indicate a departure from the constitutions of the states and the international law was not necessary to address or give freedom to the media. They depend on the public health crisis and the prohibition of the information under the cybercrime law (criminalisation of speech by not to publish any information only from the governments, suppression of information, disseminating disinformation by not publish the accurate number of COVID-19) which is not proportionate to the public health threat and likely exacerbated the crisis. The results from this study revealed that journalists do not clearly define the media landscape in which they are not able to report critically. Journalists spoke about the resulting self-censorship and negative impacts on development progress "democratic backsliding in the Middle East" as McIntyre (2020) referred to it.

Governments impeded their own ability to respond to the pandemic and COVID-19 information by disseminating false information using a simple sample of infected people and creating an environment of fear not to go to the hospital, as well as restricting the facts related to the virus. Their acts undermined public health and enhanced journalists' need to seek information from less reliable sources, such as the social media.

However, in follow up group interviews, the respondents advocated for media freedom, which is supported by Libertarian theory- that the individual should be free to publish whatever he or she likes. There should be no restrictions on the import or export of media messages across the frontiers. On the other hand, the government perpetuation of dis freedom of expression and access to information and suppression of information in the Arab countries came from the concepts of the most application of leaders to invest in power. About the restrictions to access to information during COVID-19, the journalists responded, the international law protects freedom

of information, while authorities in these countries play a primary role in such activities through political interference to communicate scientific information to the public. In addition, accurate reporting by journalistic sources is one of the most powerful tools nowadays to reduce misinformation or false news. Governments should avoid any action's role that harms the journalists to fulfil this work.

Altshuler (2020) sought that Arab countries such as Jordan's criminalization of expression and prosecution of journalists for disseminating truthful information or criticizing the king. However, in Egypt, the ability to criticize the government is a fundamental issue; journalists want to maintain free expression seeking democracy under the rights of Article 19 but the governments silence journalists' voices.

The obstacles that journalists face in reporting, many journalists faced threats, abductions, attacks on journalism outlets and journalists were reported to the regime (Naser, 2019). In Libya, there is no legal protection, despite the existence of a new but ineffective Libyan Constitution. In reality, the militias groups commit crimes against journalists and media institutions. Also against the background of journalists' violations, international and non-governmental organisations such as the Foundation for Freedom of Thought and Expression in Egypt played an important role in monitoring violations against journalists when they cover COVID-19 issues. In addition, the governments did not implement international law during the pandemic crises. They have failed to identify all methods of COVID-19 information by using limitations to suppress expression prior to or not directly linked to COVID-19 such as police attacks on reporters in Tunisia and harassment of women journalists, internet blockages. For instance, in Egypt, at least 546 websites were blocked (Freedom house, 2020), which is directly related to Article 19 and Article 20 of the ICCPR.

## Conclusion

Laws have been undermining freedom of expression in Arab countries by promoting excessive government control over press as well as intimidation of media personnel. Dozens of journalists suffered direct legal harassment,

mostly in the form of short-term detentions during the coverage, thereby impacting negatively on the profession. The closing down of the space for freedom of expression and access to information is part from Arab countries strategy by government to continue muzzle the press and harass its journalists. The whole framework of repressive legislation, which is the law to cyber security and freedom of information, has been carefully crafted to precisely achieve these ends. Nowadays, public health policymakers must recognize the importance of access of information and freedom of expression to fight pandemics. These two freedoms are critical for journalists to providing health officials with information and improving the efficacy of public health interventions through feedback and preventing the spread of misinformation.

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