

1. EXECUTIVE SUMMARY

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Since the beginning of the pandemic, health workers, journalists,³ human rights defenders (HRDs)⁴ and others have raised their voices to demand an adequate and effective response to COVID-19 and to hold governments accountable. They have provided accurate, life-saving information. They have called for equal access to healthcare for the most vulnerable, protective equipment for frontline workers, a transparent and equitable distribution of vaccines, and support to face the economic consequences of the pandemic. They have spoken out against corruption, misuse of funds and lack of transparency. They have refused to stay silent, even if many of them were threatened, attacked or arrested for raising their voices.

International financial institutions (IFIs),⁵ including publicly funded development banks, have played a crucial role in funding and shaping the responses to the pandemic. As international organizations, IFIs are required to respect human rights and to prevent, mitigate, and help provide access to remedy for those

facing reprisals in the context of their investments. However, they have failed in taking concrete and decisive actions to ensure that — in the context of the COVID-19 response they were funding — people could freely and safely express their opinions and raise their concerns.

FOR A SUCCESSFUL AND EFFECTIVE COVID-19 RESPONSE, THE RIGHT TO FREEDOM OF EXPRESSION MUST BE GUARANTEED.

As the United Nations (UN) Special Rapporteur on freedom of expression wrote: “The freedom to share information and ideas empowers individuals and communities, human development and democratic self-governance. In certain circumstances, information saves lives. By contrast, lies and propaganda deprive individuals of autonomy, of the capacity to think critically, of trust in themselves and in sources of information, and of the right to engage in the kind of debate that improves social conditions. Worst of all, censorship can kill, by design or by negligence.”⁶

For a successful and effective COVID-19 response, the right to freedom of expression must be guaranteed, media should be able to report freely and safely, civil society should have the space to engage without fearing retaliations, and the voices of journalists and HRDs must be protected.

This report describes how IFIs failed to meaningfully uphold and implement their obligations and commitments to freedom of expression and civic participation in the context of the pandemic response. We highlight a series of emblematic cases of retaliation against people who criticized, scrutinized or reported on the COVID-19 response funded by IFIs and we present some statistical data that show the magnitude of the problem. The case studies also show how IFIs failed to take adequate measures to prevent and address cases of retaliations linked to the projects they are funding. Finally, this report offers a series of

³ In this report, we use the term ‘journalists’ for all people who exercise the function of journalism. As outlined in the UN Human Rights Committee General Comment No. 34 on Article 19: Freedoms of opinion and expression, “Journalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere [...]. Limited accreditation schemes are permissible only where necessary to provide journalists with privileged access to certain places and/or events. Such schemes should be applied in a manner that is non-discriminatory and compatible with Article 19 and other provisions of the Covenant, based on objective criteria and taking into account that journalism is a function shared by a wide range of actors.” See: “General comment No. 34 - Article 19: Freedoms of opinion and expression”, UN International Covenant on Civil and Political Rights, UN Document CCPR/C/GC/34, paragraph 11, September 12, 2011, <https://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf>.

⁴ According to the Declaration on Human Rights Defenders, adopted by the UN General Assembly in 1998, human rights defenders are “individuals or groups who act to promote, protect or strive for the protection and realization of human rights and fundamental freedoms through peaceful means.” See: <https://www.ohchr.org/en/issues/srhdefenders/pages/declaration.aspx>.

⁵ International Finance Institutions (IFIs) are national or international institutions that provide loans, grants and other types of financial or technical support for projects, activities and policies around the world. National IFIs receive money from the states that own them, while multi-lateral IFIs often receive a contribution from each of their member countries, as well as additional funds from wealthier countries. Much of these funds come from public, taxpayer money, but IFIs may also raise money in other ways, such as charging interest on their loans. IFIs are owned and governed by governments and they generally have public interest missions, such as poverty alleviation and sustainable development.

⁶ “Disease pandemics and the freedom of opinion and expression”, David Kaye [former UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression], April 23, 2020, <https://undocs.org/A/HRC/44/49>.

recommendations to implement effective policies against reprisals, including the application of a preventive approach.

Key findings

» Journalists, human rights defenders (HRDs), doctors, nurses, and ordinary citizens have been criminalized or attacked for speaking out about aspects of the COVID-19 response directly financed by development banks. They have faced threats, arrests, prosecutions, imprisonment, torture and even killings, for the mere fact of having published information on death rates from COVID-19, warned about the lack of Personal Protective Equipment (PPE), criticized the lack of response to the economic consequences of the pandemic, or raised any other issues related to projects supported by IFIs.

» As of June 15, 2021, IFIs have earmarked US\$ 150.54 billion to finance responses to COVID-19, through 1,332 projects.⁷ Many projects supported by IFIs have included awareness-raising and risk communication⁸ about COVID-19 as a key component, thereby recognizing the importance of accurate and widespread public information. However, in many of those same countries, people who provide information about the pandemic or speak about the spread of the virus have been strongly repressed.

» Threats and attacks against people who criticize COVID-19 response are widespread, involving a broad range of countries and development financiers. At least 335 people suffered reprisals, in a total of 35 countries that received or are receiving financial support from IFIs for their COVID-19 response.⁹

7 The Early Warning System COVID-19 IFI Tracker is a database managed by the International Accountability Project, one of the members of the Coalition for Human Rights in Development. It is updated weekly and it tracks projects disclosed on their websites by 15 development banks (EIB, WB, ADB, AIIB, IADB, IFC, NDB, EBRD, MIGA, IDBI, AFDB, DFC, CAF, and FMO). It does not include repurposing of existing loans for the COVID-19 response. The Early Warning System COVID-19 IFI tracker is accessible at this link: https://public.tableau.com/app/profile/iap/tableau/viz/EarlyWarningSystemCOVID-19ProjectsbyDevelopmentBanks_16049749996170/Main.

8 According to the World Health Organization, "Risk communication refers to the exchange of real-time information, advice and opinions between experts and people facing threats to their health, economic or social well-being. The ultimate purpose of risk communication is to enable people at risk to take informed decisions to protect themselves and their loved ones." See: www.who.int/news-room/q-a-detail/emergencies-risk-communication.

9 See methodology section below.

» Retaliations can take many different forms. In the vast majority of cases (affecting 233 people), the retaliation consisted of some type of criminalization, arrest or prison sentence; 56 people suffered physical abuse or torture; at least 13 people, almost all health personnel, were dismissed; 17 people were threatened; 6 people were killed.

» Most reprisals have occurred in a general context of strong restrictions on civic freedoms, including declaration of states of emergency, special laws on fake news and disinformation that restrict freedom of expression with vague and broad formulations, and the active persecution of dissenting voices.

» IFIs did not fulfil their commitments to ensure people impacted by COVID-19 responses could have their say and exercise their rights to freedom of expression.

» IFIs have failed to take decisive action and adopt concrete measures to prevent and address reprisals. COVID-19 response projects were approved even after reprisals had taken place, many of which were public and well known, and had elicited strong reactions from the local and international community.

» Project documents show that IFIs have not carried out a prior assessment of the human rights situation with regard to freedom of expression, that would have easily revealed the difficulties and obstacles to participation in those countries. It would have also clearly exposed the need to adopt preventive measures to protect people from eventual reprisals for criticizing the responses financed by the banks.

» When civil society organizations (CSOs) raised their concerns about serious restrictions on freedom of expression in countries that received funding to respond to the pandemic, the responses from the banks failed to address the points that had been raised, including when there was clear evidence that the retaliation related directly to the banks' projects.

» Restrictions on freedom of expression directly affect the quality and effectiveness of the response to COVID-19 that IFIs seek to support, and create issues of non-compliance with the banks' own policies of public participation and stakeholder engagement.

RECOMMENDATIONS FOR IFIs

To fulfil their obligations and commitments, and to ensure COVID-19 is not used as a pretext to further restrict civic participation or clamp down on media freedom and the right to access to information, IFIs should take decisive and meaningful actions to prevent and address reprisals, including:¹⁰

1. TAKE A PREVENTATIVE APPROACH:

- » Carry out an ex ante contextual risk analysis to assess risk of reprisals, and update it regularly as the context changes.
- » Identify ways to influence or use leverage with their client governments whenever reprisals occur.
- » Ensure stakeholder engagement includes HRDs, journalists and civil society organizations, making sure consultations do not put rightsholders and stakeholders at further risk.
- » Ensure full transparency, accountability and participation at all levels.
- » Require clients to develop a plan to mitigate risks of retaliation and address civic space concerns.
- » Require clients to make commitments supporting media freedom and freedom of expression, and against retaliations.
- » Support the creation of national mechanisms to protect journalists and HRDs.

2. RESPOND EFFECTIVELY TO REPRISALS

- » Set up and publicize a clear and effective reprisal response protocol.
- » Ensure policies expressing non-tolerance for retaliations cover all reprisals that pose a threat to the integrity of a project.
- » Investigate any threats or attacks which may be possibly linked to their projects (the burden of investigation should be on the bank, not on the defender).

3. MAKE PUBLIC COMMITMENTS

- » Publicly condemn reprisals.
- » Publicly commit to promoting and protecting press freedom, transparency and civic space.
- » Provide funds for development of independent media.

Governments, as shareholders of IFIs and on the board of IFIs, should:

- » Publicly commit to ensuring that all IFIs they fund comply with the recommendations set out in this report.
- » Instruct their Executive Directors to advocate for compliance with these recommendations and monitor progress of their implementation.
- » Regularly report back to their respective houses of parliament, and other public fora, on progress made by IFIs on media freedoms issues.

¹⁰ For the complete list of recommendations, see Section 6.