



## Safety of journalists, COVID-19, and the role of public development banks

Around the world journalists, bloggers, media and medical workers, human rights defenders (HRDs) and all those who are scrutinizing or raising concerns for inadequate or non-transparent responses to the COVID-19 pandemic are [under attack](#).

The pandemic has exacerbated an already dire situation and many governments have used COVID-19 as an excuse to further restrict civic space and quash any form of dissent. In numerous countries, those reporting on COVID-19 have [faced](#) threats, online harassment, imprisonment, torture, forced public apologies and even [killings](#). Many governments have also approved [restrictive laws](#) that severely undermine the right to freedom of expression, while states of emergency - with the ensuing restrictions to civic space - have been normalized and in some cases become permanent.

Public development banks - that by definition should be accountable to the public, as they are owned and controlled by governments - have played a crucial role in providing funds for the response to the pandemic. Yet, they have failed to uphold their commitments to engage effectively with their stakeholders and ensure people could safely express their concerns or scrutinize the COVID-19 response that they were contributing to fund.

In a rapidly evolving situation like a pandemic, information is key. Many bank projects explicitly include social media and communications campaigns as part of the COVID-19 response. Yet, in many countries journalists have been attacked when providing crucial information or debunking dangerous misinformation. Many others might have stayed silent because of fear of possible retributions.

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 human rights defenders must be protected.

### 1. Overview of bank-financed COVID-19 responses

As of 12 April 2021, according to [publicly available information](#), development finance institutions (DFIs) have financed 1255 COVID-related projects, with USD 141 billion going to over 100 countries around the world. All major development banks around the world are involved, including the World Bank Group (WB), African Development Bank (AfDB), Asian Development Bank (ADB), Inter-American Development Bank (IADB), Asian Infrastructure Investment Bank (AIIB), European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD).

The activities they fund cover the full range of the COVID-19 responses, including supporting health care (eg. purchase and distribution of personal protective equipments, equipment for intensive care units, salaries for health care workers, etc.), containment strategies, quarantine centres, financial liquidity and relief for sectors affected by lockdowns, contact tracing technologies, vaccination roll-outs, support for home schooling or even addressing increased domestic violence under lockdown. These projects regularly make explicit reference to the need to help the most vulnerable. For specific examples, see World Bank loans [here](#).

Many loan agreements also include awareness-raising and communication about COVID-19 as a key component, thereby recognising the importance of risk communication and public awareness about the pandemic (see for example World Bank projects in [DRC](#), [Turkmenistan](#) and [Ecuador](#)). In many cases, however, the same countries receiving this support are led by governments whose approach to freedom of expression has involved restrictions and reprisals against those reporting on the pandemic and the government response. DFIs have by and large remained [silent](#) on the issue.

## 2. Examples of reprisals faced by journalists reporting on COVID-19

**Bangladesh.** In May 2020, the police detained writer [Mushtaq Ahmed](#) and cartoonist Kabir Kishore under the 2018 [Digital Security Act \(DSA\)](#), and accused them of spreading rumors and misinformation about the pandemic. Ahmed was accused of running the Facebook page “I am Bangladeshi”, which police allege tarnished the image of the country. Ahmed had also published an article criticizing the shortage of personal protective equipment (PPE) for healthcare workers, shared Kishore’s [cartoons](#) about corruption in the government’s response to the pandemic, and compared the country’s health minister to a cockroach. In another post, he [wrote](#), “*When a society laments the loss of an economy more than the loss of human life, it doesn’t need a virus, it’s already sick*”. Kishore and Ahmed’s bail pleas were rejected six times. Ahmed [died in police custody](#) on 25 February 2021. After a public outcry over Ahmed’s death, Kishore was granted bail. He described suffering severe torture while in custody and said also Ahmed had been brutally beaten.

While criticism of the State’s response to the pandemic was censored, Bangladesh received numerous loans to fund the COVID-19 response, including a USD 200 million loan from AIIB, USD 100 million from ADB and USD 100 million from the WB. In March, when various international human rights organizations and the [OHCHR](#) were urging the Bangladeshi government to investigate Ahmed’s death and calling it out for the indiscriminate use of the Digital Security Act, the WB approved an additional \$ 500 million loan.

**Jordan.** On 24 December 2020, journalist Jamal Haddad was [summoned and detained](#) pending investigation by the National Security Prosecutor, under the country’s anti-terrorism law. Two days earlier, Haddad had published an editorial in the news website Alwakaai, raising questions about government officials receiving the vaccine when it was not yet available to the general public. According to the [Committee to Protect Journalists \(CPJ\)](#), Jordanian authorities arrested at least three other journalists in 2020 because of their coverage of the pandemic.

Vaccines were one of the components of a USD [20 million loan](#) approved by the WB on 28 April 2020, that also included risk communication and community engagement measures. As of March 2021, the WB is considering additional funding of [USD 150 million](#).

**Sudan.** Lana Awad and Aida Abdel Qader are two women human rights defenders and journalists. On 26 May 2020, they published an article in the South Darfur News reporting on the high fatality rate in Al-Fashir city and the shortage of PPE among health workers and residents. The following day, the Media News Agency of North Darfur published an article falsely attributed to Lana Awad, denying the information she had previously written. Three days later, Awad and Qader received several phone calls from unknown individuals, threatening that they would be arrested and tortured by the Military Intelligence Agency. A military officer then stopped the two women in the street and aggressively attempted to arrest them, but they managed to get away. On 2 June, the Public Prosecutor opened an [investigation](#) against the two journalists in relation to their article. Awad had worked for the Ministry of Health and Social Development, but was dismissed as a result of this (as the government changed she was given back her previous position).

In September 2020, the World Bank approved a loan of [USD 21.99 million](#) to finance the

COVID-19 response. The loan also funds nationwide risk communication and community engagement campaigns, and it was approved despite journalists raising awareness about the pandemic were being targeted. On 18 November 2020, the AfDB also approved a [U.A 20.000.000 loan](#).

**Guatemala.** [Anastasia Mejía Tiriquiz](#) is a K'iche' Mayan indigenous woman human rights defender, journalist and director at the Xol Abaj Radio and TV station. She raises public awareness on cases of corruption and documents social mobilisations in relation to indigenous issues in the municipality of Joyabaj, department of Quiché. On 22 September 2020, the National Civil Police arrested her, on the premises of the radio station, on charges of sedition, aggravated assault, aggravated arson and aggravated robbery. Prior to her arrest, the defender did not receive notification of the alleged charges, even if the Santa Cruz del Quiché Court had issued a warrant days before the arrest. The charges relate to her participation and coverage of a peaceful protest that took place in August in Joyabaj, where protesters denounced irregularities in the mayor's management of resources and measures to address the pandemic.

Guatemala received several loans to support the COVID-19 response. On 28 August 2020, the IADB approved a [USD 100 million loan](#), to support vulnerable populations. On 17 December 2020, the WB approved a [USD 500 million loan](#). Another project approved by the WB in June 2020, worth [USD 20 million](#), financed communication activities, including the rollout of the national and communication strategy to control the spread of COVID-19, the distribution of sanitary supplies, and training for community healthcare providers.

**China.** In May 2020, Zhang Zhan - a former lawyer and citizen journalist outspoken about human rights violations - [disappeared](#) in Wuhan, after conducting [independent reporting](#) about the COVID-19 outbreak. Zhan entered the city during the beginning of the lockdown and posted videos on social media. In a video she showed patients lying in the corridor of a hospital, in another she went to a funeral home and recorded the roaring work scene of the crematorium at night. She also [criticized](#) the official anti-pandemic measures on her personal Twitter, saying that *"Without effective treatment, medical material distribution guarantee, transparent information, and human rights protection, the government's current epidemic prevention measures are extremely wrong"*. After her disappearance, in April she resurfaced in police detention in Shanghai. She started a hunger strike and was forcibly put on a feeding tube. On 28 December 2020 she went on trial. On the same day, she was convicted and handed a four-year sentence, on charges of picking quarrels and provoking troubles.

On 19 March 2020, the New Development Bank (NDB) approved a [RMB 7 million loan](#) to provide emergency assistance to China. The implementing agencies were the Hubei, Guangdong and Henan provinces.

**Cambodia.** Sovann Rithy, journalist and director of the online TVFB news site, was [arrested](#) on 7 April 2020, based on allegations that he was inciting chaos by quoting words from a recent speech of Cambodia's Prime Minister Hun Sen and reporting on the economic impact of COVID-19. On 8 April, the Ministry of Information [revoked](#) TVFB's broadcasting license on grounds that Rithy allegedly had broadcasted information "which was to generate an adverse effect on the security, public order and safety of society". On 9 April, Rithy was charged with "incitement to commit felony" and held in pre-trial detention. On 5 October, he was sentenced to an 18-month prison term, but he was then released from prison on the same day.

In Cambodia, [many people](#) were detained for criticizing the response to the crisis. Yet, the country received loans to fund that response. On 8 July 2020, the ADB approved a USD [290 million loan](#), with the objective of controlling the transmission of COVID-19 and its adverse health, economic and social impacts on the population.

#### 4. Government responsibilities/duties as bank shareholders

Under international law, DFIs have at a minimum the responsibility to respect human rights and to prevent, mitigate, and to help provide access to remedy for any threats and attacks against defenders in the context of their investments, as laid out in the [UN Guiding Principles on Business and Human Rights](#).

However, many DFIs also have additional human rights obligations depending on the nature of the institution. For example, national development banks share in state obligations to respect, protect and fulfil human rights and to prevent, investigate, punish, and provide redress for abuses.<sup>1</sup> The World Bank, as a Specialized Agency of the United Nations, is bound by the human rights objectives of the UN Charter<sup>2</sup>. Multilateral development banks, as international organizations, are subjects of international law, which derive their obligations from customary international law and general principles of law<sup>3</sup>. Finally, the government shareholders of development finance institutions have their own human rights obligations, which they carry with them in their actions and decisions as members and owners of DFIs.<sup>4</sup>

Many states have expressed commitments or are bound to protect freedom of expression and the [safety of journalists](#) through a number of UN resolutions,<sup>5</sup> through membership of the [Media Freedom Coalition](#) and through Art. 19 of the International Covenant on Civil and Political Rights. Many states have also recognised the importance of protecting HRDs, including through the [UN Declaration on Human Rights Defenders](#) and through the 2019 [Human Rights Council resolution](#) 'Recognising the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development'. A number of countries (Switzerland, Germany, France, Finland, Poland, Kenya and Thailand) have also noted the importance of protecting HRDs and/or whistle-blowers in their National Action Plans on Business and Human Rights (NAPs).

Several states<sup>6</sup> have explicitly made commitments to monitor, encourage and/or require banks where they are shareholders to fully include human rights into their standards as well as to address human rights impacts in their projects within their NAPs. However, even for those without these explicit commitments, other international obligations with regard to freedom of expression and the safety of journalists should inform their management of DFIs.

As development actors, DFIs have a compelling mission-driven responsibility to advance the realization of human rights, especially of the most poor and vulnerable, and to ensure meaningful public participation and respect for fundamental freedoms in the activities they support. As both human rights and development experts have noted, respect for the human

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<sup>1</sup> See, e.g., UN Human Rights Committee, General Comment No. 31: Nature of the General Legal Obligation Imposed on States Parties to the Covenant, para. 8, CCPR/C/21/Rev.1/Add. 1326 (May 2004).

<sup>2</sup> Charter of the United Nations, June 26, 1945, 59 Stat.1031, T.S. 993, 3 Bevans 1153, entered into force Oct.24, 1945, arts. 1(3), 55, 56.

<sup>3</sup> See e.g. Reparation for Injuries Suffered in the Service of the United Nations, I.C.J. Reports 1949, p.174; Egypt v. WHO, Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, Advisory Opinion, I.C.J. Reports 1980, p. 73. and Responsibility of International Organizations, adopted by Drafting Committee in 2011, U.N. GAOR, Int. Law Comm'n, 63d Sess., art. 61 1, U.N. Doc. A/CN.4/L.778 (2011).

<sup>4</sup> See e.g. Committee on Economic, Social and Cultural Rights, General Comment No. 15 (2003) U.N. Doc. E/C.12/2002/11, para. 36 and General Comment No. 14, U.N. doc. E/C.12/2000/4, July 4, 2000; Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights, 2011, principle 15; Report of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, Cephias Lumina, Guiding principles on foreign debt and human rights, U.N. Doc. A/HRC/20/23, April 10, 2011, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-23\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-23_en.pdf); International Law Association, "Final Report of the International Law Association Committee on Accountability of International Organizations," 2004, p. 240.

<sup>5</sup> To read more about UN resolutions on the safety of journalists and freedom of expression see ; <https://www.article19.org/resources/hrc44-un-resolution-on-freedom-of-expression/> and <https://en.unesco.org/themes/safety-journalists/basic-texts>

<sup>6</sup> The Netherlands, Denmark, Finland, Sweden, Switzerland, USA, Germany, France, Spain, Poland, Ireland, Slovenia, Thailand

rights of freedom of expression, assembly, and association is crucial for achieving participatory, sustainable, and accountable development.<sup>7</sup> [Research](#) by the World Bank and others has demonstrated that having a strong enabling environment for civic space and public participation correlates to higher levels of economic growth and human development.<sup>8</sup>

In recognition that inclusive and sustainable development requires an environment where all people are free to express their views, to exercise their rights, and to fully participate in the decisions impacting their lives and their communities, DFIs have developed environmental and social safeguard systems. These safeguards also note the risks HRDs face when critically engaging with bank-funded projects and the importance of taking the issue of retaliation seriously and mitigating this risk. To name just a few examples, the World Bank's [Environmental and Social Framework Directive on Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups](#) notes that engaging in stakeholder consultations could put individuals or groups at risk of harm and the [IADB's Environmental and Social Policy Framework](#) (updated in 2020) states that clients should “engage with [stakeholders] in meaningful consultations free of fear of reprisals”.

Several DFIs (WBG, IFC, AfDB, AfDB), have made stand alone commitments against reprisals, while others (EIB, EBRD, IDB Invest) have developed or are in the process of developing internal guidance for staff as to what to do if reprisals are reported. Many DFIs accountability mechanisms have also identified reprisals as a serious concern, with many of them issuing guidance for how they will handle complaints (IFC CAO, WB Inspection Panel, IDB MICI, ADB Accountability Mechanism, FMO, DEG and Proparco's joint complaints mechanism IAM). Worryingly, however, during the pandemic many DFIs allowed flexibility of their policies, including environmental and social safeguards, in order to fast-track COVID-19 projects (eg. World Bank stated it was “[making full use of policy flexibilities, including those of the ESF](#)”).

## 5. Recommendations

The obligation of governments to respect, protect and fulfil human rights and fundamental freedoms applies to their role as shareholders within public development banks. Therefore, they should require DFIs to respond effectively to reprisals against journalists, commit publicly to media freedom and take a preventative approach.

To fulfil these requirements, DFIs should:

- carry out a contextual risk analysis before implementing all projects to assess risks for journalists;
- implement mitigation measures based on the risk analysis to ensure journalists are not at risk for reporting on activities DFIs support (including for example provisions in loan agreements to respect media freedom and clear sanctions if these provisions are not upheld)
- set up a reprisal response protocol, which includes specific actions the bank will adopt to address cases (such as using their financial leverage, publicly condemning the reprisal or calling for the release of detained journalists).
- ensure full transparency during project development and implementation, and include consultations with journalists and media freedom organizations among the stakeholders and engage them during all phases of the projects.

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<sup>7</sup> See, e.g. Daniel Kaufmann, “[Human Rights, Governance, and Development: An empirical perspective](#),” in World Bank Institute, Development Outreach, October 2006, pp. 15- 20; Hans-Otto Sano, “Development and Human Rights: The Necessary, but Partial Integration of Human Rights and Development,” Human Rights Quarterly, vol. 22.3 (2000), pp. 734-52.

<sup>8</sup> See, e.g. “[The Business Case for Protecting Civic Rights](#)”, The B Team, 2018, ; Ashis Das et al., “Does Involvement of Local NGOs Enhance Public Service Delivery?” World Bank Development Research Group Poverty and Inequality Team, 2014.