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UNHEALTHY SILENCE

Development banks' inaction on retaliation during COVID-19



Unhealthy Silence: Development banks' inaction on retaliation during COVID-19

Coalition for Human Rights in Development, ARTICLE 19, IFEX, July 2021

This report was written by Dalile Antúnez, Collaborative Researcher at the Coalition for Human Rights in Development and it is a joint publication of the Coalition for Human Rights in Development, ARTICLE 19 and IFEX. We additionally acknowledge the valuable insights and assistance of Eileen Taylor, intern at the Coalition for Human Rights in Development, Front Line Defenders, the Committee to Protect Journalists (CPJ), and the various participants of the Defenders in Development Campaign. The views expressed herein, and any errors or omissions, are solely the authors'.

This report is an initiative of the Defenders in Development Campaign, which engages in capacity building and collective action to ensure that communities and marginalized groups have the information, resources, protection and power to shape, participate in, or oppose development activities, and to hold development financiers, governments and companies accountable.

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“We do not tolerate reprisals and retaliation against those who share their views about Bank-financed projects. Any form of intimidation against people who comment on Bank projects, research, activities and their impact, goes against our core values of respecting the people we work for and acting with utmost integrity.”

(World Bank Commitment Against Reprisals, March 2020)¹

“Shooting the messenger is bad for everybody’s health. Hearing the painful truth is vital for any government, but during the COVID-19 crisis authorities have too often silenced those warning about the real extent of the pandemic. This suffocation of the facts has hurt people’s health on every continent.”

(Mary Lawlor, United Nations Special Rapporteur on Human Rights Defenders, September 2020)²

1 “World Bank Commitments Against Reprisals”, World Bank, March 2020, <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/world-bank-commitments-against-reprisals>.

2 “Shooting the messengers of bad news”, Mary Lawlor [UN Special Rapporteur on Human Rights Defenders], September 8, 2020, <https://www.imt.ie/opinion/shooting-messengers-bad-news-08-09-2020>.

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.

2. INTRODUCTION

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When Li Wenliang, a 34-year-old doctor in Wuhan, China, first detected a virus that looked like SARS, he immediately warned his colleagues and recommended the use of personal protective equipment (PPE).¹¹ Four days later, on January 3, 2020, Public Security officers tried to silence him: they summoned him and ordered him to sign a letter where the doctor had to promise he would stop his alleged illegal activities. They accused him of making false comments that had severely disturbed social order.¹²

Dr. Li's warnings were dismissed as rumours and ignored. Healthcare workers were not instructed to protect themselves and no actions were taken to stop the spread of the virus. It was only on January 20, 2020 that Chinese officials publicly confirmed that the virus was transmissible between people.¹³ By then, it was already too late to curb its spreading. Tragically, Dr. Li died on February 7, due to lack of the protective equipment he tried to warn others of the need for. Today, he is considered a hero.

Since the beginning of the pandemic, doctors, nurses, journalists and other frontline workers have courageously raised questions about the responses to COVID-19 by governments, international financial institutions (IFIs) and other actors, despite the risk of retaliation.¹⁴ 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 PPEs, criticized the lack of

response to the economic consequences of the pandemic, or raised any other issues related to it.

The global response to the pandemic has been largely funded from public sources such as governments and development financiers, which ought to make it accountable to the public. However, many governments and development financiers do not seem to value the crucial importance of access to information, freedom of expression and civic participation in the context of the pandemic.¹⁵

IFIs DID NOT FULFIL THEIR COMMITMENTS TO ENSURE PEOPLE COULD EXERCISE THEIR RIGHTS TO FREEDOM OF OPINION AND EXPRESSION.

While the perpetrators of retaliations have primarily been governments and their proxies, IFIs have failed to take decisive and meaningful actions to prevent and address those retaliations. They played a crucial role in funding and shaping the responses to the pandemic, but they did not fulfil their commitments to ensure people impacted by those responses could exercise their rights to freedom of opinion and expression.

11 "He Warned of Coronavirus. Here's What He Told Us Before He Died", The New York Times, February 7, 2020, <https://www.nytimes.com/2020/02/07/world/asia/Li-Wenliang-china-coronavirus.html>.

12 "The Chinese doctor who tried to warn others about coronavirus", BBC News, February 6, 2020, <https://www.bbc.com/news/world-asia-china-51364382>.

13 "Timeline: China's COVID-19 outbreak and lockdown of Wuhan", Associated Press, January 21, 2021, <https://apnews.com/article/pandemics-wuhan-china-coronavirus-pandemic-e6147ec0ff88affb-99c811149424239d>.

14 "Shooting the messengers of bad news", Mary Lawlor [UN Special Rapporteur on Human Rights Defenders], September 8, 2020, <https://www.imt.ie/opinion/shooting-messengers-bad-news-08-09-2020>.

15 See: "Tracker 19", Reporters Without Borders (RSF), <https://rsf.org/en/tracker19-Coronavirus-COVID19>; "Defending rights during a pandemic", Front Line Defenders, April 20, 2020, <https://www.frontlinedefenders.org/en/campaign/COVID-19-attacks-hrds-time-pandemic>.

3. METHODOLOGY

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This report analyses cases of reprisals against health workers, HRDs, journalists, bloggers and ordinary citizens in the context of the COVID-19 response, from January 2020 to June 2021.

Data and information, both for the statistical analysis and for the eight case studies presented in Section 5, were gathered through information publicly available or privately submitted by international human rights organizations and organizations that protect the rights of journalists and the right to freedom of expression and information.¹⁶ Independent mechanisms of the UN and the Inter-American Human Rights System also provided information. In order to protect the security of the persons affected or when it was not possible to obtain consent, data in Section 5.1 have been anonymized.

The eight case studies are presented in alphabetical order by the countries where reprisals took place. They were selected on the basis of several criteria, including geographical and gender diversity, the availability of information, the type and severity of retaliations, and which institutions were financing the response to the pandemic.

International Accountability Project's Early Warning System COVID-19 IFI Tracker database¹⁷ was used to identify approved or proposed COVID-19 response projects in the countries where retaliations occurred, as of June 15, 2021. The project documents were then analyzed in order to verify whether the funds were covering specific aspects of the COVID-19 response that were criticized or scrutinized by the people who suffered retaliations, to show the direct link between IFIs financial

support and the cases of reprisals, and highlight the banks' responsibility to take actions to address the cases.

This report is not an exhaustive analysis of all reprisals in the world. The statistical data presented in this report refers only to retaliations that occurred in countries that received IFIs financial support for the COVID-19 response. Additionally, there are also several types of retaliation that occur more insidiously and are rarely reported. Out of 335 cases of reprisals analysed, at least 24 affected women. Many incidents however affected groups of people whose gender is not specified in the publicly available reports, therefore the number of women impacted might be higher.

As this research mainly draws on cases that were publicly reported and have greater visibility, the statistics presented in this report may only be the tip of the iceberg.

16 Including, in alphabetical order: ARTICLE 19, Amnesty International, CIVICUS, Committee to Protect Journalists, Front Line Defenders, Human Rights Watch, International Centre for Not-Profit Law, Reporters Without Borders. For further information on data presented in Section 5.1 (Statistics), anonymized for security reasons, please write to: contact@rightsindevelopment.org. For the public available information, please see links to resources in the footnotes in Section 5.2 (Case Studies).

17 See The Early Warning System COVID-19 IFI Tracker: https://public.tableau.com/app/profile/iaptableau/viz/EarlyWarningSystemCOVID-19ProjectsbyDevelopmentBanks_16049749996170/Main.

4. THE ROLE OF IFIS IN THE GLOBAL RESPONSE TO THE PANDEMIC

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As of June 15, 2021, IFIs have earmarked US\$ 150.54 billion to finance responses to COVID-19, through 1,332 projects, according to data gathered through the COVID-19 IFI Tracker database. The database tracks projects proposed or approved by 15 major public development banks around the world, including the World Bank Group (WB), African Development Bank (AfDB), Asian Development Bank (ADB), Inter-American Development Bank Group (IDB), 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 PPEs, 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 rollouts, 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.

4.1 IFIs obligations and commitments to uphold freedom of expression

As international organizations, IFIs are required to respect human rights – such as the right to freedom of expression and the right to access to information – and to prevent and mitigate reprisals in the context of their investments. They must also help provide access to remedy if reprisals do occur. IFIs are recognized as

subjects of international law,¹⁸ and are “bound by any obligations incumbent upon them under general rules of international law, under their constitutions or under international agreements to which they are parties.”¹⁹

The Committee on Economic, Social and Cultural Rights has specified that IFIs are “obligated to comply with human rights as listed, in particular in the Universal Declaration of Human Rights, that are part of customary international law or of the general principles of law, both of which are sources of international law.”²⁰ UN Special Procedures have also reaffirmed IFIs human rights obligations and pointed out the need for them to adopt a human rights policy.²¹ The UN Guiding Principles on Business and Human Rights also apply to IFIs.²²

18 See e.g.: Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 15, U.N. Doc. E/C.12/2002/11, para. 36 (2003) and General Comment No. 14, UN Doc. E/C.12/2000/4 (2000); Maastricht Principles on Extraterritorial Obligations of States in the area of Economic, Social and Cultural Rights 2011, https://www.ciel.org/wp-content/uploads/2015/05/Maastricht_ETO_Principles_21Oct11.pdf; “Guiding principles on foreign debt and human rights”, Cephas Lumina [former UN 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], UN Doc.A/HRC/20/23, April 10, 2011, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-23_en.pdf; “Final Report of the International Law Association Committee on Accountability of International Organizations”, International Law Association, 2004.

19 See “Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt”, Advisory Opinion, International Court of Justice, December 20, 1980, I.C.J. Reports 1980, 73, pp 89–90.

20 See “Public debt, austerity measures and the International Covenant on Economic, Social and Cultural Rights”, CESCR, July 22, 2016, UN Doc E/C.12/2016/1: <https://www.undocs.org/pdf?symbol=en/E/C.12/2016/1>.

21 See e.g. the report “Extreme poverty and human rights” on the human rights policy of the World Bank, Philip Alston [former UN Special Rapporteur on extreme poverty and human rights], August 4, 2015: https://www.un.org/en/ga/search/view_doc.asp?symbol=A/70/274, and his report on the IMF and its impact on social protection (2018), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/127/23/PDF/G1812723.pdf?OpenElement>.

22 “Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework”,

AS INTERNATIONAL ORGANIZATIONS, IFIs ARE REQUIRED TO RESPECT HUMAN RIGHTS AND TO PREVENT AND MITIGATE REPRISALS IN THE CONTEXT OF THEIR INVESTMENTS.

The government shareholders of IFIs also have obligations to respect, protect, and fulfill human rights, which they carry with them in their actions and decisions as members and owners of IFIs. As stated by the UN Independent Expert on foreign debt and human rights, “States are not allowed to deploy international financial institutions to violate international law when they cannot do so in their capacity as individual States: such delegation cannot be used to avoid responsibility.”²³

Many IFIs also have additional human rights obligations depending on the nature of the institution. For example, national IFIs share in state obligations to respect, protect and fulfil human rights and to prevent, investigate, punish, and provide redress for abuses.²⁴ The human rights objectives of the UN Charter apply to the WB, as it is a Specialized Agency of the UN.²⁵

Moreover, as both human rights and development experts have noted, respect for the rights to freedom of expression, assembly, and association is crucial for achieving participatory, sustainable, and accountable development.²⁶ The UN Special Rapporteur on the right to health has also specifically highlighted the importance of media in ensuring accountability in health systems.²⁷

This is even more important in the current context. Because of the urgency of this crisis, as well as the critical need to protect the rights that are affected by the pandemic, IFIs and governments should not only provide adequate funds, but also take all necessary measures to ensure the broadest participation, discussion and accountability on the response to COVID-19. Most of these responses are being financed with loans that will then have to be repaid by states that are impoverished and weakened by the ravages of the pandemic. Civil society participation is crucial to ensure COVID-19 policies are appropriate and meet the real needs of the population, that resources are not misused due to corruption and inefficiency, and that they effectively reach those who need them most. Moreover, without civil society participation and engagement, IFIs cannot assess the true impacts of their projects, since the information officially provided by governments is often unreliable.²⁸

In their Environmental and Social Policy Frameworks, most IFIs recognize the principle of participation and require in their policies the implementation of plans for involving and engaging different stakeholders.²⁹ Through their respective access to information policies they also commit to ensuring transparency and accountability.³⁰ Some IFIs have also established specific policies or statements in which they commit to adopting measures to help address retaliations against those who express critical opinions about their projects.³¹

UN Doc A/HRC/17/31, March 21, 2011, https://www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf.

23 “Responsibility for complicity of international financial institutions in human rights violations in the context of retrogressive economic reforms”, Juan Pablo Bohoslavsky [former 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], July 16, 2019, <https://www.undocs.org/A/74/178>.

24 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).

25 Charter of the United Nations, June 26, 1945, arts. 1(3), 55, 56.

26 See, e.g. “Human Rights, Governance, and Development: An empirical perspective,” Daniel Kaufmann, 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.

27 Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, August 11, 2008, UN Doc. No. A/63/263, para 11, https://www.who.int/medicines/areas/human_rights/A63_263.pdf.

28 In Nicaragua, for example, the COVID-19 Citizen Observatory revealed that as of June 10, 2020, 536 health workers had presented symptoms consistent with COVID-19 and 61 had died. It also showed that the figures of the multidisciplinary team that carried out community epidemiological surveillance in the country counted 1,398 deaths from pneumonia and suspected COVID-19, a figure that was in wide contrast with the data published by the Ministry of Health, which reported only 55 deaths by June 10. See: <https://observatorioni.org/wp-content/uploads/2020/06/04-al-10-junio-OCC-19-Semanal.pdf>.

29 See for example the WB Environmental and Social Standards: <https://projects.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/environmental-and-social-standards>; IDB Environmental and Social Policy Framework: <https://www.iadb.org/en/mpas>;

AIIB Environmental and Social Framework: <https://www.aiib.org/en/policies-strategies/framework-agreements/environmental-social-framework.html>.

30 See for example: ADB Access to Information policy: <https://www.adb.org/who-we-are/access-information/main>; EIB Transparency and Access to Information policy: <https://www.eib.org/en/about/partners/cso/access-information/index.htm#>.

31 See: EIB’s commitments on human rights, available at <https://www.eib.org/en/about/cr/human-rights> and “IFC Position Statement on Retaliation Against Civil Society and Project Stakeholders”, International Finance Corporation, October 2018, https://www.ifc.org/wps/wcm/connect/ade6a8c3-12a7-43c7-b34e-f73e5ad6a5c8/EN_IFC_Reprisals_Statement_201810.pdf?MOD=AJPERES.

The WB affirms it does not tolerate reprisals against those who share their views about Bank-financed projects, and that any form of intimidation against people who comment on Bank projects, research, activities and their impact, goes against their “core values of respecting the people we work for and acting with utmost integrity”. It also affirms that when complaints, including allegations of reprisal in connection with Bank projects, are brought to their attention, the WB works with appropriate parties to address them.³² However, as we explain in the section below, IFIs are often failing to uphold their obligations and their commitments.

4.2 How IFIs have failed to take decisive actions to prevent and address reprisals

In 2020 and 2021, IFIs have approved numerous COVID-19 response projects in contexts where civic space and participation are severely and increasingly restricted. In many countries, dissemination of information about COVID-19 that implies some kind of criticism of the state response is strongly repressed, often through the use of legislation that unduly limits freedom of expression,³³ such as fake news laws or laws to prevent misinformation among others.

In April 2020, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression said that the pandemic has exposed “numerous threats to journalism, with an increasing number of reports indicating that Governments attack the messenger and limit reporting rather than act responsively on the information disclosed”, through criminalization, police intimidation of journalists, political attacks, and lack of an enabling environment for the media.³⁴

32 “World Bank Commitments Against Reprisals”, World Bank, March 2020, <https://www.worldbank.org/en/projects-operations/environmental-and-social-framework/brief/world-bank-commitments-against-reprisals>.

33 “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>.

34 *ibid.*

Many projects supported by IFIs have included awareness-raising and risk communication 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 are strongly repressed. This also generates a broader chilling effect on civil society and directly undermines the communication objectives the projects are supposed to achieve.

In 2020 and 2021, a group of civil society organization (CSOs) addressed letters to different IFIs,³⁵ raising concerns about cases of reprisals and serious restrictions on freedom of expression (including attacks on journalists and the press and the enactment of laws that sanctioned the dissemination of information about the pandemic) in five countries³⁶ that received funding to respond to the pandemic. In the letters, the CSOs asked the banks which actions they had taken to ensure journalists could scrutinize the projects they financially support, to prevent and respond to reprisals, and to guarantee people could openly raise concerns about the COVID-19 projects they were supporting.

Some of the IFIs did not respond to the letters, while those that responded completely failed to address the points raised.³⁷ They reaffirmed their commitment to stakeholder

35 For security issues, letters sent to the banks have been anonymized and information about specific cases has been removed. The following letters were sent:

- ARTICLE 19 - South Asia Office’s letter to WB, ADB and AIIB expressing concerns about cases of retaliation in Pakistan, October 25, 2020, <https://rightsinddevelopment.org/wp-content/uploads/2021/06/Pakistan-letter-redacted.pdf>;

- Letter to ADB, AIIB, IFC and WB expressing concerns about cases of retaliation in Cambodia, January 28, 2021, <https://rightsinddevelopment.org/wp-content/uploads/2021/06/Cambodia-letter-redacted.pdf>.

- Letter to EIB, IDB and WB expressing concerns about cases of retaliation in Mexico, October 6, 2020, <https://rightsinddevelopment.org/wp-content/uploads/2021/06/Mexico-letter-redacted.pdf>.

- Letter to the WB expressing concerns about cases of retaliation in Mongolia, March 16, 2021, <https://rightsinddevelopment.org/wp-content/uploads/2021/06/Mongolia-letter.pdf>.

- Letter to AFDB and WB expressing concerns about cases of retaliation in Zimbabwe, July 29, 2020. (link to the letter not available for security reasons).

36 Cambodia, Mexico, Mongolia, Pakistan and Zimbabwe.

37 See the following letters, with some sections redacted for security reasons: ADB’s response to letter expressing concerns about cases of retaliation in Cambodia, February 18, 2021: <https://rightsinddevelopment.org/wp-content/uploads/2021/06/ADB-Cambodia-redacted.pdf>;

AIIB’s response to letter expressing concerns about cases of retaliation in Cambodia, March 10, 2021: <https://rightsinddevelopment.org/wp-content/uploads/2021/06/AIIB-Cambodia-redacted.pdf>;

WB and IFC’s response to letter expressing concerns about cases of retaliation in Cambodia, February 17, 2021: <https://rightsinddevelopment.org/wp-content/uploads/2021/06/WB-and-IFC-Cambodia-redacted.pdf>;

WB’s response to letter expressing concerns about cases of retaliation

engagement, participation and transparency, referring to their policies and to the consultation processes with civil society in the context of specific projects. However, the banks did not make any reference to the structural limitations on freedom of expression, which impede an open discussion on the response policies they support. They also did not respond to most of the specific questions and requests raised in the letters, and in some cases they only generically indicated the availability of complaint mechanisms for those who consider themselves affected by the projects. Even when specific cases of retaliation against journalists, HRDs or health workers were raised, the banks tended to respond with vague platitudes to press freedom, rather than working to address the specific issues that real people were facing.

IFIs LACK OF DECISIVE ACTION TO ADDRESS RETALIATIONS SHOWS THAT THEY ARE NOT TAKING THEIR HUMAN RIGHTS OBLIGATIONS AND THEIR COMMITMENTS SERIOUSLY.

IFIs lack of decisive action to address retaliation against those criticizing or scrutinizing IFIs supported COVID-19 responses shows that the banks are not taking their human rights obligations and their stated commitments to participation seriously. IFIs failure to apply adequate measures to prevent retaliation and their lack of response to the concerns raised reveals a narrow and superficial understanding of the principle of participation, and deprives it of any meaningful content. Having words on paper is of little use if there is no real possibility of civil society to participate and discuss development projects.

Often IFIs and governments do not provide adequate access to information about the way funds are allocated and spent. Because of this lack of transparency, demonstrating links around cases of reprisals in the

tion in Mexico, December 2, 2020: <https://rightsinddevelopment.org/wp-content/uploads/2021/06/WB-Mexico-redacted.pdf>; WB's response to letter expressing concerns about cases of retaliation in Mongolia, April 10, 2021: <https://rightsinddevelopment.org/wp-content/uploads/2021/06/WB-Mongolia-redacted.pdf>; ADB's response to letter expressing concerns about cases of retaliation in Pakistan, November 27, 2020: <https://rightsinddevelopment.org/wp-content/uploads/2021/06/ADB-Pakistan-redacted.pdf>; AIIB's response to letter expressing concerns about cases of retaliation in Pakistan, December 14, 2020: <https://rightsinddevelopment.org/wp-content/uploads/2021/06/AIIB-Pakistan-redacted.pdf>; WB's response to letter expressing concerns about cases of retaliation in Pakistan, November 11, 2020: <https://rightsinddevelopment.org/wp-content/uploads/2021/06/WB-Pakistan-redacted.pdf>; AFDB's response to letter expressing concerns about cases of retaliation in Zimbabwe, November 25, 2020: <https://rightsinddevelopment.org/wp-content/uploads/2021/06/AFDB-Zimbabwe-redacted.pdf>.

context of projects supported by IFIs is even more challenging. The impossibility to pinpoint exactly where the money is going makes it easier for IFIs to say the retaliation is not directly linked to their support and thereby avoid accountability.³⁸

HAVING WORDS ON PAPER IS OF LITTLE USE IF THERE IS NO REAL POSSIBILITY OF CIVIL SOCIETY TO PARTICIPATE.

Moreover, when those facing reprisals or organizations accompanying them have requested IFIs to take action, banks' representatives frequently argue that the cases are not directly linked to the projects they finance or policies they support. Bank staff use this as a reason to say they cannot use their influence to address the retaliations, or to require the change of practices and legislation that have a restrictive impact on civic space. Some banks, confronted with a case of retaliation, focus more on demonstrating how it is *not* related to the specific elements they finance, rather than on how retaliations can be prevented or addressed.

Finally, sometimes the legal, political and social context in the countries where IFIs operate can be so restrictive that journalists, medical staff and other people know they will be strongly sanctioned and repressed, for expressing any type of opinion or facts considered critical or dangerous to the interests of the government in any area or topic. This limits the likelihood of them critically discussing or reporting on IFIs' financing of development projects. In these contexts, even retaliations that are not directly linked to bank financing create a chilling effect, since they send a clear message about what can happen to persons who dare to give their opinion on a project or in any way challenge the official narrative. In such contexts, when IFIs focus on direct links, it is a shirking of their responsibility to ensure meaningful participation and stakeholder engagement, preventing accountability and affecting the legitimacy and sustainability of the banks' interventions.

38 "Ensuring the Public's Right to know in the COVID-19 Pandemic", ARTICLE 19, May 2002, https://www.article19.org/wp-content/uploads/2020/05/Ensuring-the-Publics-Right-to-Know-in-the-Covid-19-Pandemic_Final-13.05.20.pdf.



5. RETALIATIONS

IN THE CONTEXT

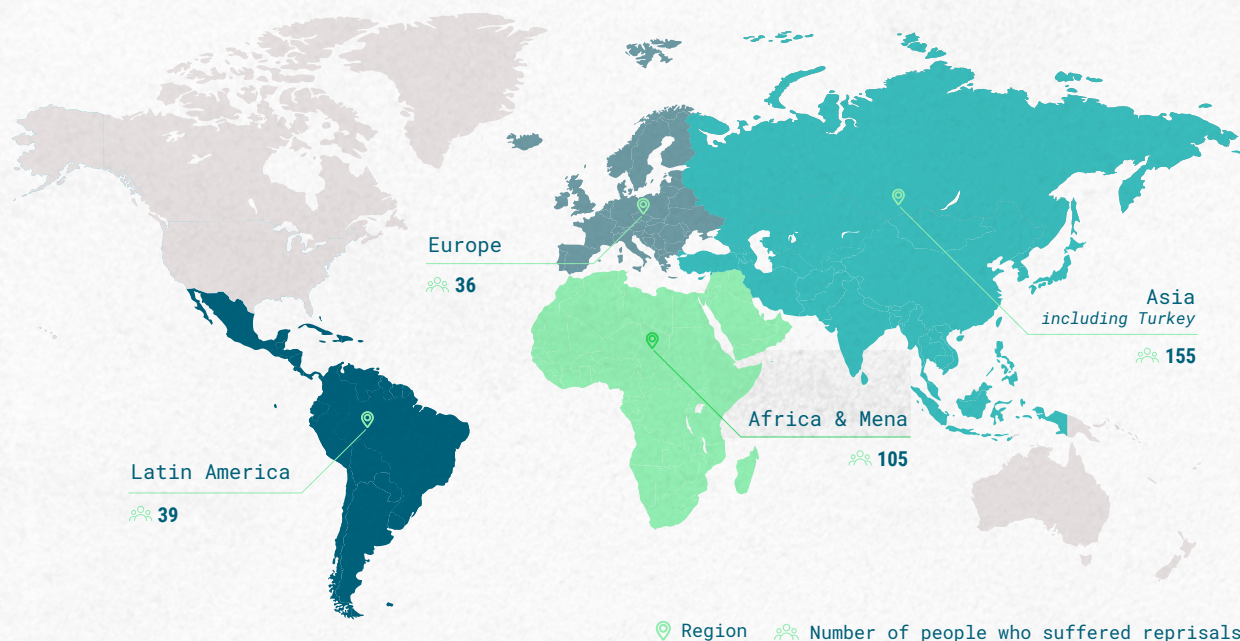
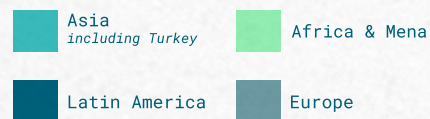
OF COVID-19

RESPONSES

5.1 STATISTICS

According to the data we gathered³⁹, **at least 335 people suffered reprisals for having made critical comments or reported on the state response to the pandemic**, in a total of 35 countries that received or are receiving financial support from IFIs for their COVID-19 response. The actual number, however, is likely much higher.

Number of people who suffered reprisals - by Country/Region

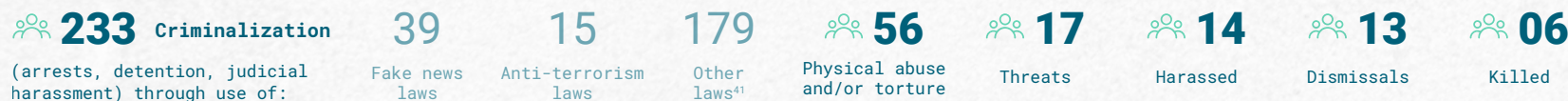


COUNTRY	PEOPLE
Argentina	8
Bangladesh	13
Cambodia	27
Chad	1
China	13
Ecuador	2
Egypt	22
El Salvador	6
Ghana	1
Guatemala	7
Guinea	6
India	16
Iran	2
Jordan	3
Madagascar	1
Malawi	1
México	1
Mongolia	4
Morocco	58
Myanmar ⁴⁰	12
Nicaragua	15
Niger	6
Pakistan	3
Poland	2
Serbia	33
Sierra Leone	2
Slovenia	1
Sudan	2
Thailand	43
Togo	2
Turkey	18
Turkmenistan	1
Uzbekistan	1
Vietnam	1
Zimbabwe	1

Who suffered retaliation after reporting on or criticizing the COVID-19 response?



Most common types of retaliation



³⁹ See Section 3: [Methodology](#).

⁴⁰ Before the coup on 1 February 2021, 12 cases of retaliations were identified. Cases that took place afterwards were not recorded, because IFIs such as the WB and the ADB withdrew their funds for the public sector. According to data gathered by Altsean-Burma (as of June 15, 2021) since the start of the coup more than one thousand civilians have been killed and nearly 4900 people arrested. See: <http://www.altsean.org/coupwatch.html>.

⁴¹ Defamation laws, cybercrime laws, laws that criminalize fear-mongering / propaganda against the state / sedition / anti-government activities / incite to hate, chaos or violence, and other emergency laws approved in the context of the COVID-19 crisis.

5.2 Case studies

This section will focus on a number of emblematic cases of retaliations linked to projects supported by IFIs, where journalists, HRDs and ordinary citizens were criminalized or attacked for speaking out about aspects of the COVID-19 response directly financed by development banks.

Many of these cases have occurred in a general context of strong restrictions on civic freedoms, through the declaration of states of emergency, special laws on fake news and disinformation that restrict freedom of expression with vague and broad formulations,⁴² and the active persecution of dissenting voices. Although many emergency laws were justified in the context of the pandemic, some governments have used COVID-19 as a pretext to unduly restrict the right to civic participation and freedom of expression.⁴³

SCORES OF JOURNALISTS, HRDs AND ORDINARY CITIZENS HAVE BEEN CRIMINALIZED OR ATTACKED FOR SPEAKING OUT ABOUT ASPECTS OF THE COVID-19 RESPONSE DIRECTLY FINANCED BY DEVELOPMENT BANKS.

In April 2020, the then UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression had expressed his concerns about the attempts to tackle disinformation through the use of criminal laws, since they are likely to hamper the free flow of information. This suggests that if IFIs had carried out a prior assessment of the human rights situation with regard to freedom of expression, they would have been better informed about the difficulties and obstacles to participation in client countries. It would also enable them to identify and adopt preventive measures to protect people from eventual reprisals for criticizing the responses financed by the banks. However, the cases show that many COVID-19 response projects were approved even after reprisals had taken place and had elicited strong reactions from the local and international community. IFIs

have ignored the risks that these reprisals entailed, both for the achievement of the objectives of their projects, as well as for the fulfillment of their own policies of public participation and stakeholder engagement.

Many reprisals affected journalists with high visibility. The impact of this censorship cannot be measured exclusively by the number of cases of people who directly faced reprisals, as it has a strong silencing effect on other critical voices. These cases give sobering examples of what can happen to those who have the courage to express their critical opinions, or who simply dare to show and document events such as deaths, conditions in isolation centers, etc.

The cases also show how restrictions on freedom of expression directly affect the quality and effectiveness of the response to COVID-19 that IFIs seek to support. In Nicaragua, doctors and health personnel who complained about the lack of adequate measures were fired, reducing the capacity to respond to the pandemic through adequate medical care. Bloggers and journalists who denounced corruption in Uzbekistan and Bangladesh were targeted, in an effort to silence any public discussion about irregularities and embezzlement that could seriously affect the quality of health support provided through the projects.

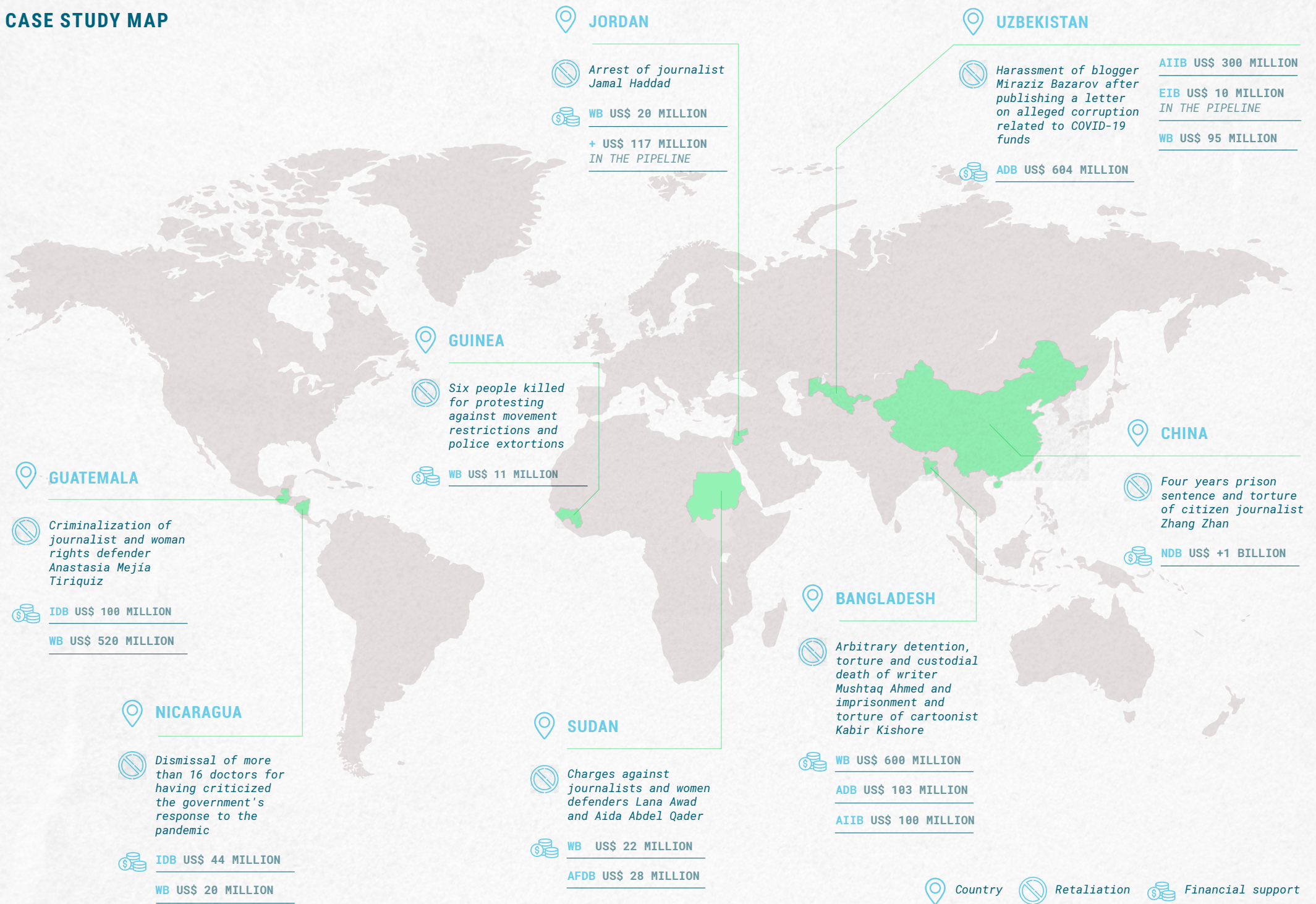
Many IFI projects also include risk communication in their activities, a goal that is undermined when voices that seek to disseminate crucial information about COVID-19 are silenced. Furthermore, rather than encouraging the dissemination of useful information about the pandemic, many states clamped down on those sharing information that differed from official accounts, branding this as 'fake news' and introducing laws which criminalized 'disinformation', that were in turn used to punish individuals seeking to report factual alternatives.

The cases below show the direct links that exist between COVID-19 related projects financed by IFIs and retaliation against those who sought to factually report on their governments' use of such funds. The cases also show IFIs failures to take decisive action and adopt concrete measures to prevent and address these reprisals.

42 "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>.

43 "Viral Lies: Misinformation and the Coronavirus", ARTICLE 19, March 2020, <https://www.article19.org/wp-content/uploads/2020/03/Coronavirus-final.pdf>.

CASE STUDY MAP



WRITE
Mushtaq
Ahmed
Dies in jail.
Held in PRE-TRIAL
DETENTION FOR
9 MONTHS.



Cartoon dedicated to Bangladeshi writer Mushtaq Ahmed, who died after 288 days in pre-trial detention. Credit: Gianluca Costantini

BANGLADESH

RETALIATION

Arbitrary detention, torture and custodial death of writer Mushtaq Ahmed and imprisonment and torture of cartoonist Kabir Kishore



Cartoon dedicated to Bangladeshi cartoonist Ahmed Kabir Kishore, held in pre-trial detention for 10 months under the country's infamous Digital Security Act and finally released in March 2021. Credit: Gianluca Costantini

FINANCIAL SUPPORT

LINKED TO THE RETALIATION

WB – US\$ 600 million

ADB – US\$ 103 million

AIIB – US\$ 100 million

In May 2020, the Rapid Action Battalion (RAB), a counter-terror paramilitary force notorious for committing grave abuses, detained writer Mushtaq Ahmed and political cartoonist Ahmed Kabir Kishore under the Digital Security Act (DSA).⁴⁴

The writer was accused of running a Facebook page named “I am Bangladeshi”, which police allege tarnished the image of the country and created confusion among the public. Ahmed had published an article criticizing the shortage of PPEs for healthcare workers and shared one of Kishore’s cartoons of the series “Life in the Time of Corona”, that alluded to corruption in the government’s response to the pandemic.⁴⁵ In one of his last Facebook posts before his arrest, Ahmed had also compared the country’s health minister to a cockroach. In another post he had written: “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.”⁴⁶

Through their posts and cartoons, Ahmed and Kishore were calling on the government to ensure health personnel were adequately protected, and that resources to respond to the pandemic were used in an equitable and

44 “Writer, cartoonist among four held after RAB files case against 11 under DSA”, Dhaka Tribune May 6, 2020, <https://www.dhakatribune.com/bangladesh/dhaka/2020/05/06/writer-cartoonist-among-four-held-after-rab-files-case-against-11-under-dsa>.

45 “Bangladesh: Writer Dies After 9 Months in Custody”, Human Rights Watch, February 6, 2021 <https://www.hrw.org/node/378025/printable/print>.

46 “Bangladeshi writer, Detained over Social Media Posts, Dies in Jail”, New York Times, February 26, 2021 <https://www.nytimes.com/2021/02/26/world/asia/bangladesh-mushtaq-ahmed-dead.html>.

transparent manner. Yet, they were accused of spreading rumors and misinformation about the pandemic.

Ahmed and Kishore's bail pleas were rejected six times. In February 2021, after nine months in detention, Ahmed died in Kashimpur Central Jail, a high security prison in Gazipur.⁴⁷ After a public outcry over the writer's custodial death, Kishore was granted bail. He described suffering severe torture after being taken into custody for 69 hours at an unknown location, and said that Ahmed had been tortured by electric shock.⁴⁸

These serious human rights violations did not occur in isolation. The DSA is a repressive law intended to fight cybercrime that has been used to target critical journalists in Bangladesh.⁴⁹ The Committee to Protect Journalists (CPJ) has repeatedly called on the Bangladesh government to repeal the law⁵⁰ and it documented that in 2020 at least six journalists were imprisoned on DSA charges because of their work.⁵¹

The international community, including the Office of the UN High Commissioner for Human Rights (OHCHR), UN independent experts and the European Union, as well as human rights defenders and lawyers in Bangladesh, have criticized the DSA for stifling free speech and fundamental freedoms, and violating international human rights law.⁵²

The crackdown on freedom of expression in Bangladesh escalated during the pandemic.⁵³ While the government

47 "Bangladesh: Writer Mushtaq Ahmed dies in police custody", International Federation of Journalists, March 2, 2021 <https://www.ifj.org/es/centro-de-medios/noticias/detalle/category/press-releases/article/bangladesh-writer-mushtaq-ahmed-dies-in-police-custody.html>.

48 "Jailed under Digital Security Act, Bangladeshi cartoonist Kabir Kishore says he was tortured", Aliya Iftikhar CPJ, March 30, 2021, <https://cpj.org/2021/03/jailed-digital-security-act-bangladeshi-cartoonist-kabir-kishore-tortured>. See also <https://cpj.org/tags/digitalsecurityact/>.

49 "Bangladesh's defamation law is 'avenue to misuse power,' local journalists say", CPJ, December 8, 2017, <https://cpj.org/2017/12/bangladeshs-defamation-law-is-avenue-to-misuse-pow>.

50 *ibid.*

51 "CPJ sends letter calling on Bangladesh prime minister to investigate journalist death, abuse", CPJ, March 22, 2021, <https://cpj.org/2021/03/cpj-sends-letter-calling-on-bangladesh-prime-minister-to-investigate-journalist-death-abuse>.

52 "Bangladesh: Writer Dies After 9 Months in Custody", Human Rights Watch, February 6, 2021, <https://www.hrw.org/node/378025/printable/print>.

53 "Bangladesh: Alarming crackdown on freedom of expression during coronavirus pandemic", ARTICLE 19, May 19, 2020 <https://www.article19.org/resources/bangladesh-alarming-crack>

released thousands of people from detention to protect against the spread of COVID-19 in overcrowded prisons, it excluded critics and activists charged under the DSA, such as Kishore, who is an insulin dependent diabetic.

In April 2020, the Directorate General of Nursing and Midwifery ordered all of its officials and employees at government hospitals to not hold public discussions, issue statements, or provide opinions to newspapers or other mass media without prior permission. The Ministry of Health and Family Welfare also ordered all health directorate officials to refrain from speaking in public or to the media without prior permission.⁵⁴

WHILE CRITICISM OF THE STATE'S RESPONSE TO THE PANDEMIC WAS VIOLENTLY CENSORED, BANGLADESH RECEIVED A NUMBER OF IFIs LOANS SUPPORTING THAT SAME RESPONSE.

While criticism and information related to the state's response to the pandemic was actively and violently censored, Bangladesh received a number of loans supporting that same response. Many of these loans, from the WB, ADB and AIIB, included the purchase of PPEs, among different actions aimed at strengthening the health system. Before his arrest and death, Ahmed had criticized the lack of PPEs.

On April 3, 2020, the WB approved a US\$ 100 million loan⁵⁵ for a project that includes purchase of critical items such as ventilators, PPEs, oxygen concentrators, testing kits, etc. In addition, the funding was meant to support an awareness-campaign regarding COVID-19 to be implemented through mobile based messaging and television.

On March 18, 2021, despite the fact that various international human rights organizations and the OHCHR⁵⁶ were demanding that the government investigate Ahmed's death and were raising concerns over

[down-on-freedom-of-expression-during-coronavirus-pandemic](#).

54 "Nurses barred from speaking to media", Dhaka Tribune, April 17, 2020, <https://www.dhakatribune.com/bangladesh/dhaka/2020/04/17/govt-instruct-nurses-not-to-speak-to-media>.

55 "COVID-19 Emergency Response and Pandemic Preparedness Project", World Bank, Project number, P173757, April 3, 2020, <https://projects.worldbank.org/en/projects-operations/project-detail/P173757>.

56 "Bangladesh: UN rights chief urges transparent probe into writer's death, review of law under which he was charged", UN News, March 1, 2021, <https://news.un.org/en/story/2021/03/1086002>.

the indiscriminate use of the DSA to silence criticism of the pandemic, the WB approved an additional US\$ 500 million funding for that project.⁵⁷ The loan document mentions that “social risks will relate to issues of inclusion, particularly potential risk of elite capture, inadequate public engagement, misinformation and spread of rumors that may create confusion and anxiety, and concerns regarding COVID-19 in general.”

The document does not mention the cases of people imprisoned through the use of the DSA for having expressed opinions about COVID-19 and the other restrictions on freedom of expression. However, it explicitly refers to the risk of rumors that might create confusion, anxiety, and concerns regarding the pandemic in general, reaffirming the state narrative about the risk of disinformation that was being used as a pretext to persecute dissenting voices.

In the section about the vaccine readiness assessment conducted in Bangladesh, the document also says that “mechanisms for monitoring, tracking and addressing rumors, as well as misinformation and disinformation, are currently not adequate and need to be developed along with raising awareness on the importance of accurate and credible sources of information.”

In a context where public criticism of the handling of the pandemic is punished with prison terms and can lead to torture and death, under the excuse that people are spreading rumors and misinformation, it is extremely worrying that the loans support activities to prevent misinformation without being accompanied by safeguards and measures to ensure that such activities do not violate basic human rights or prevent civic participation.

Also other projects included the delivery of PPEs, the lack of which had been criticized by Ahmed prior to his arrest. On April 30, 2020 the ADB approved a loan of US\$ 100 million that includes the procurement of equipment and supplies.⁵⁸ On August 5, 2020, while Ahmed was held in arbitrary detention, the ADB approved an additional

grant to finance the procurement of essential medicines, medical equipment and infection control supplies.⁵⁹

EVEN AFTER AHMED’S DEATH, IFIs CONTINUED SUPPORTING THE STATE’S RESPONSE TO THE PANDEMIC WITHOUT ANY MEASURES TO ADDRESS THE CLEAR RISKS OF REPRISALS.

On August 27, 2020, the AIIB approved a US\$ 100 million loan⁶⁰ to support containment strategies, including case detection, confirmation, contact tracing, recording, reporting, social distancing measures, health system strengthening and communication preparedness. Other components include activities which aim to improve prevention and response planning for infectious disease. This could include infrastructure (e.g., reference labs, clinical capacity), equipment, reagents and commodities, analytical and assessment capacity.

The retaliations suffered by Ahmed and Kishore are directly linked to their criticism of COVID-19 response policies funded by IFIs, in a context of serious restrictions to freedom of expression. Nevertheless, even after Ahmed’s death, IFIs continued supporting the state’s response to the pandemic without any measures to address the clear risks of reprisals and repression to freedom of expression in the country.

57 “Project paper on a proposed restructuring and additional credit to Bangladesh for a COVID-19 response and pandemic preparedness project”, World Bank, Project number P175837, March 18, 2021, <https://projects.worldbank.org/en/projects-operations/project-detail/P175837>.

58 “Bangladesh: COVID-19 Response Emergency Assistance Project”, ADB, Project number 54173-001, April 30, 2020, <https://ewsdatabank.org/files/documents/01/ADB-54173-001.pdf>.

59 Grant agreement for a COVID-19 Emergency Response Project, ADB, Grant number 0731-BAN, September 29, 2020, <https://www.adb.org/sites/default/files/project-documents/54362/54362-001-grj-en.pdf>.

60 “Bangladesh: COVID-19 Emergency Response and Pandemic Preparedness Project”, AIIB, Project number 000397, August 27, 2020, <https://www.aiib.org/en/projects/details/2020/approved/Bangladesh-COVID-19-Emergency-Response-and-Pandemic-Preparedness-Project.html>.

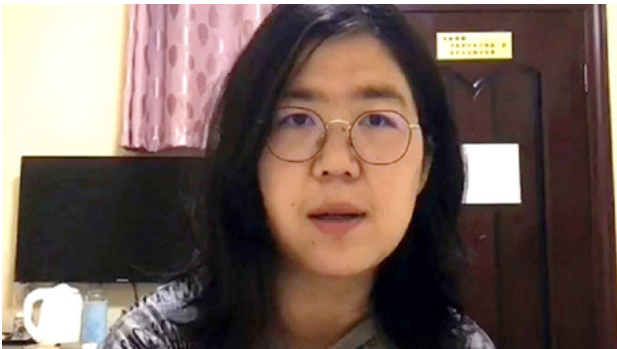


Chinese citizen journalist Zhang Zhan, jailed for reporting on the outbreak of COVID-19 in Wuhan.

CHINA

RETALIATION

Four years prison sentence and torture of citizen journalist Zhang Zhan for reporting on the outbreak and lockdown in Wuhan



FINANCIAL SUPPORT LINKED TO THE REPRISAL

NDB - US\$ +1 billion

Zhang Zhan, former lawyer and citizen video journalist outspoken about human rights violations, disappeared in Wuhan in May 2020,⁶¹ after conducting independent reporting about the COVID-19 outbreak.⁶² Zhan

61 "Journalist Zhang Zhan arrested for covering COVID-19 in Wuhan", CPJ, May 18, 2020, <https://cpj.org/2020/05/journalist-zhang-zhan-arrested-for-covering-COVID>.

62 "Zhang Zhan: A Six-Minute Documentary", China Change,

entered the city of Wuhan during the lockdown at the beginning of 2020 and posted multiple videos on social media, including footage of scenes in hospitals and communities,⁶³ interviews with local business owners who were severely impacted by the pandemic and with people who struggled to find work in the city. Zhan had been posting reports from Wuhan on Twitter⁶⁴ and YouTube⁶⁵ since early February. On February 16, she posted the following message on Twitter: "Without effective treatment, guarantees for the distribution of medical supplies, transparent information and protection of human rights, the government's current epidemic prevention measures are extremely wrong."

With her videos, Zhan contributed to making clear what was happening in a context of strong restrictions on information, and involving citizens in the discussion about the appropriate response to the pandemic. She went missing on May 14, one day after she had published a video critical of the government's measures to contain the virus. In her last Twitter post, linked to a video, she said that "the consequences of authoritarian epidemic prevention continue to appear."

December 28, 2020, <https://chinachange.org/2020/12/28/zhang-zhan-a-six-minute-documentary>.

63 "China citizen journalist Zhang Zhan, who filmed bedridden Wuhan Covid patients, protests silently in jail", Hong Kong Free Press, Beiyi Seow and Laurie Chen, March 5, 2021, <https://hongkongfp.com/2021/03/05/china-citizen-journalist-zhang-zhan-who-filmed-bedridden-wuhan-covid-patients-protests-silently-in-jail/>; "Citizen journalist jailed over Wuhan virus reporting", RTE, December 28, 2020, <https://www.rte.ie/news/2020/1228/1186687-china-covid19-coronavirus/>.

64 Her twitter account: <https://bit.ly/34SEwgV>.

65 Youtube videos: <https://www.youtube.com/watch?v=P-buu3nBhAc>.

After her disappearance in Wuhan, Zhan resurfaced on May 15 in police detention in Shanghai, more than 640km away. She went on trial on December 28, 2020 and was convicted the same day and handed a four-year sentence, for allegedly picking quarrels and provoking troubles. Her expected release date is May 14, 2024. Foreign reporters and diplomats were not allowed in to observe proceedings, which concluded within three hours.⁶⁶

According to her defense lawyer, Zhan started a hunger strike in late June 2020 to protest her detention and assert her innocence, but prison authorities began forcibly feeding her through a feeding tube. It is reported that her cellmates were also involved in forcibly feeding her.⁶⁷ For more than three months, Zhan was forced to wear shackles, with her hands restrained 24 hours a day.⁶⁸ Her lawyer also reports that she has been so physically weak that she is not even able to walk and that she has not been exposed to sunlight since November 2020. She is also suffering from stomach pain and dizziness.

Also other citizen journalists were detained by the authorities or disappeared in China.⁶⁹ According to Amnesty International, the crime of picking quarrels and provoking trouble under Article 293 of the Chinese Criminal Law is a broadly defined and vaguely worded offence that has been widely used to target activists and HRDs. Although the crime originally applied to acts that disrupted order in public places, since 2013 the scope

66 Zhang Zhan: citizen journalist jailed for challenging China's virus story", AFP, republished by Bangkok Post, December 29, 2020, www.bangkokpost.com/world/2043019/zhang-zhan-citizen-journalist-jailed-for-challenging-chinas-virus-story.

67 "She Chronicled China's Crisis. Now She Is Accused of Spreading Lies", New York Times, December 25, 2020, <https://www.nytimes.com/2020/12/25/world/asia/china-coronavirus-citizen-journalist.html?referrerSource=articleShare>, "COVID-19 journalist tortured for exposing truth", Amnesty International UK, December 10, 2020, <https://www.amnesty.org.uk/urgent-actions/COVID-19-journalist-tortured-exposing-truth>.

68 *ibid.*

69 See: "Chinese video journalist Chen Qiushi, who covered coronavirus, missing in Wuhan", CPJ, February 10, 2020, <https://cpj.org/2020/02/chinese-video-journalist-chen-qiushi-who-covered-c/>; "A journalist who disappeared while investigating a coronavirus cover-up in Wuhan reappeared 2 months later, praising the police who detained him", Business Insider, April 23, 2020, <https://www.businessinsider.com/wuhan-journalist-li-zehua-disappeared-coronavirus-investigation-reemerges-praise-police-2020-4?r=US&IR=T>; "Wuhan Covid journalist missing since February found, says friend", The Guardian, September 24, 2020, <https://www.theguardian.com/world/2020/sep/24/wuhan-covid-journalist-missing-since-february-found-says-friend-chen-qiushi-china>; "Concerns grow for 'disappeared' Wuhan citizen journalist", Radio Free Asia, March 9, 2021, <https://www.rfa.org/english/news/china/wuhan-fangbin-03092021081706.html>; "Press Freedom Day: Missing journalists in China", Deutsche Welle, May 3, 2021, <https://www.dw.com/en/china-covid-citizen-journalists/a-57409694>.

has expanded to include online space as well. Anyone convicted could face a maximum of five years in prison.

On February 10, 2020, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, and the Ministry of Justice jointly issued COVID-19 judicial opinions to clarify standards in the application provisions of national criminal law. According to the opinions, the commission of certain crimes during the period of pandemic prevention and control may be subject to heavier punishment. Notably, they call to 'strictly punish crimes of fabricating or spreading rumors in accordance with law' and criminalize various types of dissemination of 'false' information.

DESPITE STRONG RESTRICTIONS ON FREEDOM OF EXPRESSION IN CHINA, THE NDB APPROVED A US\$ 1 BILLION LOAN.

Despite strong restrictions on freedom of expression, which led to the imprisonment and torture of Zhan, on March 19, 2020, the New Development Bank (NDB) approved a RMB 7 million loan,⁷⁰ approximately equivalent to US\$ 1,093,630,300. The objective of this program was to provide emergency assistance to China in combating the outbreak of COVID-19, through fiscal support to key stakeholders, at the national level, the provincial level in three provinces, and the municipal level. The implementing agencies were the Hubei province where Wuhan is located, and the Guangdong and Henan provinces. The project sought to finance public health expenditures for curbing the outbreak, to reduce the financing gaps, and to free up fiscal resources so that the adverse impacts on the local economies could be minimized. It included outbreak-related public health expenditures up to the end of 2020.

70 "NDB Emergency Assistance Program in Combating COVID-19", NDB, March 19, 2020, <https://www.ndb.int/ndb-emergency-assistance-program-in-combating-COVID-19>.



Indigenous journalist and human rights defender Anastasia Mejía (Guatemala), criminalized after reporting on a protest related to COVID-19 restrictions. Credit: Gilberto Escobar.

GUATEMALA

RETALIATION

Charges against Anastasia Mejía Tiriquiz for her reporting on a protest related to COVID-19 restrictions



FINANCIAL SUPPORT

LINKED TO THE REPRISAL

IDB - US\$ 100 million

WB - US\$ 520 million

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 mobilizations in relation to indigenous issues within the municipality of Joyabaj, department of Quiché. On September 22, 2020, the National Civil Police (PNC) arrested her, on the premises of the Xol Abaj radio station in Joyabaj,

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 against her, however the Santa Cruz del Quiché Court issued an arrest warrant days before the arrest.

The charges against the defender relate to her participation and coverage of a protest that took place on August 24, 2020 in Joyabaj. The demonstrators denounced irregularities in the way the mayor Francisco Carrascosa was managing resources intended to address the health crisis and protested against the measures adopted to control the pandemic.⁷¹ The work that Tiriquiz was doing was key to making visible the opinions and voices of groups of people who felt strongly affected by the restrictions imposed to control the pandemic, and who demanded a more transparent and equitable use of resources. Besides, community media outlets like Xol Abaj play a critical role in ensuring Guatemala's indigenous communities can access information, a right guaranteed in the Guatemalan Constitution and protected under Article 13 of the American Convention on Human Rights.

On October 28, Tiriquiz appeared before a judge of the Santa Cruz del Quiché Court in what was her first hearing after more than one month under arrest in the Quetzaltenango detention centre. Despite the fact that Guatemalan law in article 9 of the Constitution establishes that the initial hearing must be held within 24 hours after the arrest, the defender was only able to

⁷¹ See Xolabaj's TV Facebook live video, <https://fb.watch/611q1Lmsq2/>.

render her statement 36 days later. As of 15 June 2021, Tiriquiz continues to be under house arrest, awaiting the appointment of a new judge for the case.

CPJ, the Coalition For Women In Journalism and ARTICLE 19 joined other 48 human rights organizations, media outlets, and individuals in a statement calling on Guatemalan authorities to drop all remaining charges against Tiriquiz and defined her detention and criminal prosecution a “clear attack on freedom of expression and the public’s right to access information.”⁷²

Tiriquiz’s lawyers also stated that her persecution is not isolated from her gender⁷³ and indigenous status. The defender proudly owns up to her K’iche ‘Mayan identity. Her radio channel broadcasts in Spanish and K’iche ‘, and most of its reporters are women.⁷⁴ According to the statement signed by the human rights organizations, Guatemala’s rural and indigenous journalists in particular face greater risk of discrimination and threats from criminal groups and local officials, especially when reporting on topics like land rights, environmental issues or corruption.⁷⁵ Community radio stations also face barriers in obtaining licenses, leaving many with no choice but to operate unofficially, which exposes their journalists to potential criminal investigations or detention. The charges against Tiriquiz for reporting on a protest sends a silencing message to community journalists, in particular those who report for indigenous communities.

As written in the report “Under Sentence: censorship in Cuba, Guatemala and Honduras”, published by ARTICLE

72 “CPJ joins call for Guatemalan authorities to drop criminal charges against journalist Anastasia Mejía”, CPJ, January 7, 2021, <https://cpj.org/2021/01/cpj-joins-call-for-guatemalan-authorities-to-drop-criminal-charges-against-journalist-anastasia-mejia/>.

73 Because of lack of available data, this report does not provide a specific gender analysis of all the cases of retaliations gathered. However, according to information provided by the international organizations that contributed to this report, several women human rights defenders - especially those who have expressed critical opinions about the way the pandemic response was managed - have been the target of smear campaigns with a high component of gender violence, as well as cyber-harassment, defamation, threats and delegitimization campaigns. In many cases, denigratory messages came from public officials and party representatives.

74 “Guatemala:indigenous journalist Anastasia Mejia is arrested without hearing over her reporting on anti corruption protests”, October 12, 2020, CFWIJ, <https://womeninjournalism.org/cfwij-press-statements/guatemala-indigenous-journalist-anastasia-mejia-is-arrested-without-hearing-over-her-reporting-on-anti-corruption-protests>.

75 “Guatemala: 51 signatories call for authorities to drop criminal charges against Indigenous journalist Anastasia Mejía”, CPJ, CFWIJ, ARTICLE 19 and other 48 organizations, January 7, 2021, <https://cpj.org/wp-content/uploads/2021/01/Anastasia-Mejia-letter-en.pdf>.

19 in 2020, “the terrain for the practice of journalism in Guatemala presents various obstacles, including legislative restrictions and anti-democratic practices, which end up serving as weapons to stifle the public debate and limit the flow of information.”⁷⁶

In a context of structural violence and serious restrictions to freedom of expression, the pandemic has posed further challenges.⁷⁷ As reported by the Office of the Special Rapporteur on freedom of expression at the Inter-American Commission on Human Rights, in Guatemala civil society reported at least 124 attacks against journalists and the media during 2020.⁷⁸ These include cases of obstruction of access to information in the context of the COVID-19 coverage, threats, attacks on women journalists, defamation lawsuits, physical and verbal assault, arbitrary detention, censorship, cyber attacks, and judicial harassment. The cases also include the killing of two journalists.

On February 27, 2020, the Guatemalan Congress enacted Legislative Decree 4-2020, which seriously limits the right to freedom of expression and association as it imposes arbitrary restrictions and strict controls on non-governmental organizations. According to this decree, the Ministry of Interior can unregister and shut down organizations whose activities are deemed to “disrupt public order” and members of these organizations risk being criminalized.

More than 200 local and international organizations,⁷⁹ the Office of the UN High Commissioner for Human Rights,⁸⁰ the Inter-American Commission on Human Rights and its

76 “Bajo sentencia: la censura en Cuba, Guatemala y Honduras”, ARTICLE 19, August 19, 2020, https://articulo19.org/wp-content/uploads/2020/08/A19_2020_ReporteCA_book_v2-2.pdf.

77 “Guatemala: estado contra la prensa y la libertad de expresión”, ARTICLE 19, Centro Civitas, Article 35, April 19, 2021, https://articulo19.org/wp-content/uploads/2021/05/Informe-Guatemala_WEB.pdf.

78 “Tercer informe de seguimiento de recomendaciones formuladas por la CIDH en el informe sobre Situación de Derechos Humanos en Guatemala”, Inter-American Commission on Human Rights, May 3, 2020, <https://www.oas.org/es/cidh/docs/anual/2020/capitulos/IA2020cap.5.GU-es.pdf>.

79 See: “Guatemala, más de 200 organizaciones exigen detener polémica ley de ONG”, DW, May 14, 2021, <https://www.dw.com/es/guatemala-m%C3%A1s-de-200-organizaciones-exigen-detener-pol%C3%A9mica-ley-de-ong/a-57524532>; “Q&A: Guatemala’s Controversial NGO Law”, WOLA, March 19, 2020, <https://www.wola.org/analysis/qa-guatemalas-controversial-ngo-law/>.

80 “Guatemala: Bachelet expresa preocupación ante posible aprobación de enmienda a ley que limitaría a las ONG”, OACNUDH, March 6, 2019, <https://www.oacnudh.org.gt/index.php/sala-de-prensa/noticias-y-comunicados/191-guatemala-bachelet-exprea-preocupacion-ante-posible-aprobacion-de-enmienda-a-ley-que-limitaria-a-las-ong>.

Special Rapporteur on freedom of expression⁸¹ expressed strong concerns about the legislation.

Just before Tiriquiz' detention, Guatemala received several loans to support its COVID-19 response, including elements directly linked to the protests she covered. The protesters, mainly vendors in the municipal market, were demonstrating because their livelihoods were strongly affected both by the closing of the municipal market and the lack of adequate measures to support their income. They were also criticizing the local authorities for the mismanagement of resources intended to address the pandemic.

On August 28, 2020, the IDB approved a US\$ 100 million loan,⁸² to support vulnerable populations affected by COVID-19, which partially finances cash transfers. Therefore, the censorship and criminalization of a journalist covering the protests against the inefficiency of these measures is directly linked to the bank's loan.

IN GUATEMALA, THE WB FAILED TO CONSIDER THE RISKS OF REPRISALS AGAINST THOSE WHO EXPRESS CRITICAL OPINIONS ABOUT THE STATE RESPONSE TO COVID-19.

On June 26, 2020, the WB approved a US\$ 20 million project,⁸³ with the objective to prevent, detect and respond to the threat posed by the pandemic and strengthen national systems for public health preparedness. This project financed prevention and 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 in basic COVID-19 protocols, early identification, monitoring, notification and control of outbreaks. At the same time, contextual risks were considered high for social discontent, given the pending economic impacts of the response measures.

81 "IACHR, La CIDH y su RELE rechazan entrada en vigor de reformas a la Ley de Organizaciones no Gubernamentales en Guatemala", Comisión Interamericana de Derechos Humanos, May 19, 2021, <https://www.oas.org/es/CIDH/jsForm/?File=/es/cidh/prensa/comunicados/2021/128.asp>.

82 "Support to vulnerable populations affected by COVID-19", IDB, Project number GU-L1176, <https://www.iadb.org/en/project/GU-L1176>.

83 "Guatemala COVID-19 Response", World Bank, Project number P173854, June 26, 2020, <https://projects.worldbank.org/en/projects-operations/project-detail/P173854>.

On December 17, 2020,⁸⁴ when numerous organizations around the world were calling for Tiriquiz's release, the WB approved a further US\$ 500 million loan to support efforts to mitigate the impact of COVID-19 on the poor and vulnerable, protect and promote human capital accumulation; mitigate the economic impact and support reforms to stimulate an inclusive sustainable recovery; and promote public sector transparency and increase domestic resource mobilization. The measures supported by this loan are also directly related to the protest and subsequent reprisal. Despite this, the risks of retaliation and the mechanisms to address them were not mentioned in the bank documentation for this project.⁸⁵

The WB failed to consider the risks of reprisals against those who express critical opinions about the state response to COVID-19, or report on those protesting and raising concerns about it.

84 "Crisis Response and Recovery in Guatemala", World Bank, Project number WB-P173698, December 17, 2020, <https://projects.worldbank.org/en/projects-operations/project-detail/P173698>.

85 Proposed loan for the crisis response and recovery in Guatemala, World Bank, December 4, 2020, <https://documents1.worldbank.org/curated/en/181481608519685740/pdf/Guatemala-Crisis-Response-and-Recovery-in-Guatemala-Development-Policy-Loan.pdf>.



People walking on the street in Conakry, Guinea. Credit: Mamadou Cellou Diallo.

GUINEA

RETALIATION

Six people killed for protesting against movement restrictions and police extortions during lockdown



FINANCIAL SUPPORT

LINKED TO THE REPRISAL

WB – US\$ 10.9 million

On May 12, 2020, at least six people, including a pregnant woman, were killed during protests against police checkpoints and roadblocks to curb the movement of people during the pandemic.⁸⁶ Five deaths occurred in the

⁸⁶ “Guinea: Six protesters killed in clashes with police”, Al Jazeera, May 13, 2020, <https://www.aljazeera.com/news/2020/5/13/guinea-six-protesters-killed-in-clashes-with-police>;

“Guinée: manifestations meurtrières dans plusieurs villes contre les barrages policiers”, Radio France International, May 13, 2021, <https://www.rfi.fr/fr/afrique/20200512-guin%C3%A9e-manifestations-meurt-ri%C3%A8res-plusieurs-villes-contre-les-barrages-policiers>.

town of Coyah and one in Dubreka, immediately north of Conakry. According to the police, crowds were protesting against road barriers set up to control traffic between the capital and the rest of the country. Protesters said they were tired of being mistreated and extorted by the police at entry and exit points to the capital.⁸⁷

On May 14, Fabien Offner, researcher at Amnesty International’s West and Central Africa Office, said: “Since the beginning of the year, several people have been victims of unlawful killings and arbitrary arrests. This week, security forces once again used excessive force against protesters. The government has not yet released any record.”⁸⁸

A resident contacted by Amnesty International said: “The revolts of the populations are due to the multiplication of abuses by the security forces at the level of the roadblocks, the number of which has multiplied to exceed the limits. The situation got worse until it came to this.”

As reported by Amnesty International,⁸⁹ in May, Guinean President Alpha Condé “urged the justice system to shed light on these serious events and to draw all legal

⁸⁷ “COVID-19 crackdown: police abuse and the global pandemic”, Amnesty International, 2020, <https://www.amnesty.org/download/Documents/ACT3034432020ENGLISH.PDF>.

⁸⁸ “Guinée. Les autorités alimentent le cycle de la répression dans le contexte du COVID-19”, Amnesty International, May 14, 2020, <https://www.amnesty.org/fr/latest/news/2020/05/guinee-les-autorites-alimentent-le-cycle-de-la-repression-dans-le-contexte-du-COVID>.

⁸⁹ “Marching to their deaths: urgent need of justice for the victims of Guinea’s crackdown”, Amnesty International, 2020, <https://www.amnesty.org/download/Documents/AFR2929372020ENGLISH.PDF>.

consequences”. However, he attributed these tragedies to “the violence during social and political movements in our country”, without questioning the excessive use of force by the defense and security forces.

On 17 June, a delegation of ministries and other authorities went to visit the families of the six people killed on 12 May and apologized to them, but without explicitly acknowledging the defence and security forces’ responsibility. A relative of one of the victims told Amnesty International: “They told us they’d come to apologize. They gave us a bag of rice and 10 million francs (around 900 euros). We didn’t forgive them, we demanded justice.”

In addition to the incidents and deaths specifically related to protests against response measures to COVID-19, many other incidents revealed a climate of severe restrictions on freedom of expression in Guinea. CIVICUS Monitor has reported several other cases of violent repression of protests, dozens of deaths, banned demonstrations and arbitrary arrests and harassment of political opponents during 2020, in the context of a constitutional reform in the country.⁹⁰

JUST ONE MONTH AFTER SIX PEOPLE WERE KILLED DURING A PROTEST, THE WB APPROVED A US\$ 10.9 MILLION LOAN THAT INCLUDED ACTIVITIES DIRECTLY CONNECTED TO WHAT PEOPLE WERE PROTESTING ABOUT.

Despite this, on June 17, 2020, just one month after the killings of six people, the WB approved a US\$ 10.9 million loan project,⁹¹ that included activities – such as implementation of social distancing measures, support for the implementation of quarantine and restrictions on people’s movement – that were directly connected to what people were protesting about.

90 “Judicial harassment of FNDC Activists; 6 People Killed in Protest Against Covid-19 Police Roadblocks”, Monitor Civicus, August 2020, <https://monitor.civicus.org/updates/2020/08/12/FNDC-activists-arrested-intimidated-six-people-killed-protest-against-COVID19-police-roadblocks>.

91 “Guinea COVID-19 Preparedness and response project”, World Bank, Project number P174032, June 17, 2020, <https://projects.worldbank.org/en/projects-operations/project-detail/P174032>.

For the implementation of the project, one of the major risks identified was the loss of jobs and income linked to lockdown measures and restrictions on movement. Specifically, the project provides immediate support to limit local transmission of COVID-19 through the implementation of containment strategies. It helps enhance disease detection capacities through provision of quarantine support, and information systems to ensure prompt case recording and case detection, contact tracing and case treatment.

The project also “supports the implementation of social distancing measures imposed by the government... and the development of guidelines on phased social distancing measures to operationalize existing or new laws and regulations. Risk mitigation measures for social distancing measures will be implemented through digital services. Support under this sub-component will consist of financing digital services by purchasing of information technology equipment (audio and telemedicine equipment), internet bandwidth, and internet connectivity for remote work”.

The WB also recognizes that “the measures taken by the Government to mitigate and reduce the risks of the spread of the virus are likely to create social tensions within communities. These measures include the closure of schools, universities and places of worship, the limitation of social mobility and professional activities, and the decrease of exchanges and communication relationships (baptisms, funeral weddings, etc.). These solidarity chains, social, cultural and religious practices which are spaces of excellence for socialization, awareness and communication for certain underprivileged groups of the population who do not have access to electricity and modern means of communication. The project states it will take care to avoid the risks of social exclusion due to the variability of the capacity of certain communities or individuals to apply certain protective measures because of lack of knowledge or means. The Bank will support the Ministry of Health to prepare a Stakeholder Engagement Plan (SEP) for further citizen involvement and public disclosure of information, while updating it to include more information on the environmental and social risks of project activities and new modalities that include the need for a comprehensive plan for community engagement and participation, including improved hygiene and social distancing.”

However, at no point does the project document refer to the events that occurred, and their possible impact on the level of civil society participation during the preparation and implementation of the project,⁹² neither does it refer to the necessary measures to prevent possible reprisals in case of further protests.

Even though the excessive use of force that resulted in the death of six people is directly linked to the project, the bank failed to recognize the need to provide adequate measures to ensure that people can freely speak out and protest. The formulation of a SEP, to the extent that it does not foresee specific actions to prevent events as serious as those that resulted in the death of six people from occurring again, is insufficient to ensure meaningful participation and freedom of expression outside of the limited consultation channels specifically established to discuss the project.

92 The document only says: “The possibilities for further conflict remain. The new constitution has been voted and promulgated in early April 2020 after protests and violent social unrest. This new constitution allows the president to run for a third term, which has been much disputed. The Presidential election is scheduled for late 2020.” See: https://ewsdata.rightsindevelopment.org/files/documents/32/WB-P174032_GbTbhCP.pdf.



Jamal Haddad, Jordanian journalist arrested for raising questions about vaccine distribution

JORDAN

RETALIATION

Arrest of journalist Jamal Haddad for raising questions about vaccine distribution



FINANCIAL SUPPORT

LINKED TO THE REPRISALS

WB - US\$ 20 million

+ US\$ 116.84 million (*in the pipeline*)

On December 24, 2020 the National Security Prosecutor summoned Jordanian journalist Jamal Haddad and detained him, pending investigation under the country's anti-terrorism law. Two days earlier, Haddad had published an editorial on the news website Alwakaai, that raised questions about government officials receiving the vaccine when it was not yet available to the general

public.⁹³ The op-ed was titled 'What about the people? Has the Pfizer vaccine arrived in secret and is being used to vaccinate senior officials in the Jordanian authorities?'⁹⁴

In the article Haddad wrote: "Until this moment, we (as a people) are still prisoners of contradictory information about Corona vaccines, and if we are within the state's calculation of its components in obtaining them, or is the matter limited to high-ranking officials in the Jordanian government, as is the general context? With all that is useful, we will be in the last calculations."

Haddad questioned the government's announcements after a high-ranking official in the Ministry of Education wrote on her Facebook page that she had received the vaccine. Referring to this post, Haddad said the government owes the public an explanation over which vaccines are being used in the country and how they will be distributed to the people. He also asked whether the government had already started receiving the Pfizer vaccine, especially since according to earlier statements the jab was not expected in Jordan until late January or early February.⁹⁵ Haddad was asking key questions about issues citizens should be informed about, and expressing

93 "Jordan must release publisher Jamal Haddad immediately", CPJ, December 27, 2020, <https://cpj.org/2020/12/jordan-must-release-publisher-jamal-haddad-immediately>.

94 "What about the people!! Has the "Pfizer" vaccine arrived secretly and is vaccinated for senior officials in the Jordanian government?", Jamal Haddad, Al Wakaii, December 22, 2020, <https://alwakaai.com/article/398887>.

95 "Jordan's Freedoms Under The Hammer After Journalist's Op-ed Lands Him in Jail", Albawaba, December 27, 2020, <https://www.albawaba.com/node/jordans-freedoms-under-hammer-after-journalists-op-ed-lands-him-jail-1401327>.

the social demand that the distribution of vaccines be transparent and without privileges.

The State Security Attorney General directed charges against Haddad that included ‘endangering the safety of society’, ‘causing discord and disturbing public order’, and ‘spreading terror among people’. He decided to detain him for 15 days pending investigation.⁹⁶ After having spent five days in prison, Jordan’s State Security Court agreed to temporarily release Haddad after a request from the Jordan Press Association, which also covered the journalist’s bail bond.⁹⁷ The case is still pending before the Public Prosecutor of the State Security Court.

Haddad’s arrest is not an isolated incident. According to CPJ, Jordanian authorities arrested at least three other journalists in 2020 because of their coverage of the pandemic.⁹⁸

In May 2020, the Jordanian Health Minister instituted a policy requiring that all hospital directors and Health Ministry officials obtain permission from the Ministry before speaking with members of the press.⁹⁹ Moreover, on March 17, 2020, a decree that declared a state of emergency activated the emergency provisions of Defense Law 13 of 1992, that gave the prime minister powers to suspend certain individual rights, including freedom of movement and expression.¹⁰⁰ On the same day, within the framework of the National Defense Law, the Jordanian Council of Ministers suspended the printing and sale of paper newspapers, on grounds that they contribute to the spread of COVID-19.¹⁰¹

Paragraph 2.2 of Defense Order N°8, issued on April 26, 2020 under Jordan’s state of emergency, prohibits “publishing, republishing, or circulating any news about

96 See: “Jordan: Journalist Jamal Haddad detained for publishing article on access to Covid-19 vaccine”, Gulf Centre for Human Rights, December 12, 2020, <https://www.gc4hr.org/news/view/2558>; “Jordan.. Arrest of journalist intimidation against press workers”, Euro-mediterranean Human Rights Monitor, December 25, 2020, <https://euromedmonitor.org/en/article/4075/Jordan.-Arrest-of-journalist-intimidation-against-press-workers>.

97 “Jordan journalist detained over Covid vaccine story released on bail”, The New Arab, December 29, 2020, <https://english.alaraby.co.uk/english/news/2020/12/29/jordan-journalist-detained-over-COVID-story-released-on-bail>.

98 See: “Bangladeshi journalist held in Jordan without lawyer since April”, CPJ, June 1, 2020, <https://cpj.org/2020/06/bangladeshi-journalist-held-in-jordan-without-lawyer-since-april>. “Jordan arrests 2 Roya TV journalists over COVID-19 coverage”, CPJ, April 10, 2020, <https://cpj.org/2020/04/jordan-arrests-2-roya-tv-journalists-over-COVID-19>.

99 See COVID-19 Civic Freedom Tracker, International Centre for Not Profit Law, <https://www.icnl.org/covid19tracker>.

100 *ibid.*

101 *ibid.*

the pandemic in order to terrify people or cause panic among them via media, telephone, or social media” . The order specifies penalties of up to three years in prison, a fine of 3,000 Jordanian dinars (US\$ 4,230) or both.¹⁰²

THE IMPOSSIBILITY OF OPENLY DISCUSSING THE VACCINATION POLICY OR ASKING QUESTIONS ABOUT IT JEOPARDIZES THE OBJECTIVES OF THE PROJECT THE WB IS FUNDING.

The vaccination policies that Haddad had criticized were one of the components of a US\$ 20 million loan approved by the WB on April 28, 2020,¹⁰³ that also included risk communication and community engagement measures. The WB’s support for vaccine policies and official communication measures on the pandemic is problematic since the power of the state is used to restrict free information and discussion about those policies.

As of June 15, 2021, the WB is considering additional funding of US\$ 116.84 million for this project,¹⁰⁴ in order to prevent, detect and respond to the threat posed by COVID-19 and strengthen the national health system. According to the WB’s web page, one of the objectives is to support the expansion of COVID-19 vaccination.

The imprisonment of a journalist for having criticized the lack of transparency and possible privileges in the application of vaccines sends a direct message to all other journalists and ordinary people, preventing them from expressing their concerns, doubts and criticisms in relation to the vaccination policy. It has a chilling effect on civil society, all the more so if it is evaluated in the context of legislative reforms destined to give a legal basis to the persecution of people for exercising their right to free expression. The impossibility of openly discussing the vaccination policy applied in the country, or asking questions about it, implies that the conditions are not in place for there to be accountability or involvement of civil society, thereby jeopardizing the objectives of the project the WB is funding.

102 “Jordan: Free Speech Threats Under COVID-19 Response”, Human Rights Watch, May 5, 2020, <https://www.hrw.org/news/2020/05/05/jordan-free-speech-threats-under-COVID-19-response>.

103 “The WB Jordan COVID-19 Emergency Response”, World Bank, Project number WB-P173972, April 28, 2020, <https://projects.worldbank.org/en/projects-operations/project-detail/P173972>.

104 “Expanding Covid-19 Vaccination and Prevention and Control of Select Diseases”, World Bank, Project number WB-P176666, <https://projects.worldbank.org/en/projects-operations/project-detail/P176666>.



Nicaragua: protest for the dismissal of doctors who criticized the government's response to the pandemic.

NICARAGUA

RETALIATION

Dismissal of more than 16 doctors for having criticized the government's response to the pandemic, in a letter signed by more than 700 health professionals.



FINANCIAL SUPPORT

LINKED TO THE REPRISAL

IDB - US\$ 44.4 million

WB - US\$ 20 million

In Nicaragua, in May 2020, more than 700 medical professionals signed a statement criticizing the government's response to the pandemic. They highlighted problems such as the underreporting of figures of those

affected by the virus, the failure to implement remote working, and keeping the borders open, among others.

In a second letter, they said: "The precarious public health system is in the process of saturation, with a high probability of collapsing in the coming days, which puts the general population at a high risk of death due to the lack of health resources to face the epidemic ... as a consequence of an exponentially increasing demand related to severe respiratory illnesses nationally and the lack of adequate protective equipment for health workers, many health and support workers have been infected with COVID-19."¹⁰⁵

The letter clearly detailed both the lack of adequate measures and the shortcomings of official data on the pandemic. In turn, the doctors proposed a clear roadmap to provide a technically adequate response to the pandemic, which would comprehensively take into account the different aspects of the health policy.

Many signatories to the statement were threatened and several were dismissed from their jobs in retaliation.¹⁰⁶ There have been reports of dismissals of health care workers from at least 16 hospitals, in apparent

¹⁰⁵ "Segundo pronunciamiento de profesionales de la salud independientes sobre la situación actual del COVID-19 en Nicaragua", May 28, 2020, Movimiento de Renovación Sandinista, <https://progressive-alliance.info/2020/05/28/segundo-pronunciamiento-de-profesionales-de-la-salud-independientes-sobre-la-situacion-actual-del-covid-19-en-nicaragua-spanish-only-2/>.

¹⁰⁶ "Nicaragua: Despiden a médicos por criticar el manejo de la Covid-19", Human Rights Watch, June 23, 2020 <https://www.hrw.org/es/news/2020/06/23/nicaragua-despiden-medicos-por-criticar-el-manejo-de-la-COVID-19>.

retaliation for voicing concerns about how Daniel Ortega government's managed the crisis.¹⁰⁷

The dismissal of doctors directly affects the ability to tackle the pandemic, and shows serious limitations for the active participation and involvement of health personnel in the discussion of the response policies financed by banks.

A letter signed by human rights organizations, quoting figures from the COVID-19 Citizen Observatory, reveals that as of June 10, 2020, in Nicaragua 536 health workers had presented symptoms consistent with COVID-19 and 61 had died. It also shows that the figures of the multidisciplinary team that carries out community epidemiological surveillance in the country counted 1,398 deaths from pneumonia and suspected COVID-19, a figure that was in wide contrast with the data published by the Ministry of Health, which reported only 55 deaths by June 10.¹⁰⁸

The Office of the UN High Commissioner for Human Rights (OHCHR) expressed its concern for these dismissals and other attacks against freedom of expression in Nicaragua.¹⁰⁹ More than 90 writers and intellectuals from around the world advocated for the reinstatement of the dismissed doctors.¹¹⁰

IN NICARAGUA, DOCTORS WHO CRITICIZED POLICIES DIRECTLY FINANCED BY IFIs WERE DISMISSED.

The doctors criticized policies directly financed by IFIs. The harsh retaliation against doctors who questioned the response to the pandemic and the lack of transparency around the official numbers speak clearly to the impossibility of effectively engaging with key civil society actors. This in turn poses a serious risk to the effectiveness of the COVID-19 response.

107 "Carta abierta a Daniel Ortega, Presidente de Nicaragua, enviada por organizaciones internacionales", Amnesty International, June 17, 2020, <https://www.amnesty.org/download/Documents/AMR4325352020SPANISH.PDF>

108 *ibid.*

109 "Preocupa a la ONU despido de médicos en Nicaragua", Deutsche Welle, June 10, 2020, <https://www.dw.com/es/preocupa-a-la-onu-despido-de-m%C3%A9dicos-en-nicaragua/a-53755341>.

110 "Más de 90 escritores del mundo abogan por médicos en Nicaragua", Deutsche Welle, June 19, 2020, <https://www.dw.com/es/m%C3%A1s-de-90-escritores-del-mundo-abogan-por-m%C3%A9dicos-en-nicaragua/a-53866039>.

Nevertheless, on July 31, 2020, just after the dismissal of doctors and the subsequent outcry both nationally and internationally, the IDB approved a US\$ 43 million project.¹¹¹ The project included funding for communication with the public, case tracking and monitoring, and technical support to prepare reports analysing and monitoring the spread of COVID-19. In its components related to risk communication, the loan includes assistance for communication strategies in mass media and educational campaigns, including specific campaigns to protect women from domestic violence and creation of translated materials for indigenous and Afro-descendant communities. It also includes assistance in preparing, approving, disseminating and implementing protocols and guidelines, as well as providing training for COVID-19 prevention, care and management, with a particular attention to those needing high levels of support, including people with disabilities, the elderly and pregnant women, and homecare.

The IDB approved two further COVID-19 projects in July and December, a US\$ 200,000 loan to support the Border Integration Program,¹¹² and a US\$ 1.2 million¹¹³ grant to address the spread of the virus and mitigate its effects.

On December 8, 2020 the WB approved a US\$ 20 million project¹¹⁴ to support Nicaragua's readiness to respond to the pandemic. The project's main component relates to the provision of essential medical and laboratory supplies and equipment, as well as the protection of health care workers. The WB classifies the social risk of the project as substantial, after considering that there is a potential for social discontent, because the public demands may surpass the response capacity of the project. This assessment also notices growing concerns about the capacity of the government to manage the crisis and takes into account factors related to transparency, inclusive participation of those who have opposing views to the government, and accountability. Potential

111 "Immediate Response of Public Health to Contain and Control Coronavirus and Mitigate its Effect on the Provision of the Service in Nicaragua", IDB, Project number NI-L1161, <https://www.iadb.org/en/project/NI-L1161>.

112 "Support to the Border Integration Program", IADB, Project number NI-T1288, July 23, 2020, <https://ewdata.rightsindevelopment.org/projects/ni-t1288-support-to-the-border-integration-program/>.

113 "Containment and Mitigation Measures of Coronavirus (Covid-19) in Nicaragua", IADB, Project number NI-T1291, December 14, 2020, <https://ewdata.rightsindevelopment.org/projects/ni-t1291-containment-and-mitigation-measures-of-coronavirus>.

114 "Nicaragua COVID-19 Response", World Bank, Project number P173823, December 8, 2020, <https://projects.worldbank.org/en/projects-operations/project-detail/P173823?lang=en>.

social risks of the project also include “risks related to ensuring inclusive participation and the effectiveness of the Grievance and Redress Mechanism (GRM) in an emergency response context. Measures to mitigate these risks and impacts will be identified and included in the project’s ESMF and Stakeholder Engagement Plan (SEP).”¹¹⁵ The plan identifies workers from the 19 hospitals selected for emergency care as one of the stakeholder groups.¹¹⁶

However, this plan does not take into account the fact that the massive dismissals of health personnel for having criticized the official response will have a chilling effect on all health personnel. A consultation process that does not address this issue is fundamentally flawed and seriously risks compromising the objectives of the project and the legitimacy of the banks’ interventions.

115 “Appraisal Environmental and Social Review Summary Appraisal Stage”, World Bank, Project number P173823, January 04, 2020, <http://documents1.worldbank.org/curated/en/931861585768395820/pdf/Appraisal-Environmental-and-Social-Review-Summary-ESRS-Nicaragua-COVID-19-Response-P173823.pdf>.

116 “Proyecto Respuesta al COVID-19 en Nicaragua: Plan de Participación de Partes Interesadas”, World Bank, October 2020, Project number P173823, <http://documents1.worldbank.org/curated/en/157711604250683191/pdf/Stakeholder-Engagement-Plan-SEP-Nicaragua-COVID-19-Response-P173823.pdf>.



Journalist and woman rights defender Aida Abdel Qader.

SUDAN

RETALIATION

Charges against journalists Lana Awad and Aida Abdel Qader, for their reporting on COVID-19.



FINANCIAL SUPPORT

LINKED TO THE REPRISALS

WB - US\$ 21.99 million

AFDB - US\$ 28 million

Lana Awad and Aida Abdel Qader are two women human rights defenders and journalists. They are members of the Darfur Journalists Association and their work focuses primarily on promoting women's rights and defending health rights in Sudan.

On May 26, 2020, they published an article in the South Darfur News, detailing the high COVID-19 fatality rate in the city of Al-Fashir and the shortage of PPEs among health workers and local residents.¹¹⁷ The note contributed to raising public awareness about the high risk of death generated by the pandemic in the city, and raised the need to protect the community with PPEs, in particular health workers.

On May 29, 2020, Awad and Qader received several phone calls from unknown individuals, threatening that they would be arrested and tortured by the Military Intelligence Agency, in response to the article they had published. A military officer stopped the two women in the street and aggressively attempted to arrest them, but they managed to get away. On June 2, the Public Prosecutor opened an investigation against the two defenders, who were at risk of being charged with defamation and the spreading of false news because of their reporting. On May 27, the Media News Agency of North Darfur falsely published another article under Awad's name, which denied the information in the initial article written by the two women. Awad was also working for the Ministry of Health and Social Development at that time, but was dismissed as a retaliation.¹¹⁸ She was then allowed to return to work after a change in the government, but she remains at risk because both women defenders have frequently been harassed in relation to their

117 "Darfur 24 reveals ordeals of two journalists in North Darfur being pursued by military intelligence", Darfur 24, June 2, 2020, <https://www.darfur24.com/en/2020/06/02/darfur-24-reveals-ordeals-of-two-journalists-in-north-darfur-being-pursued-by-military-intelligence>.

118 "Harassment against women human rights defenders Lana Awad and Aida Abdel Qader", Front Line Defenders, June 5, 2020, <https://www.frontlinedefenders.org/en/case/harassment-against-women-human-rights-defenders-lana-awad-and-aida-abdel-qader-0>.

human rights work in the past. They also face heightened risks due to the fact that they work in a conflict zone.

Sudan is also one of the countries that has enacted restrictive regulations on freedom of expression during the pandemic. On April 12, 2020 the Sudanese government issued Emergency Order N° 1, declaring a public health emergency and criminalizing “disseminating incorrect statements or information, including rumors, through any means of publication or misleading the authorities regarding the pandemic.”¹¹⁹

WHAT HAPPENED TO WOMEN DEFENDERS AND JOURNALISTS AWAD AND QADER SHOWS THAT DISCUSSION OF COVID-19 POLICIES FINANCED BY IFIs IS NOT POSSIBLE IN SUDAN.

On September 30, 2020, despite censorship of journalists who were reporting on high fatality rates and lack of PPEs, such as Awad and Qader, the WB approved a loan of US\$ 21.99 million to finance the emergency COVID-19 response in Sudan.¹²⁰ Among the components financed by the loan are the procurement of medical and non-medical supplies, medicines, and equipment as well as training, disease surveillance, emergency operating centers and rapid response teams to allow timely and adequate detection, tracing, and reporting of suspected cases. The project also includes nationwide risk communication and community engagement campaigns to raise awareness of COVID-19 and other pre-existing health priorities, despite those reporting on the pandemic and the real fatality rate were facing threats and unfair dismissals and they were being persecuted under laws approved with the pretext of countering disinformation.

Lack of PPEs had been criticized by Awad and Quader. On November 18, 2020, the AfDB approved a US\$ 28 million grant.¹²¹ The project includes the strengthening of health

systems and building resilience to respond to COVID-19 and other epidemics, with measures to strengthen intensive care units, procure and provide ICU equipment and commodities, establish and maintain isolation centers and procure and distribute medical supplies and equipment. Among the direct beneficiaries, the project documents mention health workers in targeted health facilities, who will receive PPEs.

What happened to journalists Lana Awad and Aida Abdel Qader demonstrates that robust public participation and discussion of policies in response to COVID-19 financed by IFIs was not possible in this context, and that the fulfillment of the project objectives — both in relation to the provision of PPE and the communication strategy — are undermined by legislation and practices that prevent people from openly discussing these issues.



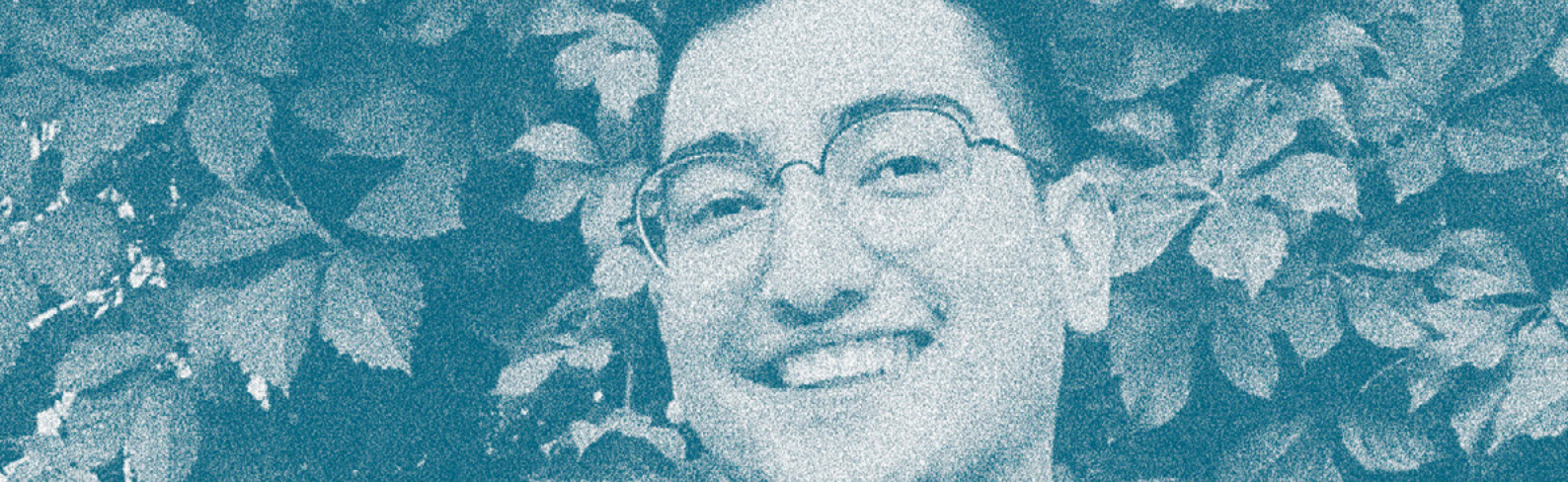
Journalist and woman rights defender Lana Awad.

119 See COVID-19 Civic Freedom Tracker, International Centre for Not Profit Law, <https://www.icnl.org/covid19tracker>.

120 “Sudan COVID-19 Emergency Response Project”, World Bank, Project number P174352, September 23, 2020, https://ewldata.rightsindevelopment.org/files/documents/52/WB-P174352_qnKQjMJ.pdf.

121 The loan amounts to U.A. 20.000.000 (the official currency for the AfDB projects), which approximately corresponds to US\$ 28.232.800, as per November 2020 exchange rate. See: “Sudan: COVID-19 Emergency Response Support Project”, Project Number AFDB-P-SD-K00-007, African

Development Bank Group, November 18, 2020, <https://projectsportal.afdb.org/dataportal/VProject/show/P-SD-K00-007>.



Credit: Uzbek blogger Miraziz Bazarov, harassed and criminalized for reporting on alleged corruption related to the COVID-19 response.

UZBEKISTAN

RETALIATION

Harassment of blogger Miraziz Bazarov after he published a letter on alleged corruption related to COVID-19 funds



FINANCIAL SUPPORT

LINKED TO THE REPRISAL

ADB – US\$ 604 million

AIIB – US\$ 300 million

EIB – US\$ 10 million (*in the pipeline*)

WB – US\$ 95 million

Miraziz Bazarov is a blogger and rights activist in Uzbekistan. On July 24, 2020, he published a series of posts in his Facebook account and Telegram channel about the possible misuse of funds from international financial institutions.

He also published an official open letter to ADB,¹²² about a possible case of corruption related to its funding allocated to help Uzbekistan cope with the pandemic. Bazarov claimed that information disclosed in mass media and social media indicated that the loans provided by ADB acted as a catalyst, increasing the level of corruption.

ACCORDING TO BLOGGER AND RIGHTS ACTIVIST BAZAROV, THE UZBEK GOVERNMENT HAS POTENTIALLY MISUSED IFIs FUNDS.

On June 25, 2020, the ADB approved a US\$ 500 million loan to help Uzbekistan mitigate the adverse health and economic impacts of COVID-19.¹²³ According to Bazarov, the Uzbek government was potentially misusing these funds. Among the various anti-corruption measures he recommended, Bazarov requested the ADB to halt approving loans until a transparent system on how funds were being spent was established, to conduct an investigation on how the loans for COVID-19 response were being used, to strengthen ADB's transparency requirements for public loans and grants in Uzbekistan, and to ensure social support to the most vulnerable groups.

On July 27, 2020, just after the publication of this letter, Bazarov was called in for questioning by the local police

122 "Letter to the Board of Directors of the Asian Development Bank", Miraziz Bazarov, July 24, 2020, <https://telegra.ph/Letter-to-the-Board-of-Directors-of-the-Asian-Development-Bank-07-24>.

123 "Uzbekistan: COVID-19 Active Response and Expenditure Support Program", ADB, Project number 54160-001, <https://www.adb.org/projects/54160-001/main>.

(State Security Service – SSS), allegedly to provide information to help solve a crime.¹²⁴ When he arrived at the SSS office, his lawyer was not allowed to enter, allegedly because of his high body temperature. As Bazarov refused to enter without his lawyer, they were sent home and told to contact the SSS by phone. However, Bazarov was not able to reach the officer on the phone when he called later.¹²⁵

On the same day, Bazarov started to receive numerous SMS messages and emails with information about the registration and resetting of his passwords across different services. He also received notifications about different paid services being turned on and off. Soon after he did not have any money left on his account balance and lost internet connection. He consulted with several specialists who work in the telecom industry in Uzbekistan and in other countries, who told him that the only explanation was that his mobile operator, Beeline Uzbekistan, had been “pressured” by the SSS to activate paid services. He sent an official complaint to the Tashkent city prosecutor about the case, but has not received any reply so far.¹²⁶

On July 30, 2020, Bazarov, together with journalists Vlad Avdeev and Darin Solod, who work for Hook Report (a local online media that had written about his situation with the SSS and the letter to ADB) received several messages notifying them that the three of them were registered at an online prostitution service and their photos and mobile numbers had been disclosed online.¹²⁷ This was a particularly vicious form of slander to frighten them, as Bazarov and Avdeev were listed as “gay prostitutes”, which is extremely dangerous given the high levels of homophobia in Uzbek society. Both were at risk of attacks. Besides, homosexual acts among men are illegal in Uzbekistan, so Bazarov and Avdeev could even end up being prosecuted because of this.

When the situation was exposed in the media, including in international media, the SSS denied in an official response that they were carrying out an investigation into Bazarov. Representatives of Beeline Uzbekistan (Unitel LLC, which is

part of VEON Ltd) confirmed his account had been hacked, however they refused to share any details about the hacker.

On March 28, 2021, three men violently attacked Bazarov, allegedly because he advocated for the decriminalization of same-sex relationships. One of Bazarov’s neighbours said “As [he] was entering the entrance of the house where he lived, a car came to a stop and three masked men fell out of it...One of them had a baseball bat in his hand. They got out of the car and started beating [him].”¹²⁸ Bazarov was taken to a hospital with multiple injuries and a fractured leg.

On April 7, 2021 Bazarov released a statement from the hospital, after meeting with his lawyer for the first time after the attack. Since he did not have a smartphone, he had no communication with the outside world. He stated the attack was organized or provoked by the intelligence service as a scare tactic. Bazarov was warned of the worst consequences if he did not stop his activities on topics that the SSS does not like, or that put the SSS in a negative light. During his stay in the hospital, a search was conducted at his and his mother’s apartment, aimed not at finding evidence against the assailants who attacked him, but at finding evidence against him. Bazarov thinks the seizure of his devices was made, among other things, for the purpose of removing files with compromising information. Police said that they would be investigating the incident but blamed Bazarov for provoking the beating.¹²⁹ In May 2021, the Investigative authority of the Ministry of Interior initiated a criminal case against Bazarov on charges of defamation.

In March, 2020, Uzbekistan introduced new charges in the criminal code for disseminating false information about the spread of COVID-19 and other dangerous infectious diseases, with hefty fines or up to three years in prison.¹³⁰ On March 30, 2021, the president signed a law criminalizing public incitement to disorder and violence, as well as insult or defamation of the president on

124 See Miraziz Bazarov’s Telegram channel post: https://t.me/bazarov_channel/294.

125 See Miraziz Bazarov’s Telegram channel posts: https://t.me/bazarov_channel/294, https://t.me/bazarov_channel/304.

126 See Miraziz Bazarov’s Telegram channel post: https://t.me/bazarov_channel/322.

127 See Miraziz Bazarov’s Telegram channel post: <https://t.me/catseditor/549>, https://t.me/black_raven69/3119, https://t.me/black_raven69/3116.

128 “Uzbek LGBT+ activist may need brain surgery after savage attack by masked thugs with a baseball bat”, Pink News, March 29, 2021, <https://www.pinknews.co.uk/2021/03/29/miraziz-bazarov-uzbekistan-lgbt-activist-hate-crime-attack-tashkent-telegram/>.

129 “Uzbekistan police blame victim in violent attack on pro-LGBT activist”, Eurasia Net, March 29, 2021, <https://eurasianet.org/uzbekistan-police-blame-victim-in-violent-attack-on-pro-lgbt-activist>.

130 “Country chapter: Uzbekistan”, Human Rights Watch, <https://www.hrw.org/world-report/2021/country-chapters/uzbekistan>.

telecommunication networks or the internet, punishable by up to five years in prison.¹³¹

Journalist Agnieszka Pikulicka was also targeted by the police after she covered a demonstration in the capital against LGBT rights. It was after that demonstration that Bazarov was attacked and hospitalized. She tried to visit and interview him at the hospital, but the police refused her entry and ordered her not to report on the attack. When she tweeted about the threats by the police, the Ministry of Internal Affairs issued a statement quoting her tweets and accused her of violating national media laws by publishing false information.¹³² Following the ministry's statement, she received repeated threats on social media and was watched by unknown men who were parked in front of her house for several hours. In June 2021, the Uzbek foreign ministry refused to renew her press credentials.¹³³

According to Reporters Without Borders, in Uzbekistan the authorities maintain a significant level of control over the media. In November 2020, the governmental Agency for Information and Mass Communication sent several warning letters to media outlets accusing them of "unprofessional activities", after they raised questions on the official COVID-19 statistics.¹³⁴

The different reprisals suffered by Bazarov are directly linked to his activism for transparency and against corruption in the handling of funds provided by the ADB, to respond to COVID-19 and its consequences.

As of June 15, 2021, the ADB has approved four projects for Uzbekistan's COVID-19 response, for a total of almost US\$ 604 million: a US\$ 500 million loan on June 25, 2020,¹³⁵ a US\$ 100 million loan on July 30, 2020,¹³⁶ US\$ 650,000

131 "Press struggles to regain strength after decades of repression in Uzbekistan", International Press Institute, April 30, 2021, <https://ipi.media/press-struggles-to-regain-strength-after-decades-of-repression-in-uzbekistan/>.

132 *ibid.*

133 "Uzbek foreign ministry refuses to renew accreditation of Polish journalist Agnieszka Pikulicka", CPJ, June 2, 2021, <https://cpj.org/2021/06/uzbek-foreign-ministry-refuses-to-renew-accreditation-of-polish-journalist-agnieszka-pikulicka/>.

134 *ibid.*

135 "COVID-19 Active Response and Expenditure Support Program", ADB, Project number 54160-001, June 25, 2020, <https://ewsdta.rightsindevelopment.org/projects/54160-001-covid-19-active-response-and-expenditure-support-p/>.

136 "COVID-19 Emergency Response Project", ADB, Project number 54282-001, July 30, 2020, <https://ewsdta.rightsindevelopment.org/projects/54282-001-covid-19-emergency-response-project/>.

grant on August 6, 2020,¹³⁷ and a US\$ 3 million grant on September 14, 2020.¹³⁸ Moreover, the ADB approved a US\$ 1 million technical assistance project for Central Asia, which also includes support for Uzbekistan.¹³⁹

The WB approved a US\$ 95 million loan.¹⁴⁰ The AIIB approved a US\$ 100 million dollar loan on August 13, 2020¹⁴¹ and a US\$ 200 million dollar loan on November 25, 2020.¹⁴² The EIB proposed a US\$ 12,120,900¹⁴³ loan on July 23, 2020.¹⁴⁴

This is after the acts of harassment against Bazarov for his investigations into corruption in the handling of international cooperation funds, and despite the fact that the ADB had been informed about them, and also despite the fact that the conditions are not in place for people to be able to ask questions and openly discuss the management of these resources.

137 "Republic of Uzbekistan: Assessment of Socio-Economic Impacts of COVID-19 and Institutional Strengthening for Policy Responses", ADB, Project number ADB-54312-001, August 6, 2020, <https://ewsdta.rightsindevelopment.org/projects/54312-001-republic-of-uzbekistan-assessment-of-socio-econom/>.

138 "Uzbekistan: COVID-19 Emergency Response", ADB, Project number 54390-001, September 14, 2020, <https://www.adb.org/projects/54390-001/main#project-pds>.

139 "Supporting Startup Ecosystem in the Central Asia Regional Economic Cooperation Region to Mitigate Impact of COVID-19 and Support Economic Revival", ADB, 18 November, 2020, <https://ewsdta.rightsindevelopment.org/projects/54341-001-supporting-startup-ecosystem-in-the-central-asia-r/>.

140 See: "Uzbekistan Emergency COVID-19 Response Project", WB, Project number P173827, April 24, 2020, <https://projects.worldbank.org/en/projects-operations/project-detail/P173827>.

141 "Uzbekistan: Healthcare Emergency Response Project", AIIB, Project number 000402, <https://www.aiib.org/en/projects/details/2020/approved/Uzbekistan-Healthcare-Emergency-Response-Project.html>.

142 "Uzbekistan: National Bank for Foreign Economic Activity of the Republic of Uzbekistan Covid-19 Credit Line Project", AIIB, Project number 000420, November 25, 2020, <https://www.aiib.org/en/projects/details/2020/approved/Uzbekistan-National-Bank-for-Foreign-Economic-Activity-of-the-Republic-of-Uzbekistan-COVID-19-Credit-Line-Project.html>.

143 10 million euros, which approximately correspond to US\$ 12,120,900 as per June 2021 exchange rate.

144 "Uzbekistan Covid-19 Public Healthcare Loan", EIB, Project number 20200421, <https://www.eib.org/en/projects/pipelines/all/20200421>.

6. RECOMMENDATIONS

6. RECOMMENDATIONS

To fulfil their obligations and commitments, to ensure the effectiveness of COVID-19 responses and to ensure COVID-19 is not used as a pretext to further restrict civic participation, clamp down on media freedom, or to lower transparency standards, IFIs should:

Take a preventative approach:

- » Carry out a comprehensive contextual risk analysis before implementing all projects, which includes the assessment of risks to journalists, HRDs and other persons who might criticize the policies and/or projects the IFI intends to support.
- » Require clients to develop a plan to mitigate risks to journalists and HRDs that includes measures based on the risk analysis to ensure journalists, HRDs, whistleblowers, and other persons do not suffer retaliations for reporting on activities IFIs support.
- » For each project, IFIs should build on the contextual risks analysis to identify points of contact and ways to use their leverage if reprisals do occur. For e.g., banks could set up mechanisms to adjust their disbursement schedule if reprisals take place and clients do not take remedial actions. Banks should also identify actions that they can take to support the victim of a reprisal.
- » Ensure stakeholder engagement includes HRDs, journalists and organizations working on anti-corruption and civic space issues. Consultations should be undertaken in such a way that they do not put participants at further risk. During the pandemic and beyond, IFIs should conduct an assessment of the risks and effectiveness for online and offline stakeholders engagement, to ensure meaningful and safe public participation.
- » Proactively engage with governments on enabling environment for civil society:
 - while developing longer-term strategies with governments for engaging in the country,
 - when negotiating loans and other kinds of support for specific projects or activities, and
 - on an ongoing basis, throughout the lifecycle of all projects and engagements.
- » Require clients to develop a plan for how to address civic space concerns around specific projects and country strategies.
- » Require client commitments against retaliations, and to support media freedom and freedom of expression.
- » Ensure full transparency and respect of the right to access to information during project development and implementation, and provide journalists and civil society organisations with the requested information to investigate corruption, mismanagement, transparency, and accountability issues.
- » Require clients to publicly report on the development or implementation of laws which might limit civic space, as well as logging and reporting to IFIs any grievances, public opposition or attacks to whistleblowers, journalists and HRDs potentially linked to the project.
- » When starting a new project, make clear to the client the IFIs commitments on retaliation.
- » Include provisions in loan agreements to respect media freedom and clear sanctions if these provisions are not upheld.
- » Include in loan agreements a requirement for clients to act in good faith (eg. help facilitate independent

investigations and mediation) in response to any allegations of reprisals that may arise.

- » Support the creation of national mechanisms to protect journalists and HRDs.

2. Respond effectively to reprisals

- » Through a process involving meaningful participation of civil society organizations and, where possible, at risk stakeholders, set up a clear and effective reprisal response protocol, which includes:
 - specific actions the bank will adopt to address cases (such as using their influence or financial leverage, publicly condemning the reprisal, convening relevant actors, accompanying the defender during key meetings, observing trials or calling for the release of detained journalists).
 - clear internal guidance to clarify who is responsible for what and how support can be best triggered in order to protect the safety of the persons affected.
 - the provision of sufficient resourcing (funding and staff time) to implement the protocol.
- » Announce the existence of a reprisal response protocol, and publicize what the protocol looks like and who is responsible for it, as well as guidance on how to access support should a reprisal occur.
- » Ensure policies expressing non-tolerance for retaliations cover all reprisals that pose a threat to the integrity of a project, regardless of whether or not there is a direct link to the project itself.
- » Investigate any threats or attacks which may be possibly linked to their projects and clients (the burden of investigation should be on the bank, not on the defender).

3. Make public commitments

- » Publicly condemn attacks to silence journalists, HRDs, medical personnel and other persons affected by reprisals.
- » Recognize the crucial importance of press freedom and civic space in order to guarantee participation in development projects and the legitimacy of the bank's interventions, and publicly commit to promoting and protecting them.
- » Provide funds to non-governmental media organizations and 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.
- » In IFIs in which they are shareholders, instruct their Executive Directors to:
 - advocate from within the board for compliance with the recommendations set out in this report,
 - monitor progress of the IFIs in the implementation of these recommendations.
- » Regularly report back to their respective houses of parliament, and other public fora, on progress made in the implementation of these recommendations.
- » Encourage all IFIs they support to work together to address these recommendations.



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