ROSKOMSVOBODA

LIMITATIONS ON DIGITAL RIGHTS
AND CIVIC FREEDOMS
IN A PANDEMIC

Human
constanta

Pandemic
Big
Brother

"COVID-19 is a test for our societies, and we are all learning and adapting as we respond to the virus. Human dignity and rights need to be front and centre in that effort, not an afterthought"

High Commissioner for Human Rights, Michelle Bachelet

"I am profoundly concerned by certain countries' adoption of emergency powers that are unlimited and not subject to review. In a few cases, the epidemic is being used to justify repressive changes to regular legislation, which will remain in force long after the emergency is over"

High Commissioner for Human Rights, Michelle Bachelet

"Ensuring the health of the population should not be carte blanche for surveillance of private life"

Council of Europe Commissioner for Human Rights, Dunja Mijatovic

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CONTENT

WHAT'S THE REPORT ABOUT?

The coronavirus pandemic has led to the introduction of many restrictive measures all over the world and, as a result, to mass limitations on human rights and freedoms including digital rights (the right to free information, the right to privacy) and freedom of movement.

While the authors of this report agree the introduction of some restrictive measures is justified by a crisis situation, they also suggest that these measures should not mean an end to the need to demand the observation of human rights, and measures should be based on eight main principles:

- voluntariness;
- legality, conformity to law;
- transparency (openness);
- limited by time;
- achievement of aims;
- IT security;
- unacceptable discrimination;
- public participation.

We consider that the observation of human digital rights is a foundational condition for ensuring the inviolability of private life, freedom of speech, freedom of movement and other human rights independent of the current emergency situation. Particular worry is caused by the development of modern digital technology, which were originally designed to simplify and support the freedom of communication between people, but which are being used today to set-up systems that monitor people. In particular, the launch of compulsory apps that track the location of people.

Judging by the rest of the world, there is reason to assume that temporary restrictions on rights and freedom during the pandemic could become permanent (for example, laws passed to fight false information and the growing opportunities to use personal data without permission).

The task of our report is to identify all the restrictions on digital rights and civic freedoms via high-tech means that have appeared in the pandemic; as well as analyse the laws passed to reduce the death rate from COVID-10 and fight the illness.

The report has been produced by teams from RosKomSvoboda and Human Constants as part of the [#PandemicBigBrother](#) project, which is an overview of the laws and incidents limiting human rights (the right to freedom of information and the right to privacy) during the coronavirus pandemic of spring 2020.

The research used own monitoring of media, social media, messaging apps, the official websites of state agencies on which laws are published, and official court websites that have details of verdicts and sentencing.

The report looks at the following 12 countries: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Turkmenistan, Tajikistan, Uzbekistan, Ukraine.

CATEGORISING COUNTRIES BY DEGREE OF RESTRICTION ON DIGITAL FREEDOM

We divided all the countries we looked at into 4 groups, which differ in their approach to implementing restrictions, including digital restrictions, linked to the coronavirus pandemic:

countries taking a democratic approach with the introduction of lockdown restrictions (Georgia, Moldova)

Georgia and Moldova are in this category. Restrictions on movement, a ban on mass events, compulsory lockdown were all legal measures, allowed for within the framework of a formal Emergency Situation, which was introduced by both countries. In Georgia, they launched an app to track contacts with infected people but, despite this, we didn't find any violations of people's digital rights as the installation of this app was optional and registration didn't require the provision of any personal details. After complaints from doctors in Moldova that they were forced to work without personal protective equipment there was an attempt to introduce censorship: it was proposed that media outlets only be allowed to publish official information from government agencies. However, public after criticism, this proposal was withdrawn.

countries using the pandemic to partially restrict freedom of speech and the introduction of digital surveillance measures (Ukraine, Armenia, Azerbaijan)

In two of the three countries (Armenia and Ukraine) in this group an official Emergency Situation was introduced, giving legal leeway to limit freedom of movement. The Azerbaijani authorities introduced a special lockdown that allowed the residents of large towns to leave their houses only for serious reasons and for no more than 2 hours. Restrictions on movement were accompanied by a compulsory system of SMS-permits for which you had to provide personal details and your reason for being outside.

A similar approach was observed in Ukraine and Armenia. Here, they passed laws handing the government access to users' personal data, they launched state apps to monitor the movement of people and cases on online censorship linked to the publication of false data about coronavirus were recorded. Aside from this, there were several cases of the personal data of COVID-19 patients being leaked.

countries that introduced harsh digital surveillance measures and restrictions on freedom of speech (Russia, Kazakhstan, Uzbekistan, Tajikistan, Kyrgyzstan)

In Kazakhstan and Kyrgyzstan there were official Emergency Situations, whereas, for the other countries in this group, the restrictions on freedom of movement as part of lockdown were in actual fact illegal. In the countries in this group passed laws that meant fines for breaking lockdown or appearing on the streets or in public places without a mask, as well as for the publication of false information about coronavirus in the media or on social networks. In several cases, the publication of inaccurate information led to people receiving jail time.

Russia, Kazakhstan and Kyrgyzstan launched apps to track people subject to enforced quarantine. Aside from this, in Kazakhstan, there was an app that tracked possible contacts with infected people; and in Russia there was another app that was used to issue electronic permits. During the pandemic, Russia and Kazakhstan also used CCTV cameras for tracking purposes, including the use of face-recognition to identify those violating the lockdown and drivers without digital permits. Also, in countries in this group, there was an intention to manipulate the official statistics about the coronavirus. Russia, Uzbekistan, Kazakhstan and Kyrgyzstan are using a different system to other countries to record the number of COVID-19 fatalities. Only when coronavirus played a significant role in the death of a patient are they counted in the official statistics as fatalities.

COVID-dissident countries (Belarus, Turkmenistan)

Until the last possible moment, these countries used the tactics of 'if there's no information about coronavirus, then there's no virus', and shut down attempts to talk about the existence of the pandemic. Restaurants and places with crowds continued to function as normal, although sports events were stopped. There were some epidemiological measures taken in Belarus, unlike Turkmenistan where there was a ban on media outlets using the word 'coronavirus'. In Turkmenistan, the authorities continue to deny the existence of the virus, while, at the same time, doctors indicate a sharp increase in cases of acute pneumonia. In Belarus, they cancelled press briefings at which journalists could find out about the coronavirus situation, and official statistics were criticised. In both countries, there were cases where journalists were prosecuted for reports about coronavirus.

LIMITATIONS ON DIGITAL FREEDOM BY CATEGORY

As part of the #PandemicBigBrother project, we tracked the following categories of rights violations on an interactive map:

A. Administrative and criminal prosecution – sanctions for the violation of sanitary-epidemiological norms, rules of behaviour during a period of heightened preparedness, formal Emergency Situations, the conditions of quarantine and lockdown, the spread of false information online about the virus;

B. Limitations on access to official information – a cover-up by the authorities of accurate information about the number of infected people in the country, or other important information that has direct relevance to the spread of coronavirus;

C. Limitations on online freedom of speech – instances of limitations on access to websites and social media posts, official warnings to the owners of internet sites and media outlets about the removal of information the authorities see as false;

D. Tracking via state services – the compulsory use of mobile apps to track the health of patients under observation and monitor adherence to quarantine, as well as services for the receipt and checking of digital permits to leave home;

E. Tracking via mobile telephones – the transfer of data from mobile operators about the geolocation of subscribers;

F. Video surveillance and face recognition – monitoring of the movements of people with the help of CCTV and the use of face recognition technology in order to control observance of lockdown;

G. Control with the use of drones – the use of pilotless drones for observation of people, or for communication purposes;

H. Switching off the internet (shutdown) – the full shutdown of the internet within the borders of a whole country, or a specific region, in order to prevent mass unrest, threats to the life and health of the population.

	Armenia	Azerbaijan	Belarus	Georgia	Kazakhstan	Kyrgyzstan	Moldova	Russia	Tajikistan	Turkmenistan	Uzbekistan	Ukraine
Administrative and criminal prosecution			✓		✓	✓		✓			✓	
Limitations on access to official information			✓		✓	✓		✓	✓	✓	✓	
Limitations on freedom of speech online	✓		✓			✓		✓	✓	✓		✓
Surveillance through state services	✓			✓	✓	✓		✓				✓
Surveillance through mobile telephones	✓	✓						✓				
Video surveillance and face recognition					✓			✓				
Control via the use of drones					✓			✓				
Internet shutdown												

Armenia

The first incidence of coronavirus infection was registered on 1 March 2020 in a person arriving from Iran. On 16 March, the government announced they were instigating an Emergency Situation and postponing a constitutional referendum planned for 5 April. On 30 March, the Armenian authorities passed legislation giving the government access to personal data: movements, location, medical secrets, etc. The Emergency Situation was extended to 13 July.

The media community has flagged restrictions on the receipt and spread of information. There was also the publication online of the personal details of 132 infected people.

During the Emergency Situation, the following instances of restriction on freedom of speech online were identified:

- The Aravot publication was forced to delete a quote from political analyst Valery Solovyov;
- The Garapak publication was forced to delete material that related to complaints of prisoners about a ban on the receipt of parcels from relatives;
- Doctor Artavazd Sahakyan was forced to delete a post calling for the observation of social distancing on the streets after corresponding demands from the police.

Freedom of information

The Armenian authorities took an unforgiving position with regard to control of online information during the pandemic. An example of this was the decision to ban publication of information about the virus that did not come from the government of Armenia, or the official state agencies of a foreign state.

In turn, journalists pointed out that a proper mechanism to receive requested information in a reasonable timeframe does not exist. In particular, CPFE recorded 21 violations of the right to receive and spread information in the first quarter of 2020, 6 of which took place during the Emergency Situation between 16 and 31 March.

The country's police began to exercise active control over publications about coronavirus in the media and on social media. In particular, a publication on the Aravot site with a quote from a speech by Valery Solovyov on Ekho Moskvy was removed and his speech deleted. The Garapak publication was [forced](#) to delete material in which it described the complaints of prisoners about a ban on the receipt of parcels from relatives. And the famous doctor Artavazd Sahakyan was forced to delete a post calling for the observation of social distancing on the streets after corresponding demands by the police.

British website openDemocracy [published](#) material in which they looked into the site Medmedia.am, which was created by the "Armenian association of young doctors", which, according to openDemocracy, is spreading false information about COVID-19.

Privacy

The news about the publication of the personal data of those ill with COVID-19 is particularly alarming. In particular, the [publication](#) of the personal data of 132 infected people. Armenian media has suggested that, aside from this, it is likely the data of Armenians with positive coronavirus test results could have [fallen](#) into the hands of Azerbaijani hackers.

On the 24 March 2020, the Armenian authorities [introduced](#) an app that should help people look after their health. It was based on an app used in Iran (with additional development by Armenian programmers). Apart from the app, the Armenian parliament passed [legislation](#) that allowed for the tracking of the movement of people and their telephone calls. The changes mean that the appropriate agencies (defined by the government) receive access to data from the electronic network: the location of people, their movements, their internet interactions, contacts and linked telephone numbers, forwarding numbers and also calls and their length and also to medical secrets (about infection, check-ups, and test results). The contents of messages and calls will not be made available.

Azerbaijan

The spread of COVID-19 in Azerbaijan began on 28 February 2020 when the recently-created operational headquarters of the Azerbaijani Council of Ministers registered the first coronavirus infection in the country.

Lockdown in Azerbaijan was introduced on 31 March and was tightened on 5 April when residents of Baku and of other major towns were confined to their houses except for up to two hours and for a serious region – for example, to go to the doctors, or to the shops. Entry and exit to Azerbaijan by land and by air was halted by the Council of Minister from 5 April.

When the number of recovered began to exceed the number of sick, almost all the restrictions were lifted, after which a rapid rise in new cases began. In the middle of June, Azerbaijan took a decision to [extend](#) the lockdown until 1 August because of the worsening situation with infections. From 21 June to 5 July there was a strict lockdown in Baku, Ganja, Sumgait, Lankaran, Yevlakh, Masalli, Jalilabad, and Absheronsky district. In this 14-day period, the population of the towns were able to leave their apartments only with SMS-permission. The Azerbaijani authorities extended the limitation on entering and exiting the country to 1 August.

Freedom of information

On 12 March, the operational headquarters announced a series of measures in the fight against coronavirus: they stopped the processing of ASAN Viza electronic visas, banned hookah smoking in all public eating places, and also announced that legal measures would be taken against individuals spreading false information about coronavirus.

Privacy

From the beginning of April, Azerbaijanis leaving their apartments could only do so by sending a SMS [to a short number](#). In the message you had to include proof of identity and also a number: 1 – if you want to go to the doctor; 2 – to the shops, the post office, pharmacy or bank; or 3 – to a funeral. For visiting the shops or the doctor you get two hours a day, for a funeral – 5 hours. In an SMS answer, the information system of the electronic government gives a time limit for the permission. A person can leave their place of residence only after a positive answer. The confirmation must be shown to police on the streets if you are stopped.

Belarus

There was no systemic response to the pandemic in Belarus: adherence to restrictive measures often changed and government agencies are not working together.

Some higher and middle-level education establishments switched to remote studying. But there was no general instruction from the Ministry of Education on this, and universities took decisions themselves. Schools were shut on a central order by extending the spring holidays for two weeks, and returned on 23 April. After education was resumed, there was no insistence on compulsory attendance, with parents able to decide for themselves. There was no coordinated approach to changing working practices, and company bosses and companies were left to take these decisions for themselves.

Freedom of information

The Health Ministry publishes daily general statistics about the country's epidemic. Also, until the middle of April there was a weekly briefing for journalists, although non-state media pointed out that it was extremely difficult to get more detailed information from officials, particularly when it came to data about the situation in the regions. From 17 April, they stopped holding press briefings. The Ministry of Health ignores official requests for information from non-state media. And there are incidences of journalists being prosecuted for cooperating with foreign media on articles and films about the epidemic.

At the beginning of April, just before the arrival of a technical mission from the WHO to carry out an expert assessment of the situation, the official website www.stopcovid.belta.by began working. It is usually updated once a day with information about the number of tests that have been carried out, the number of confirmed cases, and the number of recoveries, and deaths.

The Ministry of Information tracks the publication of false information in the media about the epidemic. In the battle with fake news, the authorities use the following methods: official warnings from the Ministry of Information, administrative punishment for media outlets, and also the removal of accreditation and expulsion from the country. On 6 May 2020, the Foreign Ministry's committee on the accreditation of foreign media took the decision to deprive a correspondent from Russia's Channel One, Aleksei Kruchinin, of his accreditation. The likely reason was a series of reports by the correspondent in recent months in which he described the coronavirus situation in Belarus. The last report went out on the morning of 6 May. In it, Kruchinin described the quantity of coronavirus infections and deaths in the town of Stowbtsy.

The Babruysk news site bobr.by was forced to delete an interview with a nurse at a local hospital after the Babruysk authorities and the hospital management threatened to prosecute the media outlet and accused the site of spreading false information. In the interview, the anonymous nurse at the hospital described the [working conditions](#) during the epidemic.

On 8 May, ambulance orderly Pavel Paleichik was arrested for 7 days under article 23.34 of the Administrative Code ('Violating the required organisation of mass events'). The reason for his arrest was a livestream on the 'Country for life' channel in which he spoke about the coronavirus. After Paleichik was released, his employment contract was not extended.

On 13 May, a Luninets District court fined the editorial offices of the website media-polesye.by 1,250 euros under the Administrative Code ('The spread of banned information by media outlets'). According to the [accounts](#) of the Belarusian Association of Journalists, this was the first case of the use of this article, which was introduced in 2018. The reason for case was material about the spread of coronavirus in Luninets, which contained incorrect information about the death of a patient. Earlier, this same material had been the subject of a warning issued by the Ministry of Information.

Privacy

There is still no full legal regulation to protect personal data in Belarus. As Belarus has no general lockdown, there is no evidence of the practice of mass surveillance on movement or contact tracing with the use of IT technology.

There were at least two incidents of either leaks or the illegal use of personal data (the addresses and contacts of the ill) that was gathered by state agencies and organisation.

At the beginning of May, there was information about the abuse of patient details. Residents of Minsk who had recovered from COVID-19 told journalists they were [invited](#) to the 9 May Victory Parade. Those that did the phoning introduced themselves as local government employees in different districts of Minsk. But even if officials were not involved in the calls, this situation is possible evidence of a patient data leak. A similar incident [took place](#) in Grodno, where there was a leak of address of patients held by the Grodno Zonal Centre for Hygiene and Epidemiology. Some of the addresses were private, one-bedroom apartments.

Georgia

The first incidence of a coronavirus infection in Georgia was on 26 February 2020. From 6 March, the country closed its borders and, from 16 March, entry was closed to all foreign citizens. An Emergency Situation was announced on 21 March, and continued until 23 May.

Freedom of information

The government launched a site to track the epidemic – stopcov.ge/en. Aside from daily statistics, the website had recommendations from health agencies, news, an infection map, etc.

There was no information the country limited freedom of speech or that people were facing administrative or criminal punishments for spreading information about COVID-19.

Privacy

In April in Georgia, the Health Ministry launched the STOP COVID app. The development of the app, which was done by an Austrian company, cost about $135,000. The use of the app was voluntary and it was downloaded by more than 200,000 people. The ministry stated it had undergone a check to ensure it was in line with Georgian law. Registration and the provision of personal details was not required, and the app is supposed to show whether the user has had contact with infected people. To achieve this, it collects GPS and Bluetooth data and, if there is contact with a person diagnosed with COVID-19, informs the user of the risks.

Kazakhstan

Kazakhstan's formal Emergency Situation and lockdown was introduced on 16 March 2020. This included limitations on movement, in particular the closure of the capital, towns of national significance, regional centres, and other settlements, and the erection of checkpoints on their borders; the operation of many companies was stopped, with the exception of organisations essential to life; most state employees and those working in the private sector were switched to remote working; schools and universities were also switched to remote working.

The Emergency Situation ended on 11 May 2020, but the lockdown measures continued: different territories opened up in different stages. From the middle of June, restrictions were tightened in Almaty and Nur-Sultan as a result of an increase in new infections.

Freedom of information

A criminal case for knowingly spread false information was opened against a doctor who spoke out about the presence of coronavirus in the country. On messaging apps, he said there were 70 people infected with coronavirus back in January when, officially, coronavirus only appeared in the country in March. The case was eventually closed.

A criminal case for 'knowingly spreading false information during an Emergency Situation' was [opened](#) against Alnur Ulyashev for Facebook posts criticising the actions of the ruling party.

The [figures](#) for criminal cases opened for knowingly spreading false information (article 274 of the Criminal Code) for January-May show a sharp rise in April and May of cases linked to coronavirus. If, between January and March, there were, on average, 25 criminal cases a month under this article, then there were 112 in April and 77 in May.

Privacy

Kazakhstan [launched](#) a mobile app called Smart Astana that organised surveillance of those who had come into contact with the coronavirus. The Smart Astana app used turned-on Wi-Fi, geolocation, Bluetooth and tracking via the 'Health' app. If a person under observation moves more than 30 metres then the situation centre gets a notification and the person receives a video call to find out his/her reasons. There is also a video call in [case](#) the person leaves their telephone at home, or the telephone is unused for more than four hours.

The 'Sergek' system was used on roads to stop purposeless journeys. Its database held individual identification numbers, license plate numbers and place of residence and work. The system tracked people to ensure they were just travelling between work and home. If drivers were judged to have changed their route without good reason they were liable for an administrative punishment.

The integration of egov.kz and Digital ID. In line with the introduction of the Emergency Situation, the state provided social handouts of 42,500 tenge to people. To apply in the first days of the Emergency Situation, it was only possible to use egov.kz with an authorisation via a digital signature. As the public centres were closed, the digital signature was given out remotely. Users had to go through several stages of identity verification with original documents proving their identity, a mobile phone that could receive SMS messages, a personal computer with a web camera, and a download of the NCALayer programme. If users went through the first stage on the egov.kz site, then, after this, they were transferred to the Digital ID site where they underwent the final stage of identity verification and received their digital signature. On the Digital ID site, users uploaded documents proving their identity, took a photograph of themselves and went through face recognition. We consider that, in all this, there is a risk of giving excessive access to personal data to the private organisation that developed this service – BTSDigital. This organisation has also developed apps like Aitu Messenger and Aitube. The risk of illegal access to personal data on Aitu Messenger is high, in particular because paragraph 41 of its privacy policy specifies that personal data can be handed to third parties.

The personal data leaks generally took place through WhatsApp or other social media. There was no public information about leaks taking place through the tracking app or the surveillance system. But data about residents of Pavlodar, including three underage children, leaked online. The personal details of residents of Shymkent also turned up on social media.

Kyrgyzstan

There was a formal Emergency Situation in the country from 22 March, and from 15 April to the 10 May there were an even more severe form of legal 'situation' in which the General Staff of the Armed Forces became the highest management authority. In the 'emergency zone', all its orders were compulsory. For violations, you could be punished by administrative or criminal prosecution, up to the confiscation of property. The spread of rumours was also an offence.

On 1 April, a new law [entered](#) force mandating changes in the Criminal Code, the Misdemeanour Code and the Delinquency Code. The aim of the law was to bring the laws into line with Kyrgyzstan's 'On Emergency Situations' constitutional law when it came to defining responsibility for violating the rules of the Emergency Situation:

- for violating the sanitary-epidemiological rules during an Emergency Situation
- for violating the requirements of an Emergency Situation
- for violating the rules of restrictive measures (quarantine)
- for violating the legislation about use of medicine
- for ignoring the conditions of curfew
- for violating public order during an Emergency Situation
- for raising food prices during an Emergency Situation

Freedom of information

At the beginning of April, one Kyrgyz medic [complained](#) on Twitter about the quality of the masks with which he was issued. After the tweet, he complained about pressure, and, soon after this, the doctor's Twitter account was deleted. In the end, a video appeared in which the medic was forced to apologies for the allegedly false information.

On 1 May, employees from the State Committee on National Security forced a teacher of Bishkek School No. 64, Tatyana Shageeva, to [apologise](#) on camera for the spread of false information about those infected with coronavirus under the threat of a criminal case. The committee regularly publishes press releases about the arrest of people for spreading false information about COVID-19. In its messages, the agency usually writes that they conducted a precautionary conversation, after which the person "became remorseful about their actions and asked forgiveness from the people."

At the end of June, the parliament [passed](#) a law 'On the manipulation of information" designed to give government agencies the extrajudicial powers to force a stop to the work of any web portal and limit access to information with signs of being false or inaccurate. Members of the media community and human rights defenders [criticised](#) the legislation, asserting it violates the constitution, and that much of the text of the legislation was [copied](#) from Russian legal documents.

Privacy

On 13 April 2020, the National Headquarters for the Fight Against Coronavirus officially [announced](#) the launch of a monitoring system for people under quarantine through the mobile app Stop COVID-19 KG. Aside from this, the local authorities in Bishkek produced a document known as 'liability for observing the rules of quarantines and acceptance of restrictions', which was supposed to be signed voluntarily by individuals under home quarantine. On 4 June, the first deputy prime minister of Kyrgyzstan stated that that all individuals under home quarantine should have the mobile app on their telephones.

The NGO Civic Initiative of Internet Policy [recommended](#) dropping such surveillance systems and using different technologies, which would better balance human rights and the battle to stop the spread of the virus – instead of the current opaque aims behind the collection and processing of personal data, and also the timeframes of their processing, storage and transfer to third parties. The organisation pointed out that, in line with point 2, article 4 of the Kyrgyz law 'On Electronic Management', citizens have the right to choose an electronic, or other, form of interaction with state agencies, and have the right to refuse electronic means and chose an offline form of interaction with the relevant agencies.

A police officer from the town of Osh, whose wife spread personal details about those ill with COVID-19 at the end of April was [reprimanded](#). He showed his spouse a list with the personal details of those ill with coronavirus, which had been given to him to find those who had been in contact with virus carriers, and she posted it on social media. Previously, she had been suspected of violating the inviolability of private life (article 186 of the Criminal Code of Kyrgyzstan) and was the subject of a pre-court check.

From 5 June, Kyrgyzstan [resumed](#) internal flights, and public transport between regions, and from 8 June [opened](#) mosques and churches. The Ministry of Transport [proposed](#) requiring a medical certificate showing the absence of coronavirus obtained 3-5 days before departure from all those entering the country.

Moldova

The first case of infection was registered on 7 March 2020. By 23 March, there were 100 cases and by 7 April, 1,000 cases. On 9 June, the number exceeded 10,000.

On 17 March 2020, the Parliament of the Moldovan Republic passed a [decree](#) on the announcement of an Emergency Situation. As part of the Emergency Situation, the Emergency Situation Commission introduced new rules and a decision on quarantine measures in population centres with infected people. Moldova also informed the Council of Europe about the triggering of Article 15 of the European Convention of Human Rights, which allows restrictions during a national emergency. In the case of general danger threatening a nation's sovereignty, this article allows the country, while observing some conditions, to step back from certain obligations. The activation of this article does not affect the right to life, or the ban on torture and slavery.

In the Administrative Code, there appeared [Article 76](#) about the consequences of not following prophylactic measures, warnings, and the struggle with epidemiological illnesses that threaten public health. People can face fines of up to 25,000 leu ($1,500) and organisations up to 75,000 leu ($4,400). People who deliberately provided inaccurate or false data about themselves, or refused to provide it at all, can be fined up to 25,000 leu ($1,500). At the same time, the punishments for spreading infectious diseases in the Criminal Code were [increased](#).

Freedom of information

With the support of UNFPA and WHO, a government [site](#) was launched on 20 March that included information about confirmed and suspected cases of COVID-19, the number of deaths and the number of recoveries. The data is organised according to age, geographical location, time of case registration (day and month), and includes confirmed cases among pregnant women.

Press briefings about the situation with COVID-19 took place online, and mechanisms to allow journalists to ask live questions of officials were not thought through in advance. Media organisations demanded a minimum of one online [press conference](#) a week that could allow for the participation of journalists.

On 24 March, the Audiovisual Council of Moldova published a document that could be evaluated as an attempt to introduce media censorship during an Emergency Situation. In the document, it states that all media outlets are obliged to exclusively represent the position of the competent government agencies with respect to the pandemic. It is telling that this was done after several medical workers made public

claims about an absence of personal protective equipment, disinfectants, and salaries. After severe criticism from civil society, this document was [withdrawn](#).

On 11 April, male nurse Yevgeny Chebotari was threatened with dismissal and criminal prosecution after he published a [video](#) that showed the unacceptable conditions in which his [emergency department](#) was expected to work.

Privacy

Moldova did not adopt any special measures to track people using IT or communications technology. The government also did not announce the development of any special apps to trace contacts.

Russia

At the start of the epidemic, Russian President Vladimir Putin issued decrees (No. [206](#), [239](#) and [294](#)) about 'non-working days' that lasted from 30 March to 11 May 2020 inclusive. Instead of taking measures at a national level, the federal authorities gave regional heads the authority to take their own measures in the struggle with the virus. One after another, regions began to take decisions about the introduction of a 'regime of heightened readiness' and lockdown because of the spread of coronavirus. Within the framework of these measures, all schools and universities switched to distance learning; all mass events were cancelled; many companies stopped working including all the service industry; borders were closed; and there were limitations on air connections and the free movement of people.

Article 27 of the Constitution of the Russian Federation guarantees freedom of movement. Article 56 of the Constitution of the Russian Federation allows for the imposition of certain restrictions during an Emergency. An Emergency Situation was not proclaimed by the Russian Federation. Instead, they introduced a 'regime of heightened readiness' in the regions and, on the basis of decrees by governors and mayors, the regions began to limit the rights of citizens to freedom of movement (despite the fact that such restrictions are not covered by the federal law of 21.12.1994 N 68-F3 'On the defence of the population from emergency situations of a natural or technical character)'.

The Russian Federation Ministry of Justice, along with specialists from Rospotrebnadzor and the Ministry of Health, analysed legislation and the actions of the authorities within the framework of the battle with COVID-19 on the [order](#) of Prime Minister Mikhail Mishustin with the aim of checking the effects on citizen rights. The [results](#) of this analysis, predictably, showed that the measures adopted to counteract the virus were in full accordance with the constitutional aims of protecting life and health and were fully proportional to the threat.

Freedom of information

From 1 April, there were changes to the Russian Federation's Criminal Code and Administrative Code that increased punishments for breaking quarantine.

In order to limit the spread of falsehoods about the virus and the pandemic, from 1 April 2020, the State Duma passed a law establishing criminal responsibility for fakes with punishments of up to 5 years in prison and fines of up to 2 million roubles (about $30,000).

Despite all of this, the legal norms from before the legal changes continued to apply. Administrative punishments for fakes was established by chapters 9-10, article 13.15 of the Administrative Code. The situation is complicated by the absence of practical implementation of how to separate criminal and administrative punishments for fakes, despite two coronavirus rulings by the Supreme Court of the Russian Federation on 21.04.2020 and 30.04.2020.

Instances of prosecution for inaccurate information linked to the coronavirus pandemic:
- A resident of Mezhdyrechensk was threatened with a fine of 100,000 roubles (about $1,400) for the spread of information on social media about the death of a fellow town citizen from the virus. According to the resident, it turns out that he heard this information on a bus and, believing it, posted on social media to warn others;
- A female resident of Kazan posted an announcement about an online-protest about lockdown on 1 May 2020 on her personal page on social media site Vkontakte, and prosecutors are planning to check this according to article 13.15 of the Administrative Code, having seen signs of spreading a fake about coronavirus in her actions;
- A series of cases against the administrator of online site Police Ombudsmen were begun under article 13.15 of the Administrative Code as the result of a message about coronavirus infections in the FSB institute that was published by a different user;
- An orderly is being threatened with a criminal punishment under article 207.1 of the Criminal Code of the Russian Federation ('Public spread of knowingly false information about circumstances that represent a threat to the life and safety of citizens') for spreading fake information on social media about how the coronavirus was created in the Vektor Laboratory;
- Activists were prosecuted under article 207.1 of the Criminal Code of the Russian Federation because of posts in the Sestroretsk News group on social media site Vkontakte about how those ill with the virus were sent home on public transport;
- A resident of Ussuriysk was criminally prosecuted for the spread of a video about coronavirus infections at one of the town's companies;
- A resident of Bugulma was fined for the publication of an online fake about eight coronavirus infections in Kazan;
- In Ulan-Ude, police discovered information on social media that in Buryatia there were supposedly more than 60 people ill with COVID-19. The police began an investigation and found out that this information was posted by a local person. The man in question explained that he saw a message in a private group in a messaging app and forwarded the information to a group with more than 56,000 followers. "I wanted to do something good so that

people would stay at home, not leave, and spread all this," the suspect explained.

- A journalist from Moskovsky Komsomolets in Tomsk was [convicted](#) of an administrative offence for an article about a medic who died of coronavirus. Despite the fact that this instance was officially confirmed.

As of 4 June, the General Prosecutor's Offices has [sent](#) Roskomnadzor 180 demands to restrict access to internet sites, of which 120 were to block inaccurate information about the virus.

Privacy

For most regions, the restrictions on freedom of movement for citizens were extended to the middle of June and leaving your apartment was allowed only in certain circumstances: traveling to work, seeking medical help, going to the shops or pharmacy, taking out the rubbish, walking domestic animals. In some regions, a system of digital permits was introduced.

The Republic of Tatarstan was one of the first to introduce a digital permit system in April, but it was scrapped on 12 May, and on 15 May a special commission [deleted](#) all the personal data collected for the permit system. On 4 June, Moscow Mayor Sergei Sobyanin [announced](#) that the city authorities were not planning to keep the data received with the help of their digital permit system and the [Social Monitoring app](#) developed for patients with the coronavirus and those that live with them, and also for patients showing flu-like symptoms. The app was [downloaded](#) by more than 67,000 Muscovites, and from the middle of April 54,000 fines were issued automatically.

On 11 June, the deputy head of the administrative office of the Moscow mayor, Aleksei Nemeryuk, [said](#) the personal data from the system of digital permits will be deleted after the end of all court cases involving the permit system. At the current time, there is no information about the exact timeframe and method for deleting the data, or about the creation of a special commission.

Moscow is the leader in terms of quantity of instruments for monitoring and tracking. From April, digital permits were [introduced](#) to control the movement of people and the [Social Monitoring](#) system to control those ill with the coronavirus began operating. In May, traffic police began to use the [Quarantine](#) app to issue passes to cars; on 14 May information appeared on Sergei Sobyanin's blog that the mass [testing](#) of Moscow residents for the virus was planned; and from 01.06.2020 a timetable for outside walks was introduced.

It also became [known](#) that the details of people, received with the help of the Social Monitoring app, who were fined for violating lockdown, were available on the website for payment of fines. However, the city authorities [laid the blame](#) for this leak on the users themselves.

On 26 May it became known that the Moscow authorities were not intending to [withdraw](#) the Social Monitoring app as it was doing its job excellently. At the same time, the Moscow authorities [announced](#) they were not planning to cancel the fines issued for breaking lockdown to those sick with the virus, notwithstanding a [statement](#) about the cancellation of such fines by the head of the Presidential Commission on Human Rights, Valery Fadeev.

On 1 April, Moscow law No.6 from 01.04.2020 introduced administrative punishments and fines for breaking the lockdown in the capital. Punishments for violations are contained within article 3.18.1 of Moscow's Administrative Code. A citizen can be fined 4,000 roubles (for repeat offences, 5,000 roubles), and for the use of transport 5,000 roubles (about $70).

A new legal norm came into effect from 2 April 2020 that added to article 16.6 of the Administrative Code of Moscow part 1.1 and, in effect, established that, in the event that administrative violations of the lockdown or quarantine are identified with electronic monitoring technology using geolocations or city CCTV, technical devices and programmes, they will be fast-tracked without the writing up of a documents on administrative violations.

In this way, a legal norm appeared in Russian law for the first time that takes as evidence the image of a person obtained with the use of face recognition technology and geolocation data, received from mobile operators, as legally acceptable, and also, in effect, replaced the presumption of innocence with a presumption of infallibility of computers.

The introduction of the new law immediately led to many cases of prosecution for lockdown violations:
- A bedbound Muscovite who has been unable to work for more than a year because of an unsuccessful operation on his spine received two fines of 4,000 roubles (about $60) for violating lockdown measures;
- A court in Yuzhno-Sakhalinsk fined a local resident 15,000 roubles (about $210) for violating quarantine (part 2, article 6.3 of the Administrative Code) because of a 61 percent likeness to a different woman who was clocked on CCTV;
- A resident of Zelenograd who had recovered from the coronavirus was [fined](#) 32,000 roubles for not sending a selfie to the Social Monitoring app;

- A resident of Zelenograd was [fined](#) 4,000 roubles for violating lockdown measures. The man states that he didn't leave home for two weeks, he wasn't checked for coronavirus and wasn't under quarantine;
- A married couple were [given](#) 11 fines totalling 44,000 roubles (about $620) in connection with lockdown violations. They didn't leave their apartment for a month as one of them was diagnosed with coronavirus. One possible reason for the fines could be photographs of them taken while they were on their balcony;
- A female resident of Moscow was [given](#) eight fines for violating lockdown measures while she was in hospital.

Despite many complaints by people about the accuracy of the work of tracking mechanisms and the issuance of fines, the head of the city's Main Control Department Yevgeny Danchikov [stated](#) that mistakes when issuing fines for lockdown violations in Moscow were unlikely.

In April, Moscow City Court [dismissed](#) six cases against Moscow Mayor Sergei Sobyanin about the illegality of his decree on an official state of heightened readiness and digital permits, which violate the rights of people to freedom of movement and privacy.

The pandemic was an excuse to accelerate the implementation of tracking technology. The Ministry of Internal Affairs [suggested](#) looking at the possibility of a mobile app with a "social rating", which all labour migrants arriving in Russia would be obliged to use.

Tajikistan

The Tajik authorities did not impose lockdown measures, with the exception of educational institutions (kindergartens, schools and universities), and some companies in the service industry. An epidemic in the country was admitted by the authorities on 30 April when there was data about the first infections. Data about the first deaths appeared on 3 May.

Like in many other countries, Tajikistan developed a COVID app. It only allows you to give a self-assessment of your condition and, at the same time, increase your awareness about prophylactic measures against COVID-19.

At the same time, a site called kvjt.info allowed users to inform, via a fill-out form, about a COVID-19 death. The site was blocked on 11 May and on 15 May, the Tajik Ministry of Healthy launched a unified national coronavirus resource, covid.tj.

On 10 June, the Tajik parliament passed legislation about punishments for violating epidemiological rules and inaccurate information about the coronavirus in the media and on social media.

Freedom of information

Tajikistan passed legislation about the punishments for violating epidemiological rules and inaccurate information about the coronavirus in the media and on social media. The fine for appearing on the streets without a mask can be from 116 to 290 somoni (from $11 to $28), and for inaccurate publications you can be obliged to pay from 580 to 1,160 somoni (from $56 to $112). Spreading the infection, according to the new law, can be punished by a prison sentence from 2 to 5 years (or 5 to 10 years if a repeat offence).

The Tajik Prosecutor's Office warns that legal measures can be used against people spreading false information about the coronavirus situation in the country.

On 11 May, the Tajik authorities blocked the so-called "people's site" that was publishing alternative death statistics. On the list of dead at 16:00 on 11 May were 140 people: more than 60 in Dushanbe, more than 50 in Sughd, 8 in Khatlon, 5 in the Districts of Republican Subordination and 3 in the Gorno-Badakshan Autonomous Province. The site worked in such a way that anybody could inform about a death from COVID-19 by filling in a form on the site. The press service of the Ministry of Healthy stated that the list on the site could not be trustworthy as the information could be provided by anyone, and was not checked.

Privacy

As in many other countries, Tajikistan developed a COVID-19 [app](#). It only allows you to give a self-assessment of your condition and, at the same time, increase your awareness about prophylactic measures against COVID-19.

Turkmenistan

Turkmenistan remains one of the few states in the world where there still has not been a single officially confirmed case of the coronavirus. The position of its citizens is complicated by the fact that the country blocks all social media networks and for this reason there are practically no alternative sources of information. There are no public medical statistics in Turkmenistan.

Freedom of information

In Turkmenistan there are [restrictions](#) on the use of the word 'coronavirus' by the media.

Privacy

No information was found about the use of special apps or technology to track people.

Uzbekistan

During the pandemic, the Uzbek authorities introduced punishments (including criminal punishments) for the distribution or storage of material with the aim to create panic among the population, and also for spreading false information about the coronavirus. There also appeared new legal norms, with punishment for lockdown violations.

Special camps were set-up for quarantined people. However, the reasoning given by state agencies for why people resident in these places were not allowed to have their own mobile phones and laptops differed. If the Ministry of Justice said that these gadgets could be a source of infection, then the Ministry of the Interior stated that the ban was linked to the unacceptable spreading of false information.

Freedom of information

The government of Uzbekistan used the pandemic to introduce several legislative changes. In this way, the distribution or storage of materials with the aim of sowing panic in the population (in the context of the coronavirus) was made punishable by a fine of up to 89,200,00 som (more than $9,200) or imprisonment for three years.

Aside from this, punishments will also be meted out to those who 'exchange secret materials' (imprisonment for up to five years). Those who spread false information about the coronavirus can get forced labour for up to two years; while the publication of 'fake news' in the media is punishable by a prison sentence of up to 3 years.

Those who break quarantine rules can be sentenced to imprisonment for up to 10 years, and those who appear in public areas without masks can be fined up to 1.1 million som. It's important to note here that the size of this fine is more than double the minimum wage.

The administration of Denau District of Surxondaryo Region in Uzbekistan deleted a video in which the head of the district, Bakhtiyor Ibatov, talked about a local resident who had died from the coronavirus. In the video, Ibatov recounted how, on 20 June, a local resident died from the coronavirus. In his words, 187 people who had had contact with the person who died were put under quarantine, and 6 of them were diagnosed with coronavirus.

On 23 March, the Ministry of Health announced that people under quarantine would not be allowed to keep their telephones and laptops. People who are unsatisfied with the conditions in the camps are unable to get in touch with their relatives, or

journalists. At first, representatives of the legal agencies [stated](#) that the things of these people could be a potential source of infection. However, within 24 hours, the Ministry of Internal Affairs [released](#) a different statement. This stated that the ban was linked to a bid to stop the spread of false information – this is why people in isolation are only allowed to speak with relatives via the landline telephones that are provided.

Privacy

The COVID-app launched by the Uzbek authorities does not limit the privacy of its users, and only allows people who are being treated at home to asses their health and receive information about the measures being taken to tackle COVID-19.

We did not find any special measures to track people using IT or communications technology in Uzbekistan. The government has not said anything about the development of a special app for contact tracing.

Ukraine

In Ukraine they use an app called 'Di vdoma' to help monitor the process of observation and lockdown. However, there is concern among experts that user data may be given to third parties like the Ministry of Internal Affairs of Ukraine, or the National Police and its local subdivisions. Parliament allowed the personal details of patients with COVID-19 to be collected without their agreement.

The Security Service of Ukraine has been active in countering the spread of fakes. A total of 30 people have been fined after being found guilty of spreading false information about COVID-19 (between 12 March and 18 May 2020). Aside from this, agency employees were actively engaged in blocking groups that spread fakes about COVID-19 online.

Freedom of information

The Security Service of Ukraine has been particularly active in the effort to counter the spread of fakes. In the period from the 12 March to the 18 May (the period when lockdown was in force), Ukrainian courts looked at 89 cases about the spread of false information about COVID-19. In total, 30 Ukrainians were fined (the biggest fine was under $10).

More than 2,300 groups that spread fakes about COVID-19 were blocked by the Ukrainian Security Services during lockdown. The total audience of these groups was 980,000. Apart from this, the Ukrainian Security Service identified 323 agitators, 16 of whom were operating from Russian territory.

Privacy

In Ukraine they use an app called 'Di vdoma' to help monitor the process of observation and lockdown. It's designed for three groups of people

> 1. people returning from abroad and requiring observation;
> 2. those who are ill and being treated at home;
> 3. those with suspected COVID-19.

Every day a person gets 10 push notifications, in answer to which he/she must sent their photo and geolocation. If the quarantine is broken, or the app left unused, the police can check the attached address and, via the courts, issue fines.

The app is compulsory for those who are ill, and those who have travelled abroad. As of 15 June, about 40,000 Ukrainians had installed the app on their devices.

When analysing how the app operates, it's necessary to point out that the user agreement (https://diia.gov.ua/policy_covid) allows for the transfer of personal data "to other electronic information resources… without additional notification of the subject. Personal data can be passed to a third party." These third parties include Ukraine's Interior Ministry, and the National Police and its local branches. They can receive access to data including:

- surname, name and patronymic;
- date of birth;
- gender;
- mobile phone number;
- address where the person is self-isolating;
- information about the hospitalisation, self-isolation and infection status;
- state of health;
- location;
- personal photos.

Aside from this, parliament [greenlighted](#) the collection of personal data from patients without their agreement. Particularly data that relates to personal health, place of hospitalisation or self-isolation, name, surname, patronymic, date of birth, and also place of study/work. All this can be processed without the patient's agreement both during the lockdown period, and for 30 days after its end.

On 8 June, the Vesti outlet published the house numbers of people infected with coronavirus. Despite the fact that the material did not identify the exact apartment numbers, with which it would have been possible to identify infected people, the availability of such information facilities direct identification particularly when there are few apartments in the block, or if it relates to a private house.

CONCLUSIONS

An analysis of law enforcement practice and the laws passed in 12 countries in the context of COVID-19 shows that the actions of many governments have led to significant restrictions on the rights of citizens to privacy and freedom of information. The actions of the law-making and executive authorities have created many new threats linked to the loss of control of personal data, and, in some cases, imprisonment for the publication of information on social media.

Having laid out the above information and analysed law enforcement practices, you can conclude that that regulatory changes made as part of the fight against the coronavirus contain many conflicts and omissions, and are often unfair, even illegal. The laws adopted at a regional level often either contradict, or repeat existing federal law.

The unpredictable and chaotic actions of the authorities at a federal and regional level is epitomised by rule-making during the pandemic, and resulted in many questions from human rights activists, and statute book confusions that may remain after the end of the pandemic.

More and more often, the authorities used mobile apps to control information and individuals under quarantine. In many cases, the authorities required providers and mobile operators to provide information about people without their agreement. Face recognition technology and other dual-use technologies were used with greater frequency to limit human rights.

The most alarming countries when it comes to limiting the rights of freedom to information and privacy were Russia and the countries of Central Asia, where we observed many cases of in which freedom of movement was limited with the use of digital monitoring, as well as the prosecution of web users, bloggers and doctors for the spread of fake news online.

At the moment of publication, restrictive measures had not been lifted everywhere and not fully. In many countries, despite the stable growth of infections, lockdown measures are being gradually lifted. At the same time, there are many new laws on a permanent legal basis that broaden the opportunities for the collection and use of personal data without permission from individuals, and restrictions of online freedom according to the needs of the authorities.

RosKomSvoboda and Human Constant continue to monitor the situation in all the countries described above to be sure that all new limitations are scrapped after the end of the pandemic, and call on governments to observe digital rights when imposing any restrictive measures.

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