



Freedom of Speech and Media Plurality in the Context of the COVID-19 Pandemic

EaP CSF **COVID-19** POLICY PAPER

#PrepareEaP4Health

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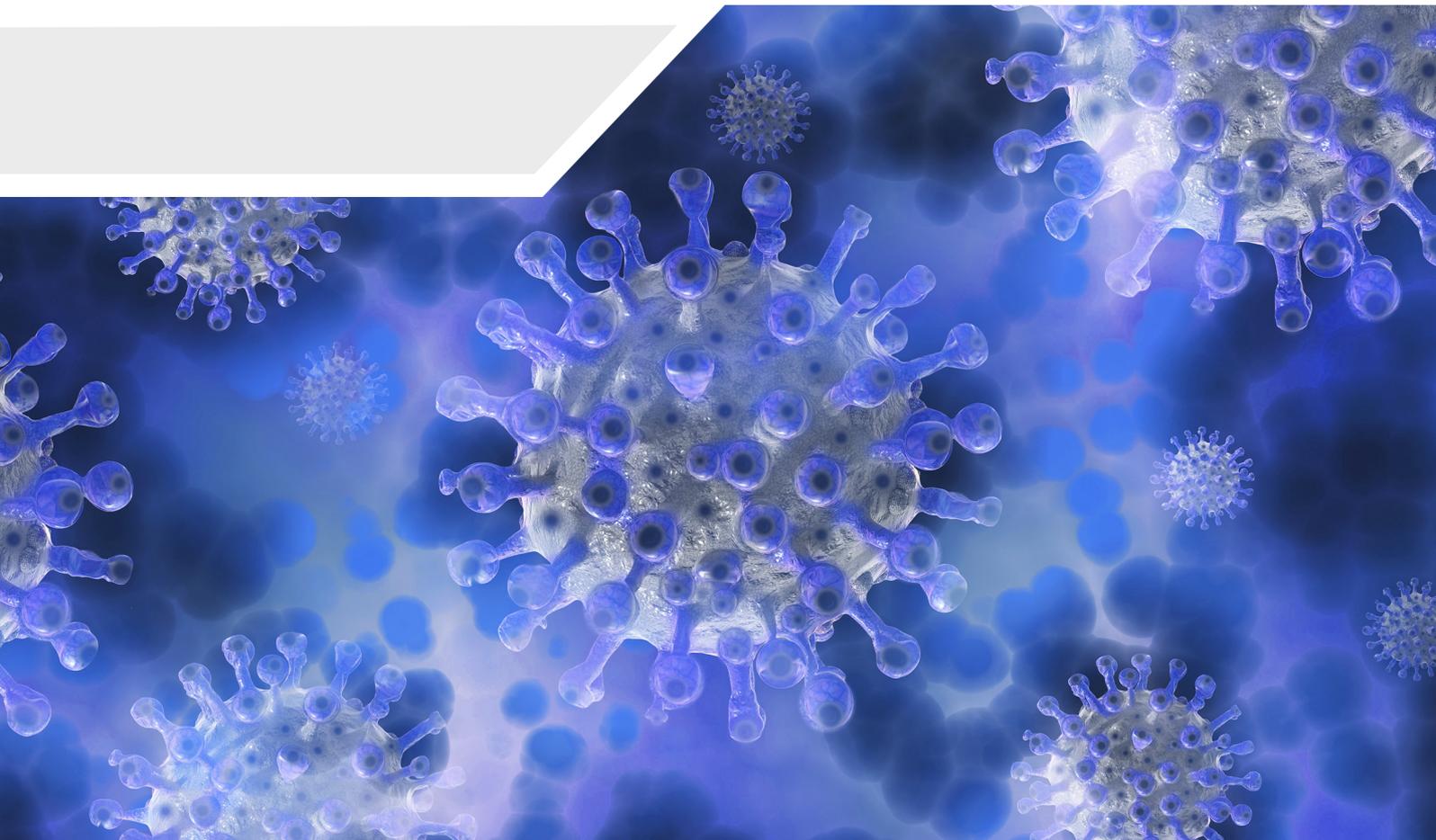


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INTRODUCTION

In 2020, the world was confronted with the spread of the COVID-19 pandemic. The gravity of the global situation led most governments – even those least affected by, and most sceptical of, the virus – to take emergency measures to limit the infection as much as possible. Many countries declared a state of emergency to combat the ongoing COVID-19 pandemic, giving the legal grounds to intensify regulations in various areas of citizens’ daily life: according to Cherevko (2020), the most evident restrictions were related to freedom of assembly, freedom of movement, and privacy rights. Emergency measures also led to deteriorating conditions of media freedom on all continents, with media operations often obstructed or limited during the lockdown regimes (Cherevko 2020; Désir 2020). Some countries cut the funds from public service media in order to fund other sectors, while others actively censored the content of the Fourth Estate (Désir 2020).

Scholars and experts are concerned that these restrictions might be abused and that emergency measures may transform into a more permanent *status quo* (Bell 2020; Cherevko 2020; Wintour 2020). Whilst the risk for a “real human rights crisis” has been reported by the UN as a consequence of the extreme limitations to rights and freedoms taken by long-established democracies (Wintour 2020; Cherevko 2020), the concern is even higher for countries deemed to be at risk of democratic backsliding and often criticised for non-democratic practices. More specifically, concerns have been raised over respect for freedom of expression – both for individuals and in the media – in a number of Eastern Partnership (EaP) countries (Bell 2020; EaP CSF 2020b).

The impact of the 20 Deliverables for 2020

The COVID-19 pandemic coincided with the end of the implementation period for the *20 Deliverables for 2020*. This initiative – launched in 2017 during the Eastern Partnership Summit in Brussels – covers various areas of the socio-economic environment of the EU’s Eastern Neighbourhood. By committing to the initiative, all partners agreed to provide tangible benefits to the daily lives of citizens by achieving twenty key targets in five macro-sectors¹ by the end of 2020. In this policy brief, two of the *20 Deliverables for 2020*, in the cross-cutting sector, are relevant for the assessment of freedom of speech and media plurality in the context of government actions against the COVID-19 pandemic: the deliverable on “Support to independent media” (Deliverable 1) and the deliverable on “Increased engagement with civil society” (Deliverable 3). EU action in the field has focused on strengthening people’s trust in the EU, engaging in communication campaigns, fighting disinformation and the spread of fake news, and training journalists and media professionals. Engagement with civil society is understood as forms of support to civil society figures and organisations active in the fields of freedom of speech and media plurality. Since the launch of the initiative in 2017, annual reports have been released regularly, monitoring the progress of the region within the scope of each deliverable.

Given the overlap between the end of the implementation of the *20 Deliverables for 2020* and the historic moment of a global pandemic, two questions merit discussion:

¹ The five macro-sectors are: 1) Cross-cutting deliverables; 2) Stronger economy; 3) Stronger governance; 4) Stronger connectivity; 5) Stronger society.

1. Have the current *20 Deliverables for 2020*, namely the cross-cutting deliverable “Support to independent media”, had an **identifiable impact** on each of the six EaP countries?
2. What has been the **impact of COVID-19** in the area of freedom of speech and media in the six EaP countries?

Overall, the region had made some progress in the cross-cutting deliverable “Strengthen strategic communication and supporting plurality and independence of media”. The state of play in 2018 showed the deliverable as “on track” (i.e. a score of 2/3, with 3 meaning ‘achieved’) (EU Neighbours East 2018). In 2019, no measurement was provided, but a note mentioned that “good progress has been noticed across the region, while more efforts are needed to strengthen independent media” (EU Neighbours East 2019). Regrettably, the final report in February 2020 showed no further progress from 2019 in the indicator for “support to independent media”: promoting independent media throughout the region was still a priority for action (EU Neighbours East 2020).

The Annual Reports on the *20 Deliverables for 2020* (EU Neighbours East 2018; 2019; 2020) adopt a regional perspective in measuring the progress made. Regrettably, the data used to measure the progress are not disaggregated into individual country analyses. Additionally, the EaP reports published so far have not yet covered the COVID-19 crisis. Hence, this policy brief sets out to analyse how the crisis affected freedom of speech and media in each of the EaP countries, and the implementation of the 2020 cross-cutting deliverables. We shall:

- Identify **positive and negative changes** with regards to freedom of speech and media resulting from the introduction of policies related to COVID-19;
- Examine the role of state media, public service media, independent media and social media in providing **reliable information about COVID-19**, and the impact of this information on policy making;
- Evaluate which role **digitalisation** has played for independent media since the COVID-19 crisis;
- Analyse the impact of **strengthened strategic communications and support** for the plurality and independence of media as stipulated in the *20 Deliverables for 2020*.

The analysis will examine each of the above four dimensions in each of the six EaP countries. Where appropriate, local and regional levels will be included in the analysis. This first step ensures a balanced and structured analysis for each country, and prepares the ground for a subsequent comparative analysis. There, we aim at identifying patterns across the six countries as well as common threats and opportunities for the medium and long-term, including:

- An assessment of the COVID-19 crisis as a testing tool for freedom of speech in the EaP region (using the pre-COVID situation with democracy in the individual EaP countries as a starting point for the analysis);
- A comparative regional perspective, identifying lessons learned from both the EaP and the EU;
- The identification of steps aimed at further supporting independent media – its sustainability and operations during the remainder of the COVID-19 crisis and in its aftermath – in the diverse EaP environments.

This policy brief elaborates detailed and feasible recommendations for EaP governments, the donor community, and the Eastern Partnership Civil Society Forum (EaP CSF) on how to support the media and civil society in the EaP countries during the COVID-19 crisis and its aftermath. To this end, recommendations shall be policy-driven, solutions-oriented and suitable for the development of mitigation and adaptation strategies.

This policy brief builds on a combination of desk research (documentary analysis) and expert interviews. Relative geographical balance between all six EaP countries was achieved by devoting equal attention to each state in individual case studies. Consultations with representatives of civil society in all six countries, including with members of the EaP CSF, further substantiated the findings.

COUNTRY ANALYSES

To what extent have the *20 Deliverables for 2020* been achieved in each of the EaP countries, especially with regard to the support to freedom of speech and media plurality? What has been the impact of COVID-19 in the area of freedom of speech and media plurality?

The Annual Reports on the *20 Deliverables for 2020* (EU Neighbours East, 2018; 2019; 2020) go some way to answering these central questions. Yet they adopt a regional perspective in measuring the progress made, while data on progress in each single country are not made available. Thus, in order to evaluate the achievements and shortcomings of the *20 Deliverables for 2020* with regard to freedom of speech and media plurality at the national level, six country analyses in this section of the policy brief will cover developments around freedom of speech and media plurality in Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

In order to model changes in freedom of speech, six graphs have been elaborated based on the Bertelsmann Transformation Index (BTI). Part of the BTI's measure for *democracy* is *political participation*, of which one indicator is *freedom of expression*. The indicators are reported and measured individually, so that a chronological comparative analysis can be performed. While the available data run from 2006 to 2020, reporting biennially, the graphs used in this policy brief will report progress (or regress) from 2008 to 2020, therefore covering both the establishment of the Eastern Partnership in 2009 and the launch of the *20 Deliverables for 2020* in 2017.

In order to model changes in media plurality and media freedom, accounts of major legal and political developments in the country's media landscape complete each case study. These accounts are based on information triangulated through desk research, expert interviews, and surveys among CSO practitioners at the EaP CSF. Every case study is introduced by a short description of those COVID-19 mitigation measures taken by the respective government which directly affected freedom of speech and media plurality.

Armenia

Since the beginning of the pandemic in Armenia, information about COVID-19 has been sufficiently available through the pages of the government's Armenian Unified Infocenter (Bell 2020; CCRC Armenia 2020). Additionally, changes to the Law on Electronic Communication allowed the authorities to track local mobile data off mobile phones in order

to track the high-risk contacts of COVID-19 patients. In early March 2020, the Armenian authorities installed a state of emergency that initially not only restricted freedom of movement and assembly (via the obligation to carry both a form specifying the reason for leaving the house and a piece of ID), but also penalised the spread of information other than that published by official government sources, in an attempt to fight against the spread of fake news and conspiracy theories about COVID-19 (OSCE 2020; Bell 2020; EaP CSF 2021a).

These journalistic restrictions soon sparked a response from civil society active in the media field. Consequently, having consulted eleven CSOs, the authorities softened the existing rules, allowing for independent journalistic coverage of the pandemic by the end of April (EaP CSF 2021a; CoE 2021a; Asryan 2020), and restored freedom of movement in early May 2020. The state of emergency, however, remained in place and impacted on domestic political processes such as the Constitutional Referendum planned for 5 April 2020, which was first postponed until after the end of the state of emergency and later called off (EaP CSF 2021a). With many individual freedoms restored (movement, assembly, public transport, tourism), at the end of 2020 the authorities appealed to the public to adhere to a voluntary lockdown in order to counter the “uptick in the infection rate in Armenia” (Bell 2020, 9). Meanwhile, many media outlets have struggled to pay broadcasting fees in the face of decreasing revenues from advertising, as many companies have reduced their ad spaces due to the pandemic. This has rendered some media outlets dependent on state support (Asryan 2020a). The state of emergency in Armenia was extended four times until early September 2020, when a nationwide quarantine regime entered into force. This lasted until 11 January 2021.

Compared to how other EaP states fared during the COVID-19 pandemic, Armenia for a long time experienced the highest numbers of infections relative to its population size, only outdistanced by Georgia since the autumn of 2020. The publication of leaked ministerial data on the personal information of 132 people having died from COVID-19 reignited discussions about data protection and the media’s role in this (Danielyan 2020). In an official statement, Armenia’s Personal Data Protection Agency (PDPA) urged the media to share such private information — even if leaked illegally — in an anonymised format (PDPA 2020).

By the end of 2020, Armenia’s mortality rate in relation to COVID-19 was the highest in the EaP region, while the country’s ‘second wave’ of increased numbers in COVID-19 infections coincided with a declaration of martial law in the context of sudden and heavy skirmishes in the disputed areas of Nagorno-Karabakh on 27 September. The new war over Nagorno-Karabakh between Armenia and Azerbaijan had severe implications for freedom of expression and the independent and pluralistic media landscape in the country. On the one hand, amendments to martial law penalised critical coverage of government actions regarding the conflict as of October 2020 (EFJ 2020; Harutyunyan 2020): in one case, for example, a foreign journalist lost his accreditation for publishing critical comments by Armenian volunteer soldiers (CPJ 2020a). On the other hand, both Armenian and international journalists suffered tangible injuries during on-going combat operations (EFJ 2020).

The aftermath of a ceasefire agreement brokered by the Russian Federation caused intense domestic turmoil and civil unrest in Armenia, sparking further violations of the right to freedom of speech, freedom of assembly, and free and independent media: in one case, protesters critical of the current government threatened the physical integrity of journalists from the Armenian service of Radio Free Europe/Radio Liberty (RFE/RL) who had reported

on both Armenian and Azerbaijani perspectives of the war (CoE 2021b), and on an illegal rally organised by political opponents of Nikol Pashinyan (RFE/RL 2020). Consequently, fake news originating from the Armenian opposition parties close to the previous regime, and aimed at discrediting the Pashinyan government, surged (Gordon 2020).

Changes in media freedom in the period of the 20 Deliverables for 2020

Between the time of Armenia’s accession to the EaP programme in 2009 and the launch of the *20 Deliverables for 2020* in 2017, freedom of expression in Armenia was consistently rated poorly. Two decades into its existence as an independent Republic of Armenia, a political elite centred around the *Armenian Republican Party* (HHK) and its representatives had effectively managed to remain in power. In this period, Armenian governments, eventually headed by Serzh Sargsyan, frequently and sometimes severely violated freedom of assembly and speech, most notably during anti-government protests in 2008 (EaP CSF 2016). Freedom House’s *Freedom of the Press Index* repeatedly evaluated freedom of the press in that period as “not-free” (Freedom House 2021), although notable improvements to freedom of press were observed during the 2013 elections (Deutsch Karlekar 2013). The BTI graph on freedom of expression reflects this trend (cf. *Figure 1*, below). The stagnation in freedom of expression is explained by the overall repressive stance of the then-authorities *vis-à-vis* criticism of government actions. The most notable examples include demonstrations against an increase in electricity tariffs, during which police violently dispersed protesters, including journalists (EaP CSF 2016; Freedom House 2015). Thus, at their launch in late 2017, the *20 Deliverables for 2020* were paired with an Armenian media landscape whose print media was entirely dependent on “political and commercial interests” (Freedom House 2018a), and whose “independent and investigative journalists [...] practice self-censorship to avoid harassment by government or business figures” (ibid.).

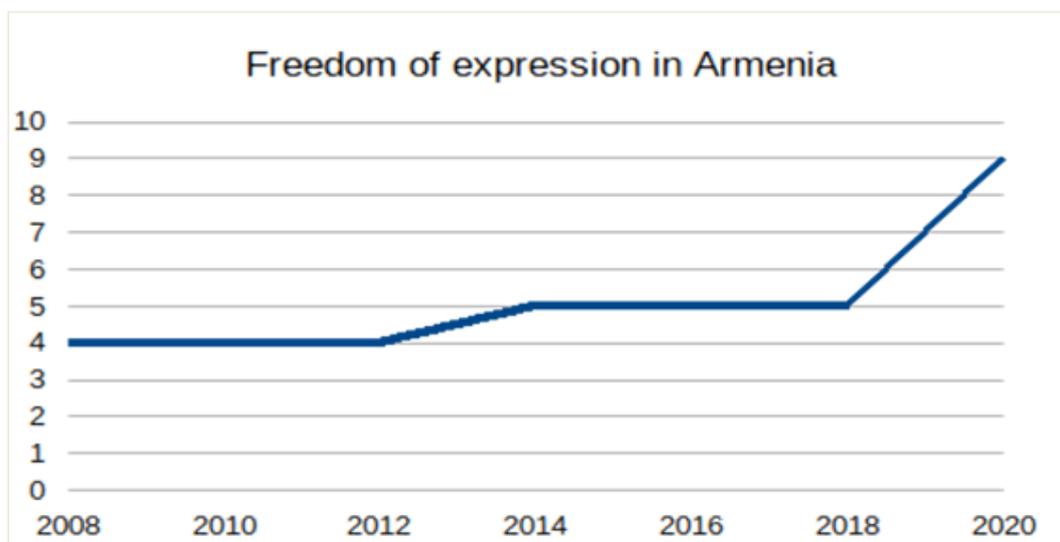


Figure 1: Freedom of expression in Armenia from 2008 to 2020. Authors’ compilation on the basis of the BTI Transformation Atlas (accessed online 3 December 2020).

A positive and rapid increase in freedom of expression took place between 2018 and 2020 (*Figure 1*). The political changes of 2018 culminated in a peaceful Velvet Revolution based on a large popular constituency, and carried to a great extent by Nikol Pashinyan’s movement *My Step*, which later received the status of a political party. Pashinyan ended the era of HHK

rule by assuming the office of Prime Minister. Since 2018, Armenians have tended to trust the media more than before the Revolution (Giragosian 2020). While free (digital and social) media arguably played an important role in the effectiveness of the Velvet Revolution (Lansky and Suthers 2019), in 2018 the EU still considered that “creating an enabling environment for civil society and independent media needs urgent attention” (EU Neighbours East 2018, 2). Indeed, although “violence against journalists declined in 2019 according to the Committee to Protect Freedom of Expression (CPFE)” (Freedom House 2020a), even after the Velvet Revolution, “the media sector in Armenia still lacks transparency and the existing regulations do not require the media to disclose their owners or identify the sources that fund particular media outlets” (Gogolashvili et al. 2019, 14). This has allowed representatives of the formerly ruling Republican Party to retain significant parts of Armenia’s media landscape as dissemination instruments for their partisan rhetoric. Hence, the Armenian post-revolutionary media landscape must be characterised as extremely polarised and unfree from partisan opinions. This nexus between freedom of expression and opaque media ownership has left Armenian society continuously vulnerable to disinformation, fake news, and hate speech (Giragosian 2020) after the Velvet Revolution.

However, the authorities’ latest vigorous attempt to fight disinformation have had opposite effects on the spread of fake news: publicly condemned and persecuted by law enforcement for spreading “ethnic, racial, or religious hatred” (Freedom House 2020a), an aegis of far-right influencers and disinformation platforms such as *Adekvad* or *AntiFake.am* have received extensive upswing - especially among young users of digital and social media (Gordon 2020; Kharazian, Buziashvili and Reshitko 2019). The authorities’ efforts to combat fake news by initially disallowing independent information about the COVID-19 pandemic vividly depicts the difficult balance the Armenian authorities are trying to strike. As a result, the COVID-19 pandemic in Armenia has reinforced a trend in which large parts of the Armenian general public and civil society have grown disaffected with Pashinyan’s government (Schrapel 2020).

In February 2021, the ruling *My Step* faction tabled draft bills on media regulation in the National Assembly with the aim to fight the spread of fake news. One of the new draft laws imposes fees on journalists who use “anonymous sources” (Hakhverdyan 2021a). Media and CSO representatives however criticised the wording as too “vague” (ibid.) because not all anonymous online publications are necessarily fake. In another bill, ruling party MPs proposed to increase “the amount of monetary compensation for defamation and insult” (Hakhverdyan 2021b). While much of the fake news circulating online has indeed aimed to defame members of the current government, the draft bill also encourages litigation against “well-founded criticism” (ibid.). While transparency of sources and a respectful debate are still needed in the Armenian media landscape, CSOs such as the Committee to Protect Freedom of Expression (CPFE) have repeated that the current legislative projects “pressure freedom of expression due to narrow political priorities” (CPFE 2021). A number of CSOs have subsequently turned to the Human Rights Defender of the Republic of Armenia, who has agreed that the draft laws are unacceptable (HR Defender RA 2021). After the devastating war in Nagorno-Karabakh and its domestic repercussions in Armenia, some observers feel that Pashinyan’s fight against fake news is a mechanism of self-defence rather than the pursuit of objective journalistic standards (Hakhverdyan 2021c).

Azerbaijan

Azerbaijan started 2020 with a cry against worsening press conditions in January (Asgarov and Bayramova 2020). According to Azerbaijani sources, there is no independent or alternative print or broadcast media in the country as the sector is highly controlled (and censored) by the state. Independent reporters are often imprisoned and cannot carry out their professional functions. This perspective is backed by Freedom House, which categorised Azerbaijan as “not free” in its 2019 report, giving the country a score of 0/4 in terms of free and independent media (Freedom House 2019a).

The outbreak of the COVID-19 pandemic and the resumption of skirmishes and armed conflict with Armenia in Nagorno-Karabakh in the autumn of 2020 have worsened the situation of freedom of speech and media freedom (EaP CSF 2020c; 2020d) in Azerbaijan. Indeed, as early as March 2020, the Steering Committee of the EaP CSF issued a statement on the suppression of civil liberties in Azerbaijan in the context of the COVID-19 pandemic (2020a), expressing concerns over President Ilham Aliyev’s annual Novruz address, in which he displayed the intention of using the COVID-19 public health emergency to initiate a crackdown on civil liberties in the country (EaP CSF 2020a). On that occasion, President Aliyev openly called the isolation of journalists and distrust against independent journalistic publication a “historic necessity” (ibid.). In the following months, there were several reports of journalists reporting on COVID-19 related developments being detained. When asked for explanations by the OSCE Representative on Freedom of the Media, Harlem Désir, the Azerbaijani government reportedly indicated that the journalists under arrest were imprisoned on charges of breaching quarantine regulations and/or deliberately resisting lawful requests of police officers related to the quarantine regime (Désir 2020).

The Azerbaijani government imposed severe restrictions without declaring an emergency regime in order to do so (Bell 2020). For example, the national parliament adopted the amendments to the Law “On Information” in the context of the fight against disinformation related to the COVID-19 pandemic, effectively obliging the owner of any internet information resource to prevent the publication of false information online (Désir 2020). Reading between the lines though, the amendments can be interpreted as a ban on any information the government itself deems to be dangerous to the public, allowing for the broad and highly subjective application of restrictions on the free flow of information, and potentially precipitating a dark shadow of censorship which could well persist beyond the pandemic to which the amendment was ostensibly adopted to relate (Bell 2020).

Changes in media freedom in the period of the 20 Deliverables for 2020

In 2016, the political climate in the country grew more restrictive and freedom of the press deteriorated further (Reporters Without Borders 2021a; BTI 2020). Pressure on the media constituted just one part of a broader governmental attempt to suppress the opposition and restrict the operation of independent actors in Azerbaijani society. In recent years, countless journalists have been detained, beaten and attacked, and broadcasting agencies and services have either been fully subsumed by Azerbaijan’s government, subjected to interference, or forced off air (BTI 2020). Legal amendments limiting access to information have been introduced, and opposition print media has been strongly penalised and hindered – indeed, the main printing outlets opposing the government have since stopped printing or been shut down (BTI 2020). Notwithstanding this evidently poor print media environment however,

there has been a surge in information delivery via the internet and social media over the course of the *20 Deliverables for 2020*'s implementation period.

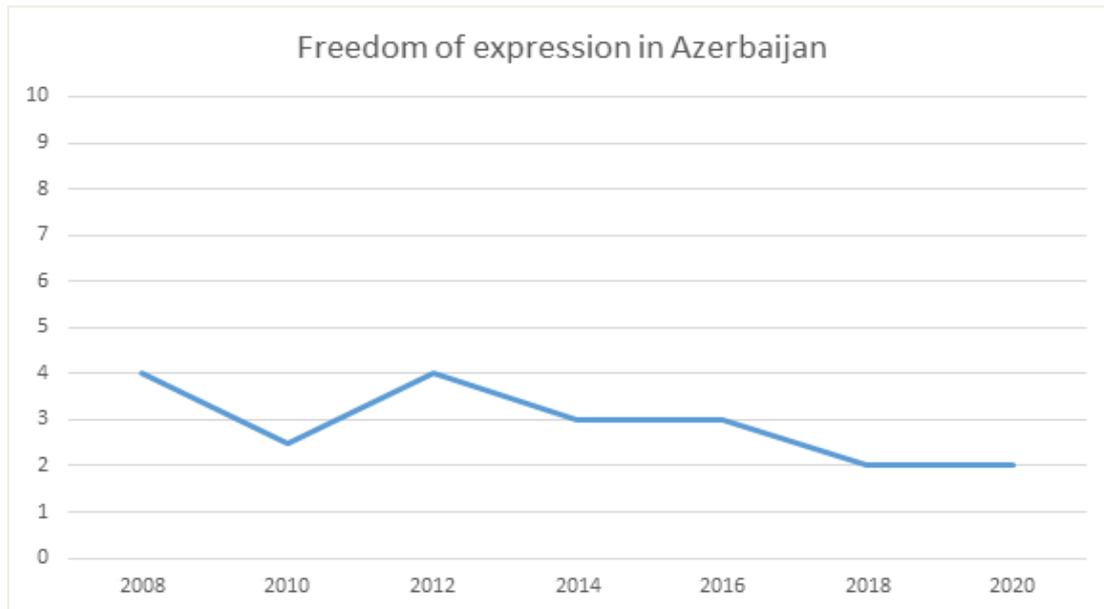


Figure 2: Freedom of expression in Azerbaijan from 2008 to 2020. Authors' compilation on the basis of the BTI Transformation Atlas (accessed online 3 December 2020).

After the launch of the *20 Deliverables for 2020*, the 2018 indexes for media freedom showed neither significant improvements, nor further deterioration (BTI 2020). The legal amendments introduced in 2016 – including those aimed at protecting the president's honour and dignity from abuse in literature, mass media, internet, and social networks – had already begun to show effects, resulting in widespread censorship which remained unchanged after 2018. Some opposition media were still able to operate on the internet, but their reporters were put under constant pressure and threat, while independent voices continued to have no access to public television or radio stations. Hopes were raised in late 2019 by the dismissal of presidential advisor Ali Hasanov, viewed as the media's 'Censor-in-Chief', and by the announcement of major reforms, yet this optimism was quickly dashed in early 2020 by the post-election crackdown on journalists who had tried to cover electoral fraud and opposition rallies during the snap parliamentary election (Reporters Without Borders 2020). In order to silence journalists who continue to resist the government in exile, the authorities harass family members still in Azerbaijan, and they do not hesitate to reach beyond Azerbaijan's borders, securing the arrest of Azerbaijani journalists in Georgia and Ukraine, and suing journalists in France (ibid.).

In March 2020, the national parliament of Azerbaijan adopted amendments to the law on information, in the context of the fight against disinformation related to the COVID-19 pandemic. Based on the amendments, the owner of any internet information resource is under the obligation to prevent the publication of false information online. The publication of information that might cause other situations that are dangerous to the public is also prohibited. These amendments were seen by many human rights organisations as merely tools for the government to further crack down on independent media in the country (Désir 2020).

In 2019-2020, the government continued to restrict the media sector, with independent journalists repeatedly exposed to harassment, threats, and imprisonment (Reporters Without Borders 2020). In this context, independent media outlets were forced to interrupt their activity and turn to operating online information sites. Yet the fusion between traditional media and social media has consequently led to the emergence of vibrant citizens' journalism. Indeed, because of the restrictions placed on news outlets inside the country, individual citizens now frequently use smartphones to record and report on developments on the ground (Asgarov 2020). Azerbaijanis living abroad, especially, are increasingly using the internet to empower critical voices and to reach out to the Azeri audience.

In April 2020, Human Rights Watch (HRW) stated that at least two politicians from opposition movements had been arrested for their posts on social media, with one being sentenced to ten days in jail for allegedly disseminating false information about the pandemic (Human Rights Watch 2020a). In the same month, Reporters Without Borders (RSF) called for the release of an Azerbaijani freelance reporter who the organisation claimed was arrested by Azerbaijani authorities over COVID-related reporting. At least two reports of persons processed for violations of the law in connection with their social media posts about COVID-19 have appeared in Azerbaijani media following the adoption of the legislative amendments in March 2020 (Reporters Without Borders 2020).

Belarus

Freedom of speech and media plurality during the COVID-19 pandemic cannot be disassociated from the more general political environment in Belarus, which has experienced a dramatic deterioration in the context of 2020 presidential election. The two outstanding tendencies in the reporting time period are the unprecedented increase in public mobilisation and civil activism in 2020 on the one hand, and the scaling up of repressions against these phenomena on the other. Examples of civic activism include active participation in initiatives aimed at aiding Belarusian hospitals and doctors during the first wave of COVID-19 (Nekhlebova 2020) and participation in the election campaign as well as the post-election protests – including large-scale civil election monitoring, such as the Monitoring Mission of the EaP CSF and the Belarusian National Platform (EaP CSF 2020e). These numerous pre- and post-election initiatives have often been centred on crowdfunding to equip the doctors and medical workers, to reimburse unjust fines imposed on civic activists, to support workers on strike and those dismissed for expressing their solidarity with the peaceful protests, and to support victims of violence during their imprisonment, release from prison, or their subsequent medical treatment. This spectacular rise of civil society activism represents a departure from the past: in contrast to the historic level of public mobilisation observed in 2020, just 3% of Belarusians reported participating in CSO activities in 2018 (PACT 2019). The new level of activism was, however, accompanied by unprecedented, crushing repressions, which mitigated previous *ad hoc* attempts of the authorities to improve CSOs' operating environment, including the abolition in 2019 of criminal liability for organising or participating in the activity of unregistered organisations (UN Special Rapporteur 2019).

Civic activism has been met with the brutality of state security agencies, often acting as unidentified and/or masked men. This brutality has resulted in loss of life, including that of Raman Bandarenka, who was beaten to death in November 2020. According to the OHCHR (2020), there have been over 1000 instances of torture, while countless acts of disproportional force against peaceful protesters have also been reported. Civil society

activists have been arrested and intimidated – including by threats of taking away their children (Human Rights Watch 2021) – expelled from universities or dismissed from employment, and even forced to leave the country (Smolianko and Chavusau 2020). Human rights defenders estimate that over 33,000 people were detained in the latter half of 2020 (Viasna 2021), among them Belarusian National Platform members Andrey Yahorau, Irina Sukhy, Iulia Mickevich, Marina Dubina, Olga Shparaga, Sviatlana Hatal'saya, Uladzimir Kavalkin. Some 900 criminal cases were opened against peaceful protesters, while 224 individuals were recognised as political prisoners by Viasna Human Rights Center as of 4 February 2021 (Viasna 2021a).

Changes in media freedom in the period of the 20 Deliverables for 2020

While freedom of expression and the independence of the media have been deteriorating since 2018 (OSCE 2018; Freedom House 2018b), as reflected by a fall in the country's media sustainability rating from 1.61 in 2018 to 1.49 in 2019 (Media Sustainability Index 2019b), violations of the freedom of expression became especially severe in 2020. In December 2020, Reporters Without Borders (2020a) recognised Belarus as Europe's most dangerous country for journalists, who work in a constant fear for their safety. Indeed, between August and December 2020, there were at least 62 instances of physical violence against journalists on the part of the security forces (BAJ 2021b). One such case was that of the journalist Ruslan Kulevich: in August 2020, during a detention, both of his arms were broken. In the same month, Natalya Lubnevskaya, a journalist at *Nasha Niva*, was shot with a rubber bullet from a distance of about ten meters, despite wearing a blue press jacket (Human Rights Watch 2021). Some 15 journalists are facing criminal prosecution (Belsat 2021), and 11 are in jail as of 16 February 2021: *tut.by* correspondent Kateryna Barysevich (Human Rights Watch 2020), accused of disclosing the medical records of Raman Bandarenka; journalists Katsyaryna Andreeva and Dar'ya Chul'tsova; four members of Belarus Press Club (Yulia Slutskaya, Sergey Olshevskiy, Alla Sharko, and Petr Slutsky); as well as journalists Ksenia Lutskina, Andrey Alexandrau, Lubou Luneva and Zmitser Buyanau. This is in addition to large-scale detentions (480 in 2020) of journalists and media workers (BAJ 2021a).

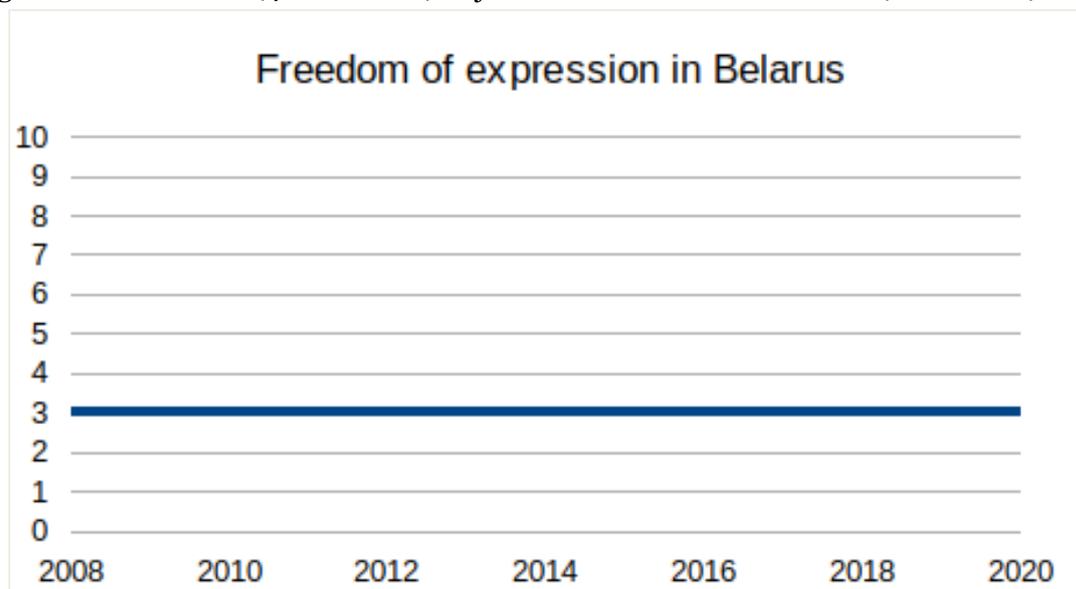


Figure 3: Freedom of expression in Belarus from 2008 to 2020. Authors' compilation on the basis of the BTI Transformation Atlas (accessed online 6 December 2020).

In 2020, four newspapers had to suspend publishing. At the same time, the authorities withdrew the accreditation of a number of foreign journalists (DW 2020), as well as *tut.by*'s status as a media outlet, thereby depriving it of the right to covering protests and events of public importance (Reporters Without Borders 2021b). This came in addition to a comprehensive internet shutdown in August 2020 and the subsequent blocking of individual websites. These measures reinforced a shift, triggered by the authorities' mismanagement of its COVID-19 response (Green 2020), in the news consumption preferences of the Belarusian population from state-owned media (and especially TV, exacerbated by the massive departure of state TV journalists in August (Meduza 2020)), to online independent media, *Telegram* channels, and bloggers (CPJ 2020b). With the public receptibility to independent media at an all-time high, EU support to such outlets became all the more crucial – be it in the form of support to individual journalists, projects oriented at creating quality content (interviews, individual documentaries, social media video series like 'Being 20: Youth Activists' implemented by the Open Media Hub, etc.), or projects targeting the general public, like the Media Literacy Solutions Forum held in Minsk in October 2019 (Belarusian National Platform, 2019).

The Belarusian authorities' handling of COVID-19 corresponded to denial, which stood in stark contrast with the official narrative of a state which values the welfare and security of its citizens and therefore evoked a harshly negative reaction from Belarusian society (Rohozinska 2020). No emergency situation or restrictive measures (such as quarantine) were introduced during the first wave. The wearing of masks was required only required from November 2020, while paid 'leave of absence' for the purposes of safe-isolation was only introduced in January 2021 (*tut.by* 2021). From the outset of the pandemic, the government withheld information about the state of COVID-19 from the public (BAJ 2020c) – something that was reflected in discrepancies between official statistics and those submitted to the UN (CSO Meter 2020). The exposure of this fact led to the withdrawal of the accreditation of two journalists from Russia's *Channel One*, Aleksei Kruchinin and his cameraman Sergei Panasyuk, for alleged dissemination of false information in May 2020 (CPJ 2020e). COVID-19 was also used as an *ad hoc, post factum* justification for some of the authorities' repressive measures, such as the interruption in late 2020 and early 2021 of deliveries of goods, including hygiene articles and drinking water, to support citizens in detention centres (*Onliner.by*). This erratic position of the authorities has made monitoring initiatives like *covidmonitor.by*, launched by the human rights organisation Human Constanta, especially important.

During the first wave of COVID-19, frontline workers and especially doctors became extremely vulnerable (Sapranetskaya 2020). With basic equipment missing, civil society stepped in and provided much-needed support via initiatives such as the *Minsk Hackerspace* and *#BYCOVID19*. The latter, emerging in late March 2020, allowed the delivery of personal protective equipment (PPE), pulse oximeters, non-contact thermometers, air-recirculation devices, and germicidal lamps. Such initiatives during the first wave were not rejected or ostracised by the authorities: as the EaP CSF put it, "the responsiveness of the authorities towards civil society suggestions increased in some areas (for example, concerning the rights of the child, social services, health care) due to the pressures of the COVID-19" (Marocchi, Nista and Rihackova Pachta 2020).

Even prior to COVID-19, Belarus possessed a highly restrictive system of regulating media freedoms. Freedom House has continuously ranked Belarus as “not free” (Freedom House 2019a), and the 1/4 score relative to the free and independent media in 2018 has since worsened to a 0/4 score in Freedom House’s 2019 and 2020 ‘Freedom in the World’ reports. The Criminal Code of Belarus provides for a two-year imprisonment for dispersing false information that would “discredit” the Republic of Belarus or its government authorities (Article 19 2002), while the 2018 Media Law allows the authorities to prosecute people suspected of spreading ‘false’ information online, and to block the respective websites (RFE/RL 2018). Prosecution of critical views expressed online – including by bloggers, who have become an important political force – increased sharply in the context of the presidential election and prevailed until the end of the period included in the scope of this policy brief.

One case stands out from the authorities’ harsh reactions to independent (including doctors’) accounts of the pandemic (Human Rights Watch 2021; IPI 2020; Smolianko and Chavusau 2020). In 2020, criminal charges were brought against Siarhei Satsuk, chief editor of the *Yezhnedvnik* news website who published an editorial criticising the Belarusian authorities’ handling of COVID-19. On 26 March, the Belarusian Association of Journalists (BAJ) published an article unveiling the fact that Satsuk, an outspoken critic of corruption in the Belarusian Health Ministry, received anonymous threats one day before he was detained on bribery charges (BAJ 2020). Although released on 4 April, new charges were brought against Satsuk in June 2020 in connection with a crowdfunding campaign that he ran in 2018 to produce investigative articles (Freedom House 2020d).

Georgia

The beginning of the pandemic in Georgia was marked by low numbers of COVID-19 infections until July 2020, accompanied by sufficient government information resources about the new virus and a clear focus on debunking myths around COVID-19 (Bell 2020). Installed in March 2020, a state of emergency remained in force with one extension, imposing restrictions on freedom of assembly and movement (public transportation, nocturnal curfews) until 22 May.

The COVID-19 pandemic also spread in Georgia’s break-away regions of Abkhazia and South Ossetia, where numbers have remained comparatively low, albeit under different circumstances than Georgia proper: the regions are medically under-equipped and depend on health infrastructure provided by neighbouring Russia (Conciliation Resources 2020). The regions *de facto* authorities have used the circumstances of the pandemic as a pretext to isolate themselves even more from Georgia (Makszimov 2020), with some South Ossetian observers having even perceived their separation from Georgia proper as beneficial in order to evade infection (OC Media 2020). South Ossetia even declined any offer of help from the Georgian authorities, while in the case of Abkhazia, one woman received medical treatment in Georgia proper (Makszimov 2020; OC Media 2020). The poor media landscape enhanced misinformation about COVID-19 in the separatist territories (Conciliation Resources 2020), further damaging the regions’ response to the crisis.

Growth in the number of confirmed cases remained minimal in Georgia proper throughout the summer of 2020 without any further direct restrictions of fundamental rights and freedoms in place (EaP CSF 2021a). Even so, changes to key elements of Georgian legislation

provided momentum for unbalanced additional restrictions: for example, the Georgian authorities initiated legislative amendments to the Law on Public Health, reserving the temporary right to restrict freedom of assembly even outside a state of emergency until at least the end of 2020 (Bell 2020; Salamadze and Iremashvili 2020). Two days after the adoption of that amendment in July 2020, the Georgian parliament endorsed changes to the Law on Electronic Communications thanks to the unanimous support of MPs of the governing *Georgian Dream* fraction. The amendments granted the Georgian National Communications Commission (GNCC) — a regulatory authority for managing broadcasting licenses — the right to appoint new supervisors for broadcasters who fail to comply with GNCC regulations. Media representatives and CSOs commonly criticised this amendment as a representing a possible attempt to restrict media in the run-up to the parliamentary elections, scheduled for October 2020 (Reporters Without Borders 2020b).

A sharp increase in the number of COVID-19 cases coincided with the pre-election period in the autumn of 2020, which observers characterised as “competitive” (OSCE 2020a). Competition between the incumbent *Georgian Dream* and an alliance of opposition parties dominated by ex-president Mikheil Saakashvili’s *United National Movement* (UNM) polarised the media landscape where “all monitored private broadcasters were visibly partisan”, and the “line between state and party” was blurred (ibid.). While Georgian journalists have previously been able to work under secure and non-violent conditions, coverage of clashes between supporters and opponents of *Georgian Dream* was obstructed by severe physical and material attacks against five journalists in at least one case (CPJ 2020c). While the opposing UNM party was able to hold a large rally in Batumi in October 2020 (Bell 2020), civil society organisations criticised the government’s unclear approach as to how elections should be held amidst surging cases of COVID-19, and urged it to better inform its citizens (EaP CSF 2021a). With a majority of votes for the ruling party, prime minister Giorgi Gakharia’s *Georgian Dream* won its third consecutive term in office after the second round of the elections in November 2020. By then, Georgia had registered the highest number of cases per million people in the EaP region, and the third highest number of deaths per million people in comparison to all other EaP states. At the same time, Georgia has issued the most tests per million people of all states in the EaP region (EaP CSF 2021a). The infection trend slowed down by the end of November 2020, with confirmed cases of COVID-19 increasing at a similar rate to April/May 2020 (ibid.) in January 2021. As lockdown measures have remained in place until the time of writing, Georgians have started protesting (Kinchia 2021), while the sudden discontinuation of the country’s COVID-19 tracing app has sparked a civil society response on public accountability for the money invested in the project, and on citizens’ rights to information (Transparency International Georgia 2021).

Changes in media freedom in the period of the 20 Deliverables for 2020

Between the time of Georgia’s accession to the EaP programme in 2009 and the launch of the *20 Deliverables for 2020* in 2017, freedom of expression in Georgia held at continuously high levels, only recording a slight negative development between 2010 and 2012 (BTI 2020), which did not deteriorate further. Indeed, “more balanced and open media coverage prior to electoral contests” were recorded in 2012 (Deutsch Karlekar, 2013), after which Bidzina Ivanishvili (*Georgian Dream*) assumed government responsibility. However, when in 2013 police failed to guarantee the safe conduct of a rally on the occasion of the International Day Against Homophobia, Transphobia, and Biphobia (GYLA 2013), levels for freedom of

expression reached an exemplary low. Between 2014 and 2018, levels in freedom of expression improved from year to year.

The relatively healthy and stable human rights situation in Georgia proper does not, however, reflect the situation in the Georgian break-away regions of Abkhazia and South Ossetia, where space for CSO activity has been ever-shrinking (European Commission 2018). In Abkhazia, freedom of speech is legally curtailed when it comes to utterances regarding the state of the Abkhazian territory, with mere discussions about it making people liable for prison sentences of up to fifteen years since 2019 (Freedom House 2020f). In South Ossetia, freedom of expression has remained seriously restricted (Deutsch Karlekar 2013), and media does not operate independently of the breakaway region’s *de facto* authorities (Freedom House 2020f).

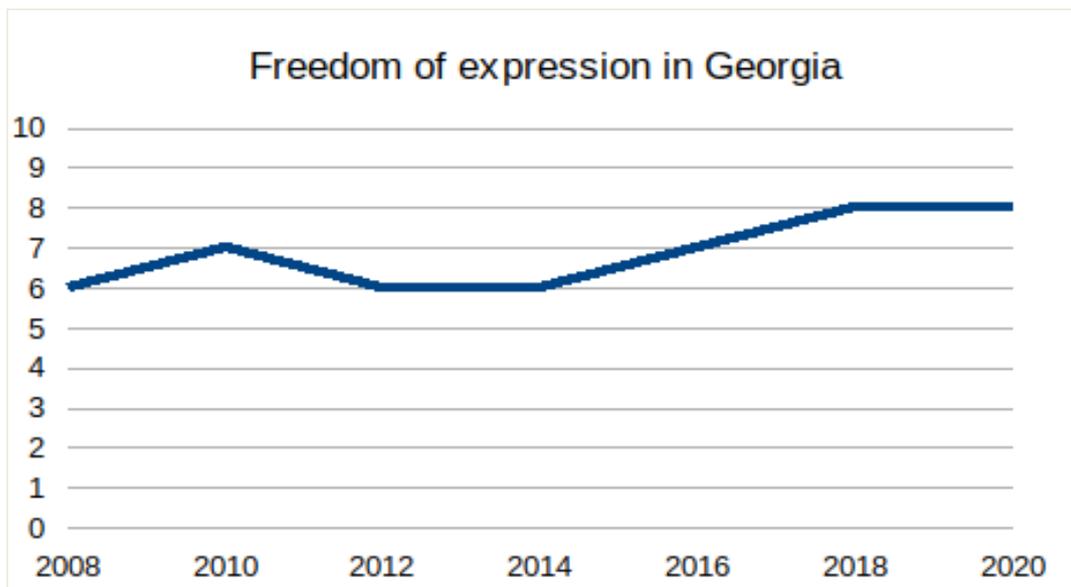


Figure 4: Freedom of expression in Georgia from 2008 to 2020. Authors’ compilation on the basis of the BTI Transformation Atlas (accessed online 3 December 2020).

Since the introduction of the *20 Deliverables for 2020* in late 2017, freedom of expression in Georgia has not registered any further increases. The BTI, as seen in *Figure 4*, evaluates freedom of expression as stable in Georgia after years of continued improvements since 2014. But some signs exist that suggest that the momentum of positive change has arguably stalled in Georgia. For instance, in 2017, the Azerbaijani investigative journalist, Afgan Mukhtarli, was “abducted from Tbilisi and transported to Azerbaijan, where he was detained by authorities”. While the exact circumstances of his abduction are unclear to this day, Mukhtarli’s legal team argued at the time that the Georgian authorities “were complicit with the effort to remove him to Azerbaijan” (Freedom House 2018c).

By the end of the implementation period of the *20 Deliverables for 2020*, civil society assessments of freedom of expression in Georgia have concluded that “freedom of speech and expression is profoundly protected”, citing the country’s legal standards, judicial institutions and the “free, vibrant and pluralistic” media landscape (Latsabidze 2019). In a similar vein, Freedom House has continued to consider Georgian media to be “robust and competitive” (Freedom House 2018b; 2019b; 2020b). Both sources concede, however, that Georgian

media has remained strongly polarised by political parties and oligarchic interests, endangering their independence and neutrality (Latsabidze 2019; Freedom House 2020b; Transparency International Georgia 2020). In particular, the public broadcaster has been accused of increasingly “favouring the government in its coverage” (Freedom House 2020b).

Between 2017 and 2020, external support to independent media in Georgia was registered for outlets such as *OC Media*, which covers the whole Caucasus and is partly financed by the European Endowment for Democracy (EDD), and *Sova.news*, which produces independent content in Russian for a Georgian audience and is also supported by EED grants. Yet challenges to the field of media remain, particularly with regard to the physical safety of journalists (cf. the examples of Afgan Mukhtarli, the Gavrilov protests, or the 2020 elections), the partisan instrumentalisation of journalists and online media (*Georgian Dream* trolls), and the ownership and independence of media broadcasters (*Rustavi2*, *AdjaraTV*, and the role of GNCC). The spread of disinformation and fake news by the likes of *Sputnik Georgia* and *Saqinform* has also recently gained fresh impetus in connection with the GNCC’s decision to provide a TV broadcasting licence to *Alt-Info* – a channel that openly broadcasts alt-right extremist views (Kinch 2021).

Moldova

Moldova’s authorities declared a 60-day state of emergency on 17 March, which was followed by a state of emergency in public health, from 15 May and to 30 September 2020.² The Emergency Declaration stipulated the “coordination of the activities of mass media” and a “special rule for media communication” during the crisis (Parliament of the Republic of Moldova 2020). The length of time allocated for the government to respond to requests for information of public interest was subsequently tripled to 45 days, resulting in a number of media outlets joining forces to lobby for a more transparent approach on the part of the authorities (Institute for War and Peace Reporting 2020).

On 19 March, 52 anonymous sites were blocked by Moldova’s Security and Intelligence Service for allegedly disseminating fake news about the COVID-19 pandemic, given their potential to “affect the information security of the Republic of Moldova and cause social hatred, mass disorder and undermine the security of the Republic of Moldova” (Security and Intelligence Service of the Republic of Moldova, 2020). However, the extent to which their reporting on COVID-19 constituted ‘fake news’, and the rationale behind the blocking, remains unclear.

On 24 March, the Audiovisual Council of the Republic of Moldova announced new emergency measures (Audiovisual Council of the Republic of Moldova 2020) according to which presenters, moderators, and editors would be prohibited from reporting any information on the pandemic that did not reflect the official position of the government. This came after *Jurnal TV* reported on a number of cases of doctors who were forced to work without pay or proper protective equipment (Jurnal TV, 2020). An outcry of Moldovan civil society and journalists, including a statement by the Moldovan National Platform of the EaP CSF, ultimately forced the decision to be reversed. The decision, which carried the potential to

² The measure was subsequently re-introduced on 30 November, and was extended to 15 April in February 2021 (Government of the Republic of Moldova 2020; 2021; 2021a).

ensor information related to COVID-19, was cancelled after one day, following the prompt reaction of journalists and CSOs.

This official *volte face* allowed journalists to counter the narrative promoted by state officials, both regarding the dangers of COVID-19, the statistics, and the state of Moldova’s preparedness for the pandemic. For instance, in March 2020, *NordNews* was able to counter the statements of then-President Igor Dodon that all hospitals were prepared to fight the pandemic, by disclosing that only 26 ventilators were available to the hospitals in the north of the country, hosting a population of around 1 million people (European Endowment for Democracy 2020a).

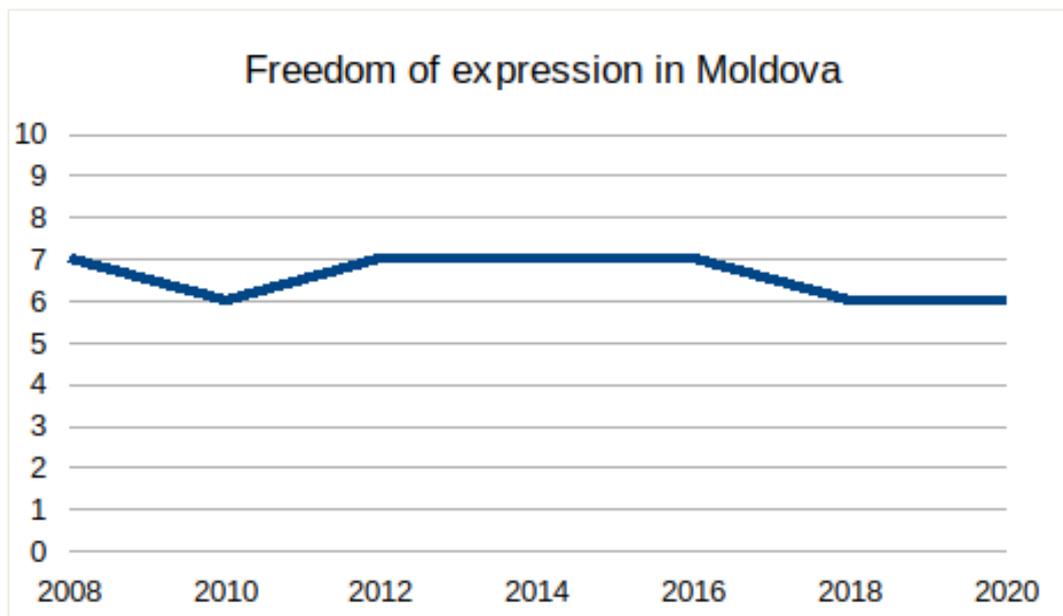


Figure 5: Freedom of expression in Moldova from 2008 to 2020. Authors’ compilation on the basis of the BTI Transformation Atlas (accessed online 6 December 2020).

Beyond the pandemic itself, Moldova’s media landscape has been continuously plagued by polarisation for many years – the result of oligarchic control over individual media outlets. The resulting problems for Moldova’s information space are the concentration of ownership, a lack of editorial independence, a broadcasting regulatory authority whose neutrality is far from assured, and a concentrated advertising market which limits the access of most independent media to advertising revenues and therefore compromises their sustainability (Reporters Without Borders 2020d; Media Sustainability Index 2019a). Moldova’s context is thus one of limited freedom of expression, conducive to self-censorship. Freedom House has rated Moldova as “partly free”, with a score of 2/4 in terms of freedom of expression in 2019 and 2020, corresponding to a one-point decrease as compared to 2018 (Freedom House 2020e). Countering disinformation constituted special concern. 2018’s Disinformation Resilience Index ranked Moldova as the weakest performing country (out of 14 analysed states) in terms of ‘Population Exposure and the susceptibility to Kremlin-led media (3.2), and ‘Quality of systemic responses’ (3.0). Moldova was attributed the second weakest ranking (after Belarus) in ‘Digital warfare vulnerability’ (2.6) (Disinformation Resilience Index, 2018).

Moreover, the working conditions of journalists have at times been adverse, with a number of reported instances of pressure and intimidation (BTI 2020a, Freedom House 2020e). For example, in 2018, the father of *Jurnal TV*'s Dumitry Alaiba was arrested after the publication of his son's article entitled 'Could an oligarch build democracy in Moldova?', while in July 2019, the safety of journalists covering post-election protests raised concern, after they were intimidated and assaulted during rallies organised in Chişinău by the Democratic Party of Moldova (Reporters Without Borders 2019). More recently, in July 2020, Viotica Tatory and Andrei Captarenco were harassed by Russian soldiers on the *de facto* border with Transnistria (Reporters Without Borders 2020c). This risk of intimidation stands in addition to other obstacles to journalists' work, such as limited access to some categories of information: in 2019, journalists from *TV8*, *Jurnal TV*, and *Ziarul de Gardă* were denied access to several public events (Freedom House 2020e).

In spite of the difficult context in which the country's media operates, Moldovan journalists have defended media independence with outstanding courage. The work of the Rise Moldova project is a case in point: the organisation was awarded the Pavel Sheremet prize in 2019 for withstanding "pressure on media freedom in Moldova, and intimidation attempts targeted at them" and for 'Paradise of the Oligarch' and 'Ministry of Interceptions' investigations, which led to three criminal trials and the prohibition of wiretapping as an investigative strategy of the state executive, respectively.

Ukraine

In January 2020, a bill was presented to the Ukrainian parliament which sought to make changes to the Law on Media and Disinformation. The proposal, however, was criticised and by the opposition, journalists, and media experts, who claimed that their right to freedom of opinion would be threatened by the proposed amendments (Bettiol 2020). Although the situation around media freedom in Ukraine has been stable for some years now (Freedom House 2019b), this should not serve to sugar-coat the broader picture, in which most of the Ukrainian media belongs to the country's major oligarchs and therefore reflects the individual interests of their owners – many of whom are directly engaged in national politics (Bettiol 2020). After the outbreak of the armed conflict in Crimea and the eastern territories, many independent online media resources were set up (*ibid.*), thus making a positive contribution to media plurality. However, the Institute of Mass Media (IMI) reported an increase of violations of freedom of speech and media in the country in 2019, including obstruction of journalistic activity, threats, beatings, refusal of access to information, cyber-attacks, and legal pressure (IMI 2019; RFE/RL 2020a).

At the outbreak of the pandemic, the government imposed restrictions and limitations in a framework of an 'Emergency Situation Regime' (Bell 2020). There were no particular mentions of limitations for press and media linked to the COVID-19 pandemic, except for the reallocation of ₴178 million (€5.6 million) from the budget of the National Public Broadcasting Company of Ukraine (UA:PBC) to the government's COVID-19 response fund (Désir 2020). The cut potentially hindered the ability of journalists to provide reliable information to the population, to reporting on the pandemic's development, and to combat false information. In fact, disinformation has seen a surge among Ukrainian society during the pandemic, in particular via pro-Kremlin or Chinese-backed channels (Bell 2020; EEAS 2020).

In the occupied territories, the pandemic brought a toughening of the already restrictive existing measures, especially on entry to and exit from the conflictual areas (OSCE-SMM 2020; Ukrainform 2020). For example, in March 2020, wooden barriers were raised near to the checkpoint at Stanytsia Luhanska (Ukrainform 2020). The impossibility of crossing the line of contact is likely to have further hindered reporters’ work and to have allowed the spread of disinformation to go unabated: according to the Ukraine Crisis Media Center, data on infection rates were hidden or distorted by Russian media, thus impeding both reliable reporting of objective facts, and any sort of media plurality (Ukraine Crisis Media Center, 2020). The further repression of freedom of speech in the occupied territories was accompanied by the promotion of anti-Ukrainian conspiracy theories relating to COVID-19, and the overstating of economic problems and protests in Ukraine (ibid.). These trends sought to portray Russia as the only friend of the territories during the crisis.

It is noteworthy that in August 2020, Ukraine ratified the Council of Europe’s Convention on Access to Official Documents. The Convention is the first binding international legal instrument to recognise a general right of access to official documents held by public authorities. Under the terms of the Convention, its entry into force was set to be determined by the accession of ten or more states. As the tenth Contracting Party, Ukraine’s ratification of the Convention thereby caused it to assume legal force in its signatory states as of 1 December 2020 (Cherevko 2020; CoE 2020a; 2020b).

Changes in media freedom in the period of the 20 Deliverables for 2020

Following the presidency of Viktor Yanukovich (2010-2014) and the sharp deterioration of freedom of expression and media of that period (Reporters without Borders 2010), the practice of censorship has since been eliminated, and media freedom and activity has been restored (Freedom House 2019c), resulting in a good BTI score on freedom of expression in 2016. Access to a variety and plurality of media was granted, although public broadcasting was not yet fully operational. Several laws to restrict Russian propaganda were passed following the Revolution of Dignity, and these started to show effects from 2016. However, at the local level, public authorities and oligarchs continued to own many media outlets (Bettiol 2020)



Figure 6: Freedom of expression in Ukraine from 2008 to 2020. Authors' compilation on the basis of the BTI Transformation Atlas (accessed online 3 December 2020).

Since the launch of the *20 Deliverables for 2020* in 2017, the BTI's assessment of freedom of expression has fallen slightly. Nevertheless, the content of the country's public broadcasting service has seen an increase in its impartiality, while the application of the Law on Transparency of Media Ownership has revealed and halted several cases of economic interests at play behind media and information (Media Ownership Monitor Ukraine 2021). Journalists' access to information, and their protection under criminal law, has also improved. Notwithstanding the numerous reforms introduced to improve conditions in the media environment, however, freedom of expression has been hindered by the increasing regulation of content from the Russian Federation (Council of Europe 2021c). Indeed, the armed conflict in Crimea and the Donbas has created an atmosphere of suspicion, which has subsequently led to restrictions on flows of information between the occupied areas and Ukraine proper, as well as on those reporting from within the separatist territories. Several journalists have been attacked and, in some cases, even murdered (United Nations Human Rights Office 2019).

Over the last two years, the situation has remained stable. Freedom of expression and the prohibition of censorship have been largely respected, and public media has experienced an increase in pluralism and open criticism (Reporters Without Borders 2021c). Cases of violations of media freedom have decreased in the last two years, but these accomplishments have been countered by stronger measures against Russian media content and workers (Council of Europe 2021c). The government can also legally ban internet web pages without court decision and Russian media workers have been banned from entering Ukraine. In Crimea and the occupied territories, freedom of expression is continuously severely violated (Council of Europe 2021c).

COMPARATIVE ANALYSIS

Building on the individual analyses above, this section assesses the two cross-cutting EU priorities of the *20 Deliverables for 2020* on a cross-regional level. It gauges:

- The extent to which the **EU engaged with civil society organisations** active in the media field in the EaP region; and
- The extent to which the **EU supported media freedom and independence** in the implementation period of the *20 Deliverables for 2020* between 2017 and 2020.

In establishing a comparative regional perspective on media freedom and independence in the EaP countries, the COVID-19 crisis and the measures adopted to mitigate it serve as a point of reflection for lessons learned. This comparative section aims therefore to extrapolate steps aimed at further supporting independent media, its sustainability, and its operations during the COVID-19 pandemic and in its aftermath in the diverse EaP environments. The comparative analysis begins with a brief account of the **civil society environment** in the EaP region, and **general trends in EU support**.

CSO environment in the EaP region

The civil society environments in Belarus and Azerbaijan continue to pose structural barriers to the activity of CSOs, with both countries displaying clear signs of deterioration in the reporting period. In Belarus, a ban on the activities of unregistered CSOs, along with the expensive registration process that leaves a large margin for the authorities to block unwanted applicants, and the regular imposition of large fines and routine “searches, seizures of equipment, arrests, dismissals” (Viasna 2019; Smolianko and Chavusau 2020) – practices that have been exacerbated in post-election context – all make for an extremely restrictive environment for Belarusian civil society. However, despite these severe circumstances, CSOs in Belarus have nonetheless been able to carry out important projects and initiatives, and have been especially successful in crowdfunding (Volkogonova and Savinich 2020) and social entrepreneurship (Smolianko and Chavusau 2020; BTI 2020). The development of innovative tools for engagement has also been a hallmark of Belarusian civil society in recent years – reflective, perhaps, of Belarus’ status as an emerging regional IT hub – as demonstrated by the awarding of the 2018 Civil Society Digitalisation Award to the Doika Donation Module, during the second EaP civil society hackathon (EaP Civil Society Facility 2018b).

Over the past eight years, Azerbaijan’s civil society environment has also deteriorated on all fronts. As the government continues to interfere with the activities of CSOs, prosecuting human rights defenders and political activists alike, banning them from travelling abroad, and freezing their bank accounts, the sector has become paralysed. Legislative restrictions have caused a near-complete incapacitation of civil society and led to its alienation from the public. Moreover, since 2015, most of the influential foreign NGOs and donor institutions previously present in Azerbaijan have been forced to leave the country, with more than 50 international organisations having since closed their offices there (Mahmudov 2019). Although Azerbaijan’s independent civil society now communicates with the public via social networks or a small number of blocked online media outlets, its very existence is and remains under threat. Hence, the CSO environments of Azerbaijan and Belarus continue to be considerably illiberal and restrictive, in stark contrast to the circumstances in Armenia, Georgia, Moldova and Ukraine.

The DCFTA³ countries (Georgia, Moldova, Ukraine) and Armenia have registered a number of improvements in the free operation of civil society. For instance, in Moldova, CSOs have carved a role for themselves as watchdogs over political appointments and decisions, spearheading the investigation into the so-called ‘Billion Dollar Bank Fraud’ in 2014 (Camarda and Oldfield 2019), while state funding for CSOs working on social issues, youth, culture and healthcare has increased, from €1.9 million in 2017 to €3 million in 2019 (Gîscă 2019). Moreover, the Law on Non-Commercial Organisations, adopted in 2020, has simplified the registration procedure for CSOs in Moldova, abolished the registration fee, improved freedom of association (by removing association restrictions for certain categories), and allowed every CSO to design its own internal management structure (ibid.). In Ukraine, civil society has been increasingly vibrant since 2014, with approximately 20,000 active CSOs operating in a wide range of areas. The EU has characterised the overall environment for Ukrainian CSOs as favourable (EEAS 2019), with a satisfactory legal framework and a diversity of civil society actors, especially in such sectors as European

³ Deep and Comprehensive Free Trade Agreement

integration, human rights protection, and the environment. In Armenia, CSOs had a considerable influence on the outcome of the peaceful Velvet Revolution in 2018, boosting political pluralism and possibilities to participate in societal change (Hakobyan and Margaryan 2020), while during and after the Karabakh war of 2020, Armenian civil society considerably mitigated the effects of injury, displacement and unemployment of their afflicted compatriots (ibid.). Finally, Georgia's civil society operates in a favourable environment which is conducive to free association through accommodating legal frameworks and an overall vibrant approach to civil society engagement (Salamadze and Iremashvili 2020).

Notwithstanding these encouraging observations, structural constraints continue to strongly affect CSOs in the four countries above. Defamatory campaigns against CSOs in individual countries have persisted, while cases of democratic backsliding – such as in Moldova's parliamentary elections in 2019, when election monitors were intimidated for the first time since 2009 (Freedom House 2020c) – have also been known. Violent conflict in eastern Ukraine has had a strong negative impact on freedom of expression, association, and peaceful assembly, with independent and pro-Ukrainian media, as well as civil society activists, unable to operate freely in the Donetsk and Luhansk regions, where censorship and intimidation are commonplace (EEAS 2019). As a result, many local CSOs in the Donbas, particularly those focusing on the defence of human rights, have been forced to close down their activities or to relocate (Bazilo and Bosse 2018). For its part, Georgia's rich civil society environment operates primarily in Tbilisi and has little outreach in the regions. Even more problematic is the near-impossibility of civil society engagement with people in the Georgian break-away regions of Abkhazia and South Ossetia (Salamadze and Iremashvili 2020). In the former, war-veteran groups are the CSOs with the most influence on the local authorities (Freedom House 2020f), thereby precluding most cooperation with organisations from Georgia proper. And lastly, in Armenia, trust in officially registered CSOs has remained lower than in informal groups which “enjoy more public trust due to their responsiveness to community needs” (Hakobyan and Margaryan 2020). CSOs working on topics which the general Armenian public deems unpopular (such as the protection of religious, sexual or gender minorities) work under more difficult conditions than CSOs active in other fields.

The above analysis serves to demonstrate the erroneousness of referring to a single ‘EaP civil society environment’, as the Annual Reports on the implementation of the *20 Deliverables for 2020* have often done, highlighting instead the importance of taking into account national specificities, which are often far from clear-cut – even if regional trends can be discerned. For instance, while the civil society environments in Belarus and Azerbaijan are highly restrictive, CSOs in both countries have shown remarkable resilience and adaptability, suggesting the potential for a healthy civil society landscape should the incumbent regimes liberalise or fall. At the same time, although the DCFTA countries and Armenia have appeared free and increasingly diverse in recent years, issues around the limited outreach and even the physical security of CSOs mean that the sector continues to face considerable challenges. In light of this highly complex civil society context across the EaP region, and within the six partner countries themselves, the question of how the EU supports and engages with CSOs and independent media – as products of the kind of free, open, and healthy society that the *20 Deliverables for 2020* sought to promote – is one deserving of attention.

General trends in EU support

As part of its global response to the COVID-19 pandemic, the European Commission has mobilised emergency relief for Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova, and Ukraine. Within the framework of the ‘Team Europe’ initiative, the EU has programmed an ambitious support package totalling over €980 million. The main emphasis of the package is placed on responding to immediate needs, including supporting local schools with distance learning or assisting emergency medical services. The amount spent has been subject to increases over the course of the pandemic (although not for all EaP states) as *Table 1* shows:

EU COVID-19 relief	AM	AZ	BY	GE	MD	UA
Amount spent by October 13, 2020	92	31	60*	183	87	190
Amount spent by January, 2021	96	31	74*	183	128	202

Table 1: COVID-19 relief to the EaP states in October 2020 and January 2021. Numbers in million €. Authors’ compilation on the basis of publications available at [EaP CSF 2020](#); [European Commission 2021](#), (accessed online 18 February 2021).

* Further financing was approved for Belarus in December 2020, under the EU4Belarus programme (€4m out of €24m earmarked for ‘Health Resilience’). Source: https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/eu4belarus_infographic.pdf

With €202 million in COVID-19 related funds, Ukraine has received the highest amount of support, part of which is earmarked for fighting disinformation (European Union 2020). Similarly, in **Belarus**, €1 million out of the €53.7 million support package has been programmed for support to independent media. The EU has thus started to consider freedom of expression and media plurality as a stand-alone priority within the COVID-19 funding, thus responding to the calls of civil society, and in particular of the EaP CSF, to “reconsider the purpose and recipients” of the COVID-19 support (Marocchi, Nista and Rihackova Pachta 2020, 8; Bell 2020). In the case of emergency support to Belarus more specifically, the EaP CSF has advised the EU to redirect funding from the government, compromised by violent actions against the people, to *bona fide* civil society “in order to assist the victims, build the capacity of CSOs, support new bottom-up initiatives and volunteer movements, alternative methods of education and investment in independent media” (ibid.).

Besides the immediate relief for the mitigation of COVID-19 in 2020, depicting the EU’s general financial commitments to each and every EaP state between 2017 and 2019 allows for a cross-regional comparison of EU support to the EaP countries. Between 2017 and 2019, the EU has financially supported all countries in the region with a number of different financial instruments, albeit with differing total amounts spent on each country in the period of observation. *Table 2* below provides an indicative impression of general trends in the EU’s financial support to the EaP countries, which includes but is not restricted to civil society support.

EU general financial commitments	AM	AZ	BY	GE	MD	UA
2017	43	6	14	87	93	280
2018	34	19	12	145	41	200
2019	185	5	136	214	183	412
Total 2017-2019	263	30	162	446	317	892

Table 2: EU general financial commitments to the EaP states in 2017, 2018 and 2019. Numbers rounded and in million €. Authors' compilation on the basis of data from the EU Financial Transparency System available at https://ec.europa.eu/budget/fts/index_en.htm, (accessed online 18 February 2021).

The complexity inherent to the objective of providing effective EU assistance to support CSOs in the individual EaP countries can be illustrated by the particular situation on the ground in Azerbaijan. The EU's general financial commitments to Azerbaijan amounted to around €30 million between 2017 and 2019 (European Commission 2020b), which it provided through the European Neighbourhood Instrument (ENI), Erasmus+ and Horizon 2020 programmes, benefiting *inter alia* several Azerbaijani NGOs in the implementation of projects (ibid.). However, only one regional project in 2018 directly pertained to human rights in the Caucasus (European Commission 2020b), and it remains unclear to what extent independent media was considered during the programming of funds. For example, the EU has indeed allocated financial assistance to NGOs formally registered in Azerbaijan. But such cooperation has serious pitfalls, as the space vacated by independent NGOs has since been filled by government-organised NGOs (GONGOs). GONGOs allow the Azerbaijani government to present an image of a thriving civil society and to co-opt the usual international partners of independent NGOs (Mahmudov 2019), thus effectively legitimising the incumbent regime on the world stage.

The example of Azerbaijan, then, serves as a clear illustration of the importance of conducting a nuanced assessment of the extent to which the EU *effectively* engages with CSOs – particularly in the media field – beyond the simple provision of financial support.

EU engagement with CSOs in the media field

The assessment of the EU's engagement with CSOs in the media field (Deliverable 3) must necessarily take into account a broad array of different factors. The EU itself discerned “moderate progress” in its engagement with EaP civil society throughout 2018 and 2019 (the lowest benchmark), deeming it to be “on track” in 2020 (one benchmark higher).⁴ According to its own records, the EU offered capacity building actions in most EaP states in 2019 and all in 2020, while also awarding fellowships and grants to young civil society leaders (40 in 2019, and more than 60 in 2020). The EU continued its policy dialogue with the EaP CSF

⁴ At the time of writing (February 2021), the only existing monitoring reports for the 20 Deliverables for 2020 are titled “State of Play 2018”, “State of Play March 2019”, and “State of Play in February 2020”. More specific publication dates are not indicated in this kind of grey literature (EU Neighbours East 2018; 2019; 2020).

(EU Neighbours East 2019; 2020), and launched a “pilot tool” for monitoring civil society in all EaP countries (EU Neighbours East 2020).

For the period under analysis, it is safe to say that continued policy dialogue and structured consultations with civil society did have an overall beneficial effect on media freedom and independence: for example, the EaP CSF’s permanent observer status within the EaP’s institutional architecture continued to ensure the participation of civil society representatives in EaP Platform and Panel meetings, including Platform 1, ‘Strengthening Institutions and Good Governance’, under the scope of which media freedom and associated rights fall. However, in the information available on the EaP CSF’s website, evidence for specifically media-related policy dialogue can only be found once: in 2019, one Moldovan and one British member organisation of the EaP CSF attended the EaP Media Conference in Helsinki (EaP CSF 2019a). The above-mentioned “pilot tool” for monitoring civil society included civil society stakeholders as interlocutors in brainstorming sessions on the future of the Eastern Partnership beyond 2020, resulting in new policy objectives (European Commission 2020a). Such consultations were conducted in several manners: on the one hand, the EU delegations in the six EaP states invited and talked to civil society representatives on the ground (EaP Civil Society Facility 2018a), while on the other hand, the EaP CSF also conducted online surveys of its membership in all six EaP states about the future of the EaP beyond 2020 (EaP CSF 2019b).

In order to gauge the material engagement of the EU with civil society in the field of media pluralism, it is necessary to assess the number of instances and the financial volume of funding directed at CSOs in the media sector. To this end, we constructed informed estimates based on EU funding programmed through different grant-making mechanisms.

European Endowment for Democracy

European Endowment for Democracy (EED) is “an independent, grant-making organisation, established in 2013 by the European Union (EU) and EU member states as an autonomous International Trust Fund to foster democracy in the European Neighbourhood” (EED 2021). It functions as the EU’s primary grant-making organisation, channelling “core and bridge funding, rapid response funding, start-up funding for new outlets, production of new types of content [and] support to media in restrictive environments”, as communicated in an EU fact sheet relating to Deliverable 3 of the *20 Deliverables for 2020* (EU Neighbours East 2020). From this factsheet, we know that support to ongoing media projects since 2015 has amounted to €14 million. Paired with data collected from the website of EED (where a search engine allowed the compilation of country- and topic-specific data for the EaP region for each year), this information results in the following estimate of material engagement with media-related CSOs since 2015:

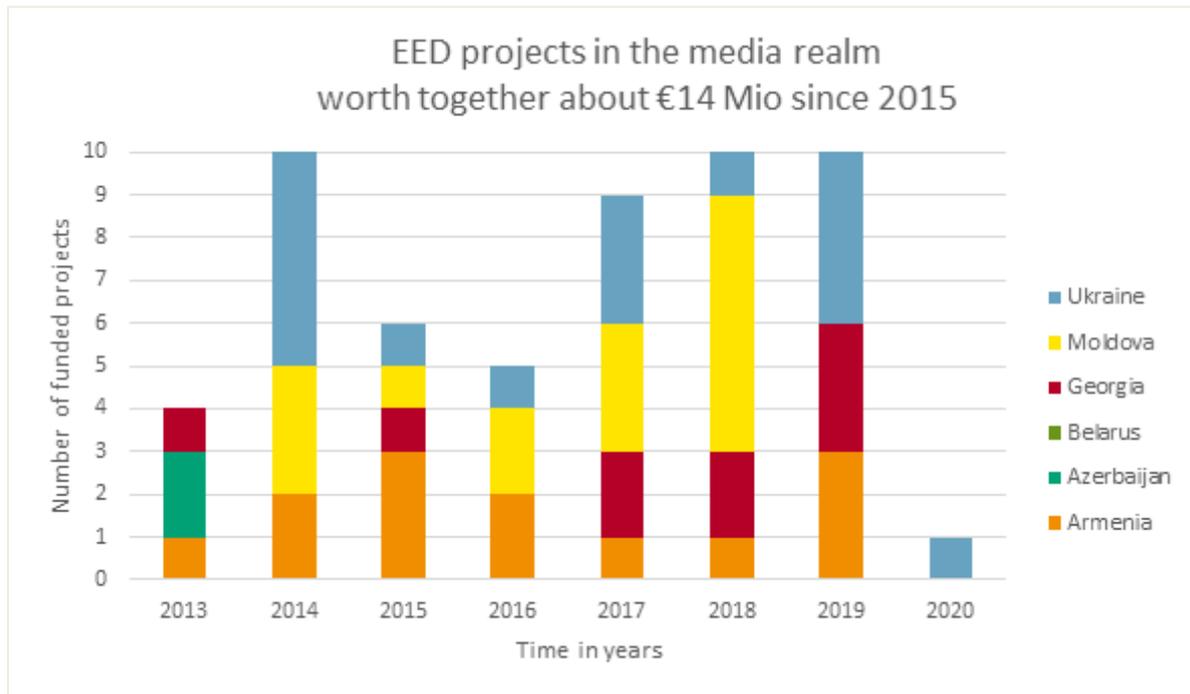


Figure 7: Number and distribution of projects funded by EED in the media realm from 2013 to 2020. Authors' compilation on the basis of EU publications available at www.democracyendowment.eu (accessed online 3 December 2020).

After the launch of the *20 Deliverables for 2020*, we observe a total of 20 media-related projects in 2018 and 2019, which supports the assumption that Deliverable 3 was indeed effective in directing funds to media projects on the ground in the EaP region. For 2020, the analysis records only one relevant project in Ukraine at the time of writing (February 2021) – a situation perhaps explained by the rapid reprioritisation necessitated by the COVID-19 emergency.

Analysing the findings from EED funding, we observe a clear imbalance in the geographical distribution of projects funded in the media field: media-related projects in Georgia, Moldova and Ukraine, and to a certain extent Armenia, have benefitted from EED support in the context of the *20 Deliverables for 2020* while, quite notably, information on support to civil society projects in Belarus and Azerbaijan was not publicly disclosed. This regional division correlates with the varying political realities of the EaP states: Georgia, Moldova and Ukraine have concluded DCFTAs with the EU, and Armenia, CEPA.⁵ On the other hand, Azerbaijan and Belarus do not have comparable framework agreements and are countries governed by governments with no democratic aspirations. As such, the apparent lack of funding to media-related projects in Azerbaijan and Belarus could arguably point to two scenarios: on the one hand, it is possible that projects were indeed funded, but that the safety of the projects' participants required that no information on which organisations were involved be publicised (Expert interview 1, 2021); on the other hand, it is equally feasible that no such projects were in fact funded, due to the media freedom conditions on the ground, the aforementioned risks to participants, or legal restrictions on the receipt of foreign assistance for such projects. The reality could well be somewhere between these two possibilities.

⁵ Comprehensive and Enhanced Partnership Agreement

Financial Support to Third Parties (FSTP/ EaP CSF Re-granting)

The Re-granting scheme of the EaP CSF funds civil society projects in the EaP through an EU budget line called Financial Support to Third Parties (FSTP). Under the terms of the FSTP programme, each project must be worth less than €60,000 (European Commission 2017). Each tranche is divided amongst the CSOs participating in the project, and these must be based in at least three EaP countries or EU Member states, in order to foster cross-regional cooperation. This means that the grant will always be divided amongst the lead applicant CSO from one country, and the partner organisations from at least two other EaP states.

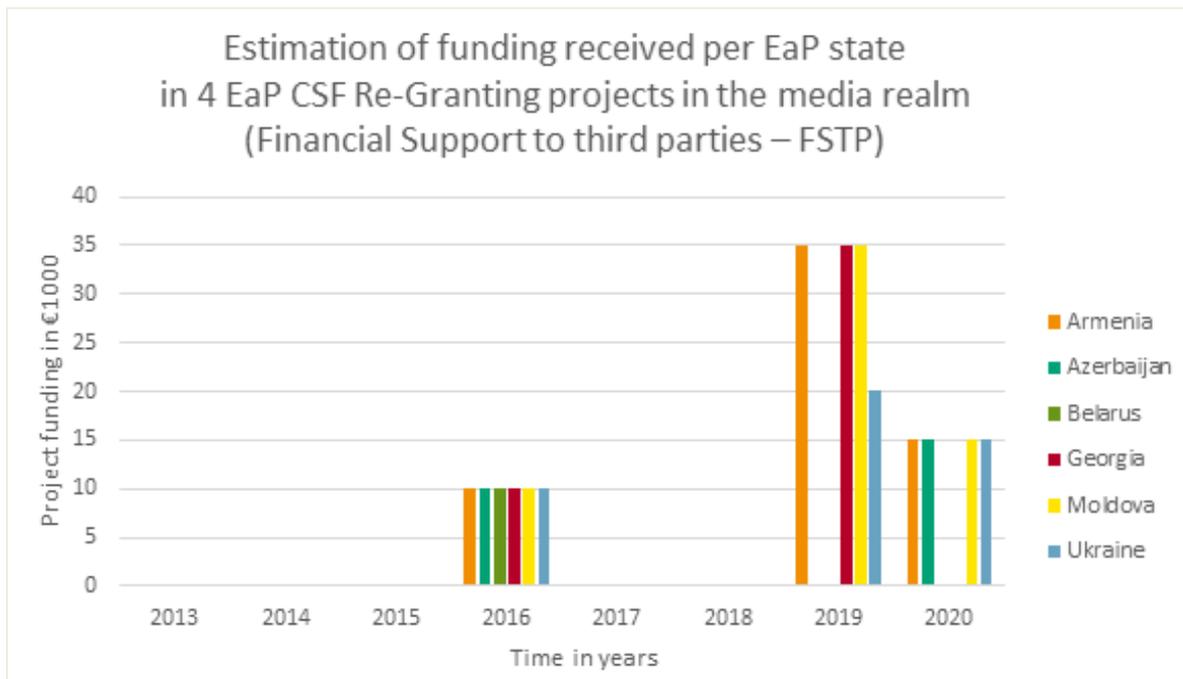


Figure 8: Estimation of funds dedicated to media-related EaP (and EU Member States) projects between 2013 and 2020. Authors’ compilation on the basis of projects in the EaP CSF Re-granting scheme (FSTP) available at www.eap-csf.eu (accessed online 3 December 2020).

Data for this graph are based on project information accessible on the website of the EaP CSF (2021b), where visitors can observe that the EaP CSF Re-granting scheme supported the successful implementation of four projects in the media realm between 2016 and 2020, making for three projects during the implementation period of Deliverable 3. Knowing that CSOs from all six EaP states participated in the 2016 project, we based our calculation for each country on the reasonable and informed assumption that the total funding of €60,000 was divided equally between partners from each of the six EaP countries. Interestingly, the pattern of regional imbalance in funding, observed for EED funds above, repeats itself here as well: in the period covered by the *20 Deliverables for 2020*, media-related projects in the EaP CSF Re-granting scheme took place in all EaP states, except Azerbaijan and Belarus.

EU financial assistance programmes (ENI and EIDHR)

The graphs below show the amount of EU financial assistance disbursed to beneficiaries working in the field of media plurality and journalistic freedom in the six EaP countries, from 2012 to 2019 (European Commission 2020b). Financial assistance was predominantly released through the European Neighbourhood Instrument (ENI), the European Instrument

for Democracy and Human Rights (EIDHR) and the Youth in Action programme. A collective total of just over €10 million was disbursed to beneficiaries in Armenia, Azerbaijan, Georgia and Ukraine. While no direct financial assistance is recorded for beneficiaries in Belarus and Moldova during 2012-2019, both countries have nevertheless participated in regional projects, and therefore CSOs in the two countries arguably benefited indirectly from EU financial assistance with regards to media plurality and journalistic freedom.

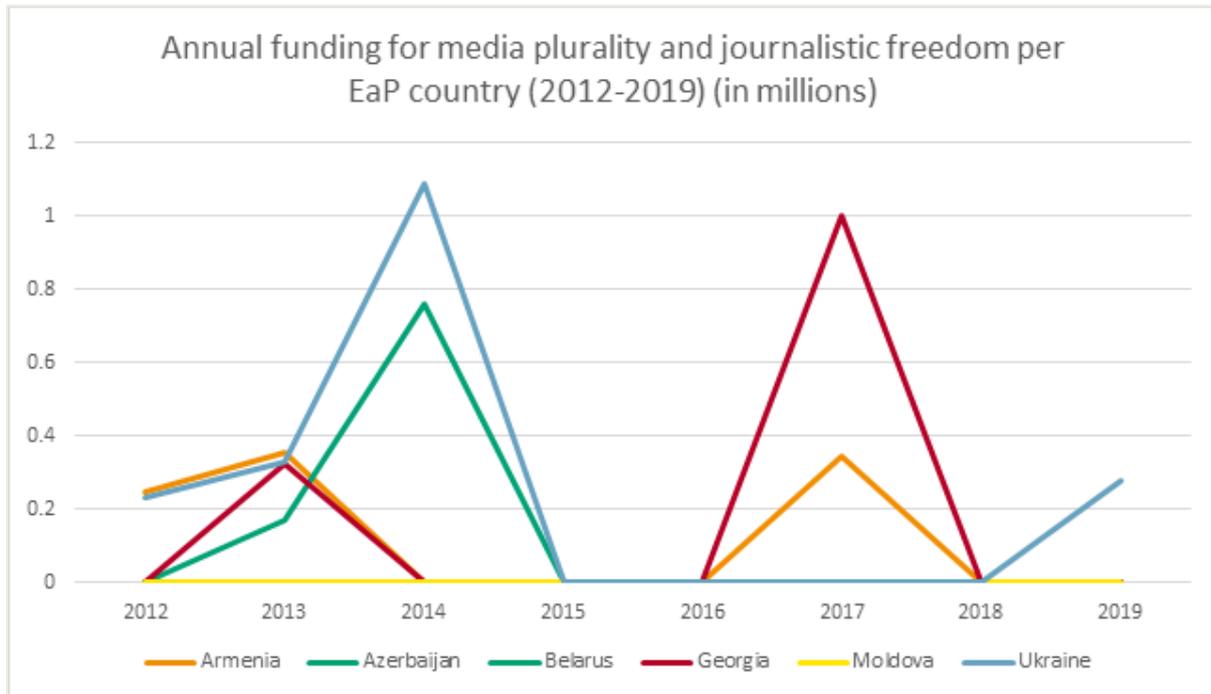


Figure 9: Annual funding for media plurality and journalistic freedom per EaP country from 2012 to 2019. Authors' compilation on the basis of data retrieved from the EU Financial Transparency System available at https://ec.europa.eu/budget/fts/index_en.htm (accessed online 3 December 2020).

Among the four countries that directly benefited from EU assistance, Ukraine received the largest amount of funds (€6.8 million), while Georgia, Armenia and Azerbaijan received relatively equal amounts of around €1 million each. Recipients of EU financial assistance in the field of media plurality and journalistic freedom include CSOs, regional or national media associations and organisations, and educational institutions, as well as independent media channels or companies, alongside CSOs concerned with human rights, media pluralism and freedom of information.

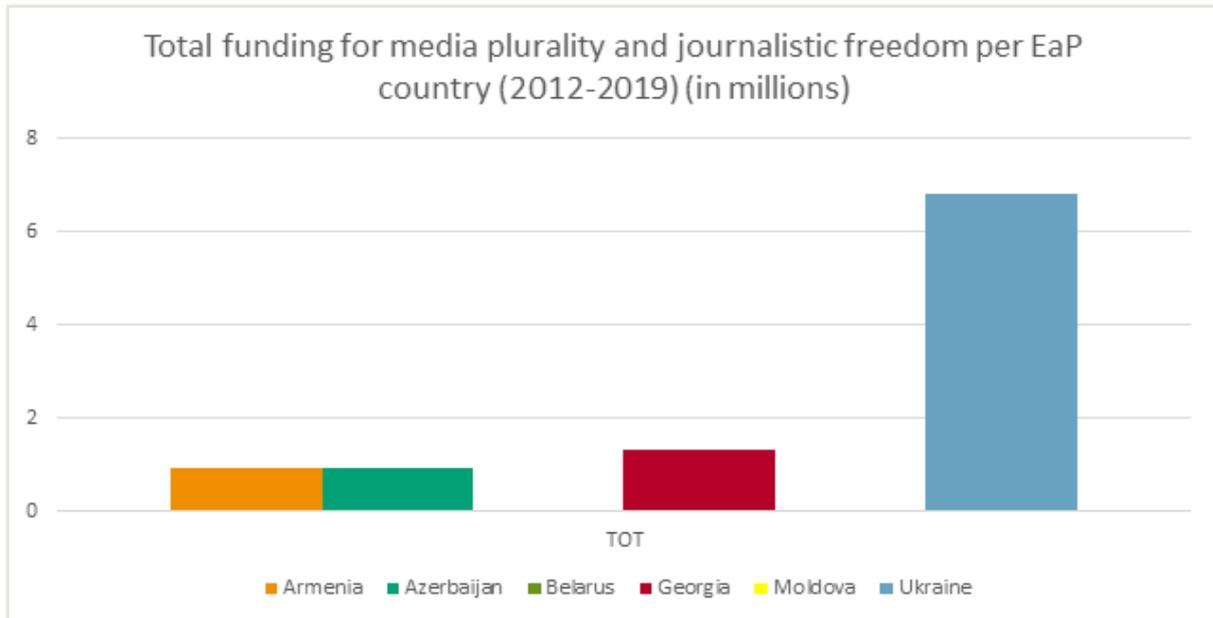


Figure 10: Total funding for media plurality and journalistic freedom per EaP country from 2013 to 2019. Authors’ compilation on the basis of data retrieved from the EU Financial Transparency System available at https://ec.europa.eu/budget/fts/index_en.htm (accessed online 3 December 2020).

Notwithstanding the EU’s larger successful efforts of funding the mitigation of COVID-19, the overall picture of EU funds for the media sector suggests that only a very small fraction of EU financial assistance through the ENI and other instruments has been explicitly geared at projects in the field of media plurality and journalistic freedom under the *20 Deliverables for 2020*. At the same time, funds in this area were largely disbursed to local beneficiaries, which marks a positive contrast to most other areas targeted by EU assistance, where EU-based consultancies and CSOs traditionally dominate as recipients of EU funding (Rihackova 2014).

Support to plurality and independence of media

The EU self-assessed its support for the plurality and independence of media as “on track” between 2018 and 2020. Measures aimed at supporting EaP media included a Disinformation Action Plan in December 2018, and journalistic and media literacy training for more than 1450 professionals (at least 600 in 2018 and 850 in 2019). Much of the EU’s efforts in this area were directed towards increasing and enhancing strategic communication about “EU values” through communication campaigns, the Young European Ambassadors programme and surveys on perceptions of the EU (EU Neighbours East 2018; 2019; 2020).

Levels of freedom of expression in the EaP region have varied according to BTI data: expressing one’s opinion freely and safe from persecution or harm has remained considerably more difficult in Azerbaijan and Belarus than in Armenia, Georgia, Moldova or Ukraine. Since the launch of the *20 Deliverables for 2020*, Armenia has shown exceptional improvements in the level of freedom of expression, while a continued, similarly positive trend has been observed in Georgia. The slightly negative trends for Moldova and Ukraine came to a halt by the end of 2020.

Since 2014, Ukraine has seen a steady improvement in freedom of expression, and media conditions have been gradually improving too. Similarly, freedom of expression and media plurality have been more and more pronounced in Armenia and have continued on a high level in Georgia. As a probable effect of the engagement in the *20 Deliverables for 2020* project, plurality, variety and more transparency have been detected in the Ukrainian information service, although the broad picture is shaded by the situation in Crimea and the conflict zone in eastern Ukraine, which remain critical (Council of Europe 2021c).

Indeed, in the occupied territories of Ukraine, freedom of expression is constantly violated, while journalists are frequently victims of attacks. In Ukraine proper, a strong policy of censorship has also been implemented against Russian media, reporters and information channels, as well as local channels spreading the Russian narrative, though this has done little to curb the implantation of such outlets in the separatist territories in Donetsk and Luhansk – just as pro-Russian propaganda has remained equally present in the disputed Moldovan region of Transnistria. Like in Ukraine’s occupied regions, freedom of expression and media are similarly unfree in Abkhazia and South Ossetia, and the lives of journalists in Nagorno Karabakh have been frequently endangered during the last war. Furthermore, the media landscape in Armenia and Nagorno-Karabakh suffers from a patriotic bias that endangers objective coverage (Expert interview 1, 2021).

For its part, Azerbaijan’s press and media landscape experienced no improvements in recent years: cases of imprisoned, beaten and threatened journalists have been ever-increasing between 2017 and 2020, and the media is strongly controlled and/or censored by the government. The only hope for the repressed media sector comes from the internet, with internet activism and information transmission via social media having helped to ensure the survival of the last remnants of independent media in Azerbaijan.

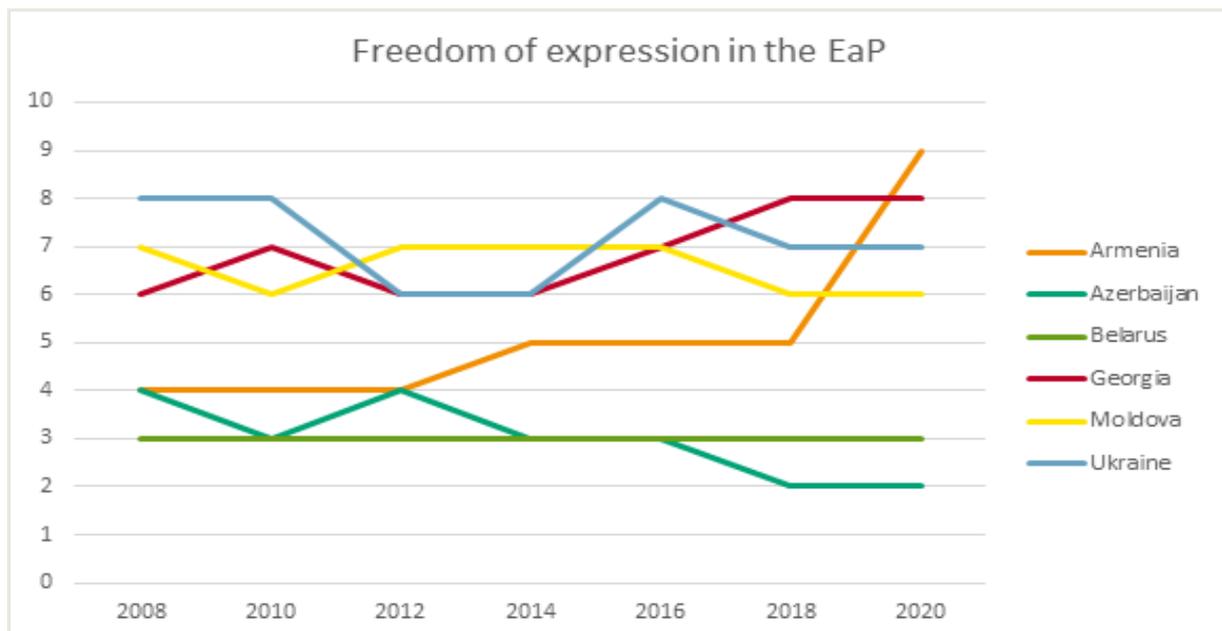


Figure 11: Freedom of expression in the EaP between 2008 and 2020 measured through BTI. Authors’ compilation on the basis of the graphs in Figures 1 to 6 of this policy brief.

In addition to the trends which the BTI data depict for levels of freedom of expression in the EaP states since the launch of Deliverable 3, a number of cross-regional trends can be distilled from the individual country analyses presented above.

The spread of **disinformation** and fake news is continuously (and increasingly) used as a tool to influence political decision making in the EaP states, both by governing parties (e.g. in Georgia), opposition parties (e.g. in Georgia and Armenia), autocrats (Azerbaijan and Belarus), and foreign actors such as Russia or China (e.g. in Moldova). In this context, spreaders of disinformation and fake news actively equip their contents with the framings of ‘freedom of expression’, ‘access to information’ or ‘myth-busting’ to make them appear more legitimate and credible.

In many cases, the independence of the media is compromised by **ownership** disputes (e.g. Georgia, Ukraine, Moldova, Armenia), augmented by politically-motivated changes to the legal framework of media and broadcasting laws (e.g. Georgia), which aim to serve the political influence of societal groups with specific vested interests.

Digital accessibility to media content has secured independent journalistic voices in many instances across the EaP. In some cases, digitally available media content was the only source of information the society could rely upon, such as during the first wave of COVID-19 in Belarus, where the internet was instrumental in launching the large, popular initiatives of anti-COVID campaign facilitators. In some countries of the EaP, investigative or independent media outlets can only be found online, while the print sector is largely dependent on its politically-engaged owners (such as the oligarchic interests in Ukraine, Moldova, Georgia, Armenia) or subject to strict government controls and interference (Belarus and Azerbaijan).

As for EU support to promote truly independent media as well as media plurality and the countering of disinformation, support to Moldova and Ukraine has led the way, namely in terms of creating alternative sources of (quality) information in Russian. Such projects have been especially prominent in the EED’s support schemes to the two countries. In Moldova, such projects were carried out by *NordNews*, *MediaAlternativa8*, *Pro-TV Moldova*, *Newsmaker SRL*, *InfoPrim Neo News Agency*, *Reform Art*, *Watchdog*, and *Diez*. In Ukraine – one of the biggest beneficiaries of EED support – a branch office of the Creative Support and Content Fund, which provides funding to broadcasters and audio-visual platforms working for plurality in the Russian-language media space in the EaP countries, has been accredited in Kyiv. Projects in 2019 included, *inter alia*, the reality TV series ‘#яПсих’ (‘#I’mCrazy’), the travel documentary ‘People’s Diplomacy’, and ‘Living in the now’, a series on people affected by the war in eastern Ukraine (EED 2019). This is in addition to the larger projects of the EU beyond the EED financing such as ‘Educating Moldovan consumers of information to reduce the effect of the false information and manipulation through the media’ (2017-2019)⁶. Another case in point is “Beyond religion”⁷, supported through FSTP funding.

⁶ Available at <https://www.eu4moldova.md/en/content/educating-moldovan-consumers-information-reduce-effect-false-information-and-manipulation>

⁷ Available at <https://eap-csf.eu/wp-content/uploads/Tomos-final-report-ENG.pdf>

By supporting projects that aim at creating alternative sources of quality information in Russian, the EU has responded to one of the important fragilities of the media landscape in the EaP countries, including in Moldova where there is a discernible lack of independent, high-quality media products for the part of the population that does not speak Romanian (Media Sustainability Index 2019a). These programmes are all the more important in the light of the attempts by pro-Kremlin forces to provide special status to the Russian language and to strengthen the position of the Russian TV channels in several EaP countries. Faced with this phenomenon, Russian TV channels have been banned in Moldova since 2018, with a law which would have given special status to the Russian language, adopted by the Moldovan parliament in December 2020, later being overturned by the Constitutional Court in January 2021 (Reuters 2021). As for Ukraine, the country's president, Volodymyr Zelenskyy, signed a Security Council decree in early February 2021 which imposed sanctions on eight media and TV companies – including three prominent pro-Russian TV channels – for a period of five years (Dickinson 2021). In contrast, in Nagorno-Karabakh, legal amendments are currently being debated by the *de facto* parliament which would make Russian an official language of the region (Avetisyan 2021).

The above section has outlined the current state of play with regards to the plurality and independence of the media in the EaP countries, highlighting common regional trends as well as national specificities, while also demonstrating examples of best practices in EU support, notably in Moldova and Ukraine. Yet, it is impossible to take stock of progress in advancing the plurality and independence of the media during the implementation period of the *20 Deliverables for 2020* without addressing the impact of the COVID-19 pandemic – a generational public health emergency which has had a measurable effect on almost all aspects of modern life.

The impact of COVID-19

The aim of this section is to investigate the extent to which the COVID-19 pandemic in the Eastern Partnership countries was a driver for positive societal change towards greater freedom of expression and a more independent and more plural media landscape. As illustrated above in the individual country analyses, the COVID-19 pandemic and the measures adopted to slow its spread have influenced the state of freedom of speech, freedom of expression, and media pluralism in the 6 EaP countries like no other event in the years since the launch of the *20 Deliverables for 2020*. In each country, there are positive and negative examples of that impact, with civil society leading the way in ensuring that a once-in-a-lifetime crisis can also become an opportunity for positive change.

Informative effect

The outbreak of the COVID-19 pandemic demonstrated the importance of free media as a source of information about the new disease, both for ordinary people, civil society, lawmakers and government executives. At the same time, the pandemic also demonstrated the extent to which free media as a neutral source of information is still vulnerable to and obstructed by government interference – be it through purposeful attempts to repress free media, or through political instrumentalisation of the fight against disinformation to censor criticism of the incumbent authorities. In Azerbaijan, measures against 'false' information about COVID-19 severely restricted media freedom (CSO Meter 2020), while in both Georgia and Armenia, political actors employed fake news about COVID-19 in order to target or

discredit their political opponents (Transparency International Georgia 2020). Hence, legislating or fighting disinformation is challenging for democratic rulers, as the repression of certain digital content can always be criticised as a limitation on (general) freedom of expression, and as a restriction of opposition party opinions on perceived ideological grounds. An important dimension of civil society activity in Ukraine has also consisted of raising awareness about the pandemic and countering disinformation, with the provision of reliable information on the pandemic having become the main activity of many Ukrainian CSOs. Ukraine is thus in line with many other EaP countries (as shown in the case studies above on Moldova, Georgia and Armenia) in which civil society has played a key role in providing timely and reliable information about the virus and response measures (Shapovalova 2020).

Mobilising effect

The outbreak of the COVID-19 pandemic has also demonstrated how free media can drive and activate societal change. In Belarus, the pandemic saw an unprecedented level of mobilisation of civil society and individual groups (including doctors) via Telegram channels and other social media, in spite of the extremely severe political conditions and the absence of freedom of speech. While mobilisation served to enhance independent civil society in Belarus, no tangible improvement in the independence of the media in the country has yet been achieved, owing to the unprecedented repressions launched by the incumbent regime. The COVID-19 pandemic has also mobilised Ukrainian civil society, closely monitoring how the state has responded to the crisis – including the ways in which the government has redirected public spending to emergent needs (Humeniuk 2020) – and advocating for changes where they found government actions to be disproportionate or without legal justification. As a positive consequence of the pandemic in Moldova, CSO activism succeeded in achieving the repeal of the March 2020 decision which forbade the expression of individual views on the crisis by news presenters, moderators, and editors, and prohibited journalists from interviewing or citing anyone other than the officials responsible for managing the country during the state of emergency (Audiovisual Council of the Republic of Moldova 2020). Similarly, in Armenia, the legal provision limiting journalists to citing only government-approved information about COVID-19 sparked a wave of civil society activity which finally led to a softening of the restrictions (CSO Meter 2020). Thus, to no small extent, the media and CSOs have succeeded in turning the evident challenges of the COVID-19 pandemic into an opportunity to realise their potential as a political and mobilising force, harnessing their collective action to prevent the authorities from sliding into censorship in the context of COVID-19 state of emergency.

Equalising effect

The outbreak of the COVID-19 pandemic has emphasised how free media and high levels of freedom of speech can act as a broker or mediator across dividing lines, overcoming separation by borders, wars, distance, or language. The digital character of many modern EaP media landscapes has contributed to this. Taking a step back, many of the media projects funded and supported during the implementation period of the *20 Deliverables for 2020* have had a cross-regional set-up – including, for instance, professional exchanges between journalists from the Southern Caucasus, which were positively assessed in the questionnaire carried out for the purposes of the present analysis. In cases where these projects persisted, they had the chance to harness their connections across the EaP region, to quickly re-focus

their attention on the outbreak of the pandemic, and to portray different EaP perspectives side by side. In this way, readers both from the EaP countries and beyond have had the opportunity to find their shared realities represented by the stories of ordinary people in other countries. *OC Media*, for example, has been reporting “under-rated” stories from Armenia, Azerbaijan and Georgia: having enjoyed EED-funding, the outlet quickly refocused on providing updates on the COVID-19 pandemic from an all-Caucasus perspective, while later in the year, it was able to provide comparative views on the events surrounding the Karabakh war (EED 2020; OC Media 2020a). However, notwithstanding these positive examples of an equalising, cooperative effect of the COVID-19 pandemic on media outlets in the EaP countries, it must also be acknowledged that, in the context of *ad hoc* redirections of funds to immediate relief, the sudden outbreak of the crisis had a clear negative effect on the implementation of media-related projects: fewer of them could take place, as funds had to be quickly re-programmed to emergency help, as our quantitative assessment of funded projects has shown (cf. the above section “EU engagement with CSOs in the media field”).

CONCLUSION

Amidst the ongoing political, societal and economic transformations of the Eastern Partnership (EaP) region, the COVID-19 pandemic has hit the civil societies of Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine with brute force, resulting in the loss of many lives, and a deterioration of the health and well-being of society as a whole.

This policy brief has understood the COVID-19 pandemic and the EaP states’ reaction to it as an opportunity to assess the extent of recent positive societal transformation in the EaP countries with regard to freedom of speech and media plurality. Indeed, being a novel and yet under-researched disease, COVID-19 especially challenged the media and information landscapes in the countries where it broke out, putting the resilience and sustainability of any improvements to the state of media freedom made during the implementation of the *20 Deliverables for 2020* to the test.

This policy brief has offered an analysis of the impact, challenges, and responses observed in the EaP countries by means of six individual country case studies covering the implementation period of the *20 Deliverables for 2020* and, in particular, the recent outbreak of the COVID-19 pandemic. In a comparative analysis, this policy brief has also analysed EU-sponsored funding patterns in the media field and identified three empirically observable effects of the COVID-19 pandemic: an informative effect, a mobilising effect, and an equalising effect. From these multiple analyses, we draw the following conclusions:

- The **overall situation with regards to freedom of the media and media plurality in Ukraine, Georgia, Moldova and Armenia is positive**. Despite occasional instances of constricted freedom of speech (cf. BTI indicators for Moldova), freedom of expression has generally been safeguarded in these countries between 2018 and 2020.
- In Azerbaijan and Belarus, the **systemic restrictions on freedom of expression and association remain a problem**, despite instances of concerted civic activism. The current events in Belarus have been facilitated by the longstanding efforts of civil society and online media, and have been given a fresh impetus from society as a whole in the face of autocratic rule and the government’s disregard of, first, the dangers of COVID-19, and subsequently, the will of the people in the 2020 presidential election.

Going forward, it will be crucial to sustain the EU's long-term vision for supporting the development of Azerbaijan's and particularly Belarus' societies, given the encouraging signs for the future blossoming of the civil society environment following a transition to a democratic political regime.

- The COVID-19 pandemic has affected all aspects of the public and private spheres in the EaP region. It has represented an especially **serious threat in light of the fragility of the health systems** – highlighted by the work of investigative journalists and CSOs on the ground – which are still undergoing reform processes. The EaP governments must provide an immediate response to bolstering their health resilience, despite their fragile state capacities.
- Some EaP governments have been better than others at **striking the difficult balance when temporarily restricting individual freedoms in order to protect public health**. In most cases, the EaP authorities' more controversial actions have been underpinned by the very sudden nature of the pandemic's threat, and the state of the emergency in which their societies found themselves. The true test to the EaP authorities will be their long-term policy towards media freedom and the respective legally-sanctioned derogations and exceptions to this fundamental tenet of a free society.
- CSOs in Georgia, Ukraine, Moldova and Armenia have been **strong enough to criticise and even correct their governments' measures**, demonstrating the resilience of civil society (including the EaP CSF's National Platforms, as in the case of Moldova and Ukraine), and the overall favourable environment in which they operate in these countries.
- Structural obstacles including **media ownership by politically engaged owners (namely oligarchs) or autocratic governments, and restrictive legal and institutional frameworks** have remained throughout the EaP region between 2018 and 2020. Here the sudden emergence of the pandemic reflected, or even worsened, the existing tendencies in the region.
- Territorial **conflicts and wars** have continued to destabilise the physical infrastructure of the media landscapes, and have endangered and harmed the physical security of journalists, media workers and CSOs, while critical, neutral and independent coverage of conflicts and wars has remained vital.

In the EaP countries, abuses of power in the context of (or under the pretext of) the COVID-19 pandemic have been detected in several cases (Bell 2020), particularly in Azerbaijan. Regarding the recent developments, there are concerns that the emergency measures taken could restrict, limit and impose censorship on the media and information channels in this crucial historical moment – a time when a public service broadcaster and quality independent media outlets have an indispensable role to play in providing reliable information to the population, reporting on the pandemic, and combating false information. There is an equal concern that some of the ostensibly 'extraordinary' measures taken in the context of the COVID-19 emergency could persist, and become part of the 'new normal' of the post-pandemic era.

In order to prevent or fight this scenario, this policy brief suggests that the international community and the EU should more strongly support human rights watchdogs in their monitoring work in critical countries, as well as actively remind partner governments of the necessity of ensuring respect for fundamental rights and freedoms. In the post-crisis era, the

EU should reconsider its financial assistance schemes to the EaP, and refrain from supporting governments (and their GONGOs) which fail to meet their human rights obligations and which practice a lack of transparency. Instead, the EU should support social actors providing direct healthcare and social care assistance. The following section translates these findings into actionable recommendations.

POLICY RECOMMENDATIONS

This policy brief aims to elaborate detailed and feasible recommendations for supporting freedom of the media and civil society in general in the EaP countries during the remainder of the COVID-19 crisis, and its aftermath. As such they shall be directed at the EaP governments, the European Union institutions (including its independent partners at the EED), and the Eastern Partnership Civil Society Forum. To this end, recommendations shall be policy-driven, solutions-oriented, and suitable for the development of mitigation and adaptation strategies.

To the governments of the EaP states

Given the very sudden nature of the pandemic, and the state of the emergency in which EaP societies found themselves, the emergency measures aimed at the protection of public health are often justifiable in the short-term. However, freedom of the media and media plurality cannot be disassociated from freedom of expression, assembly, and association, which all EaP states must guarantee.

- The Azerbaijani and Belarusian governments should immediately **release** the ever-growing number of **political prisoners**, and **end state-sanctioned violence, torture, intimidation, and repressions** against civil society, journalists and media workers by the police and security services;
- The EaP governments should **lift all the emergency measures** as soon as the epidemiological danger to the lives of their citizens is over;
- The EaP governments should be **transparent and consistent** in their communication to society. Stepping up public relations and informational transparency would allow the media to focus on its complementary role for society in voicing critical and constructive thought;
- The EaP governments should **strike a careful balance between freedom of expression and the fight against disinformation**; they should encourage the open exchange of competing opinions, but restrict societal actors whose discourses actively engage in the large-scale deception of people, and in the incitement of hatred, aggression, and violence against politicians, journalists, or minority groups;
- The EaP governments should **promote and support media literacy** whenever possible, starting with the curricula of schools and other educational institutions, especially targeting students at a young age, thus providing for well-educated and media-literate future citizens. In all six countries, but especially in Azerbaijan and Belarus, special emphasis should be placed on ensuring that media literacy programmes are devised by independent actors and organisations, and carried out with the support of *bona fide* CSOs;
- The EaP governments should **address structural obstacles** including opaque media ownership (especially by politically engaged oligarchs), and legal and institutional frameworks for ensuring the independence of public broadcasting

agencies, especially when these issues contribute actively to the increasing polarisation of the media landscape during election periods, or vis-à-vis unsolved territorial conflicts.

To the European Union institutions

While the emergency measures on the part of the EaP states' authorities in the context of a sudden emergence of COVID-19 were perhaps justifiable in the short-term, CSOs nonetheless have an important role to play in carefully monitoring the proportionality and the non-discriminatory nature of the measures applied – especially as such emergency measures begin to be lifted once the danger to the life has been reduced. Hence, the European Union, particularly in its role as an international donor, should take the following steps.

- The European Union should **support civil society's independent monitoring efforts** of the extent to which exceptional measures and restrictions of the freedom of the media introduced in the subsequent waves of COVID-19 are lifted, pending the improvement of the pandemic situation (including projects such as *covidmonitor.by* launched by Human Constanta);
- The EU should continue to **support media literacy** and the fight against disinformation in the EaP;
- The EU should demonstrate a commitment to facilitating the **rollout of vaccines** against COVID-19 in the six EaP countries, to send a clear signal to the wider population in the region that the EU is a real partner in tackling the immense health challenges faced by society in the EaP countries (contrary to the false narratives which dominate contemporary disinformation campaigns);
- The EU should take into account the context and aftermath of the COVID-19 pandemic, coinciding with the end of the implementation period of the *20 Deliverables for 2020*, as a moment to **reconsider its approach to the funding of civil society** in the region. Where governments have failed to respect their human rights commitments under the terms of the EaP initiative and other international undertakings, EU should **direct funding primarily to bona fide civil society organisations** rather than to corrupt or repressive governments and their GONGOs;
- The EU should learn lessons from successes in the programming of *ad hoc* COVID-19 pandemic relief, which has demonstrated the need for, and effectiveness of, **smaller and more flexible grants** for civil society actors;
- The EU should, in this context, **make it easier to apply for grants** by reducing administrative procedures and co-funding requirements which are often too large a hurdle for local civil society actors from the EaP region. This is especially the case for small, independent media outlets operating in countries where the media landscape is either legally restricted, or dominated by the political and economic interests of oligarchic owners;
- The EU should, taking into account current digitalisation trends, **define media and journalism more broadly**, and hence allow for the acknowledgement and support of the activities of bloggers and social media authors. This is already the case to some extent in the EED's regulations and guidelines, but not towards all EaP countries;

- The EU should **identify the specific needs of journalists** and media-related civil society in the least free EaP states, with regards to the physical safety of journalists, and act upon them;
- The EU should, accordingly, **push for long-term EU visas** for endangered EaP journalists, and strengthen EU-border permeability for civil society actors in regions where journalists are unsafe;
- The EU should **support the transition of small local media outlets into SMEs** with stable and sustainable business models via, for example, exchange programmes with established editors, publishers and managers/owners across the EaP countries and the EU member states;
- The EU should continue to coordinate its efforts to support civil society development and the rule of law in the EaP region with its **international partners** such as the United States, and among its member states;
- The EU should **improve its strategic communications** on the ground in the EaP countries in order to cement and actively publicise its status as the leading donor to the EaP region. Propaganda messaging from the likes of China and Russia should not be allowed to deny and cast aspersions on the EU's pivotal role in helping to fight against the pandemic and its economic consequences.

To the Eastern Partnership Civil Society Forum

This policy brief has already acknowledged that the COVID-19 pandemic made it necessary to control and limit certain behaviours and habits that might be particularly prone to further spreading the virus. Similarly, the Eastern Partnership Civil Society Forum has remarked upon an inevitable trade-off between public health imperatives and considerations of media freedom in the EaP region. However, there is a concern that the extraordinary measures taken during the pandemic might be here to stay, impacting greatly upon fundamental human rights and freedoms. This trend is particularly feared in Azerbaijan and Belarus, where abuses of power are more likely to occur than in Armenia, Georgia, Moldova and Ukraine. Thus, as the principal non-governmental umbrella organisation in the institutional architecture of the Eastern Partnership initiative, the EaP CSF has an important role to play.

- The EaP CSF should **encourage the swift and pragmatic tackling** of the COVID-19 pandemic and **demonstrate understanding** vis-à-vis temporary restrictions that are taken within a lawful framework and with the public health of all in mind;
- The EaP CSF should remain a vocal multiplier in **communicating EaP journalists' needs** to the international donor community;
- The EaP CSF should continue to **advocate for more flexible financing** for smaller civil society organisations;
- The EaP CSF should provide a **content library** on its website of all previous and existing media-related CSO projects (similar to EED) initiated under its Re-granting programme, the activities of its Working Groups and National Platforms, or of member organisations' own volition. This would help civil society, donors, and researchers to **gauge where expertise already exists**, and whom to contact;
- The EaP CSF should **elevate the status of media and freedom of speech beyond the realms of Working Group 1**, making media literacy and strategic communication a truly cross-cutting theme across *all* Working Groups, in line with the *20 Deliverables for 2020*.



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Freedom of Speech and Media Plurality in the Context of the COVID-19 Pandemic

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