

Joint Press Release

Response to the Press Release by the High Commissioner on Human Rights “Asia: Bachelet alarmed by clampdown on freedom of expression during COVID-19”

In response to the press release of the Office of the High Commissioner for Human Rights (OHCHR) dated 3 June 2020, entitled “Asia: Bachelet alarmed by clampdown on freedom of expression during COVID-19” the Permanent Missions of Cambodia, India, Indonesia, Malaysia, Myanmar, the Philippines, Thailand, and Viet Nam to the United Nations in Geneva, wish to state the following:

1. Across the world, the handling of the COVID-19 pandemic requires extraordinary and unprecedented measures. From the beginning of the pandemic, our respective Governments have employed a “whole of government, whole of society” approach in the effort to curb the spread of COVID-19. This approach continues to be implemented with the understanding that success in the handling of the pandemic is predicated on the success of multistakeholder collaboration and public trust in the Government’s efforts to combat COVID-19.
2. As stipulated in Article 29.2 of the Universal Declaration on Human Rights, and Article 19.3 of the International Covenant of Civil and Political Rights, the exercise of the right to freedom of expression carries with it special duties and responsibilities. It may, therefore, be subject to certain restrictions, but these shall only be such as are provided by law and are necessary (a) for respect of the rights or reputations of others; and (b) for the protection of national security or of public order (*ordre public*), or of public health or morals. On 18 May 2020, during the Virtual 73rd World Health Assembly, a consensus resolution on COVID-19 Response was adopted which, inter alia, calls on Member States to provide the population with reliable and comprehensive information on COVID-19 and take measures to counter misinformation and disinformation.

3. In the context of the ongoing pandemic that has already strained our resources and capacities to the limit, our Governments reiterate the view that the spread of harmful misinformation and falsehoods that guide segments of the public to disengage themselves from crucial, science-based information and policies enacted by relevant government agencies, thereby worsening the spread of COVID-19, represents a clear and present danger to public health.
4. It is in this context, our respective Governments have taken necessary measures, in accordance with our prevailing laws and regulations, to hold those who spread misinformation and mislead the public accountable for their irresponsible actions. These measures are carried out in accordance with the due process of law, while also safeguarding the freedom of expression, with the aim of curbing falsehoods that have harmed or have the potential to harm all sectors of society during this pandemic.
5. We reiterate that the primary focus of our Governments in these unprecedented times is to ensure that precious lives, particularly of the most vulnerable, are not lost to COVID-19. The OHCHR needs to recognize this and play a responsible role in a manner that adds to rather than detracts from such efforts.

Geneva, 5 June 2020