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Academy of the
Disaster Research Unit



Democratic Disaster Risk Management and Pandemic Control

Socio-Political Debates on Civil Liberties during the SARS-CoV-2
Pandemic with Examples from Armenia and Germany

Academy of the Disaster Research Unit (ADRU)

ADRU Report No. 10

Sara T. Merkes

Şermin Güven

Martin Voss, Prof. Dr.

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Citation: Merkes, Sara T.; Güven, Şermin; Voss, Martin (2021). Democratic Disaster Risk Management and Pandemic Control: Socio-Political Debates on Civil Liberties during the SARS-CoV-2 Pandemic with Examples from Armenia and Germany. AKFS Report Nr. 10. Berlin: AKFS.

Akademie der Katastrophenforschungsstelle (AKFS) gGmbH
c/o Katastrophenforschungsstelle
Carl-Heinrich-Becker-Weg 6-10
12165 Berlin

Abstract

In the year of 2020 and beyond, the SARS-CoV-2 pandemic both challenged and at times even overwhelmed health protection systems around the world. Choices by governments for containment and control strategies of the pandemic shaped political discourse and practices, public debates, as well as peoples' daily lives. This report investigates the twofold manner in which societies and political systems address emergency situations, taking Armenia and Germany as two comparative examples. First, it presents the state of the art of research on democracy and disaster as well as pandemic management. This chapter closes with characteristics of democratic disaster management based on the literature review. Second, it analyses the issues of public discourse surrounding democracy and the pandemic, which were particularly prominent topics in Armenian and German media in the year of 2020. In concluding, a discussion provides insights on the similarities and differences between political, public, and media discourses in the two countries which significantly differ in their state of democracy and democratic history.

Keywords: SARS-CoV-2, COVID-19, pandemic control, disaster risk management, participation, democracy, civil liberties, protest, conflict, solidarity, cohesion, Armenia, Germany

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Acronyms

AMD	Armenian Dram (Currency)
ANM	Armenian National Movement
ARF	Armenian Revolutionary Federation
BMG	Bundesministerium für Gesundheit (German Federal Ministry of Health)
BMI	Bundesministerium des Innern, für Bau und Heimat (German Federal Ministry of the Interior)
CCPR	International Covenant on Civil and Political Rights
CDU	Christlich Demokratische Union
DRM	Disaster risk management
DDRM	Democratic disaster risk management
ECHR	European Convention of Human Rights
ELA	Europe in Law Association
MERS	Middle East Respiratory Syndrome
NAASR	National Association for Armenian Studies and Research
OSCE	Organisation for Security and Co-operation in Europe
RSF	Reporters sans frontières
SARS	Severe Acute Respiratory Syndrome
SOE	State of Emergency
SPD	Sozialdemokratische Partei Deutschlands
YPC	Yerevan Press Club

Executive summary

The research report “Democratic Disaster Risk Management and Pandemic Control: Socio-political Debates on Civil Liberties during the SARS-CoV-2 Pandemic with Examples from Armenia and Germany” revolves around the questions of what democratic risk and disaster management may look like in times of exceptional crisis, which key issues characterise democratic disaster management, and what challenges democracies face during times of exceptional crisis. Following the literature review, it concretises these questions with reference to the case of the SARS-CoV-2 pandemic from March to December 2020. The analysis proceeds with comparing public discourses – as reported by media – within two countries with differing democratic histories, namely Armenia as a relatively young and transitioning democracy and Germany as a consolidated democracy. Several key findings may be drawn from the research and in-depth analyses:

Key findings

Autocracies and democracies tend to address emergencies differently

The management of disaster, pandemic, crisis, and emergency situations may, at times, require interference with core societal norms in order to address threats, protect people and infrastructures, save lives, and minimise harm and damage. Depending on the political and economic systems, societies’ values, as well as cultural shaping, choices between pandemic control and public liberties may differ. While authoritarian systems, in line with their general governance tendencies, may tend to try to implement containment measures via threat of force, punitive action and digital surveillance, democratic systems are challenged, especially in times of long-lasting crisis and emergency, to reconcile democratic values and freedoms with adequate crisis management and civil and health protection, thus to operate within their democratic provisions rather than outside of them. In this sense, they need to find ways for democratic disaster risk management.

Democratic disaster risk management (DDRM) builds on democratic principles, norms, and institutions

Democratic risk and disaster management is bound to the very principles and core values of democracy. Based on criteria identified in literature, the report suggests an understanding of democratic disaster risk and crisis management along the following lines: Democratic risk and disaster management protects and operates within the parameters of democratic principles, norms, and institutions, respects the respective functions and responsibilities of elected bodies, and is held accountable by the checks and balances and hierarchy of control of oversight institutions, including the legislative and judiciary as well as the constitutional and democratic rule of law and international law, meaning that there are opportunities for the reversal and adjustment of measures in place. The protection of human rights and fundamental freedoms is at its core; their suspension or restriction requires consideration and weighing based on the principles of legitimacy (in their objective), necessity, suitability, proportionality, reasonability, the minimal restrictiveness and intrusiveness possible, gradualness, temporality, equity, non-discrimination, legality (according to the law), and compliance with international law.

DDRM faces particular challenges but also comes with strengths

Authoritarian choices for disaster and pandemic management differ significantly from more democratic options. Some authoritarian states may be more successful in managing crises, pandemics and disasters. Democracies, however, need to find different ways of crisis management if they do not wish to endanger the very core of their political and societal norms. Based on the findings of different studies, the following observations can be summarized: Democracies may face particular capacity challenges when it comes to reducing affectedness and death rates in pandemics (but not in disasters generally) and increasing response pace. However, they tend to be better able to absorb economic shocks. In the area of policy restrictions, democracies tend to restrict individual liberties less stringently (in the case of a democratic regime history), implement less restrictive lockdowns and tend to be more successful on mobility reduction (controlled for stringency level). Newer, less robust democracies are more likely to declare a state of emergency in comparison to more authoritarian as well as more democratic regimes. Democratic methods for improving compliance comprise investing more in persuasion while using coercion where necessary, fostering trust, public risk awareness and trustworthy crisis management, as well as considering suitable incentive and motivation mechanisms.

Public debates and media reporting may address numerous issues of contention and democratic challenges during times of crisis

To the extent that journalism is free and functioning, media reporting may point to questions of human rights, individual freedoms, and democratic principles during times of restriction to overcome a particular threat to society. Looking at the examples of Republic of Armenia and the Federal Republic of Germany, a media analysis was conducted on democracy-related reporting in connection with the SARS-CoV-2 pandemic from March to December 2020. Media outlets addressed a wide range of democratic pandemic and disaster management issues and debates during this time of public health crisis in both countries: They, for example, informed about, reported on, and at times critically assessed issues surrounding pandemic restrictions, protest activities and the question of bans but also the acceptance of measures, accountability for crisis management and the participation/role of parliament, data protection, and restrictions of individual freedoms.

Debates in the Armenian context also focused on the limitation of the freedoms of information and press, the so-called constitutional court crisis and the cancellation of the constitutional referendum, the elections held in Nagorno-Karabakh, democratic challenges as well as international perspectives on Armenian democracy, and penalties for violating pandemic measures. Reporting in Germany revolved, among other things, around the efficacy of the federal system versus a more centralised approach and, furthermore, a comparative perspective on pandemic management in other regime types, the alterations of the Infection Protection Act, vaccination and special rights for immunised people, the practice of religion during the pandemic, and the observation of the conspiracy-influenced and anti-pandemic protest movement “Querdenker”.

Points to ponder

Based on the key findings presented above, societies, policy-makers, and stakeholders in the fields of disaster, crisis, and pandemic management may consider a number of questions concerning respect of democratic procedures in times of exceptional emergencies:

What disaster risk management provisions and procedures are in place? And to what extent are they in line with broader socio-political norms and values?

The underlying hypothesis of this report states that in pluralist and democratic societies, considering the value systems and functioning logics of these societies, disaster management cannot be addressed solely through governmental control, but requires the additional involvement of citizens and public participative effort to deal with ongoing and future challenges, risks, and threats. The social contract between democratic government and the people entails the state's responsibility to ensure safety, public health, as well as civil liberties and fundamental freedoms. States and governments can also choose to invest in transparent guidance, apply appropriate and reasonable restrictions, and make an effort to foster social trust that empowers people to make informed decisions and act responsibly.

Which democratic principles, norms, and institutions are or may be affected in a particular disaster?

When addressing emergency situations, not only in longer-term crises but especially so, democracies need to justify why restrictions on fundamental and democratic freedoms may become necessary in a particular situation and, at the same time, clarify what will be done, to ensure their highest protection possible. Therefore, it is crucial to think through different scenarios and emergency situations to work out governance and legislative procedures as well as to consider potential red flags ahead of a crisis as part of proactive disaster risk management with effective measures for emergency response.

How can the functions and responsibilities of elected bodies be upheld or restored as quickly as possible? Which accountability mechanisms, checks and balances, and oversight institutions play a critical role in preventing or limiting executive overreach? Which opportunities exist for the reversal and adjustment of decisions? Are emergency stipulations designed in such a way that national and international legally binding frameworks are respected? According to these frameworks, which principles ought to be addressed when suspending or restricting human rights and fundamental freedoms?

Which democratic challenges arise for disaster management in a particular context? And how can a society make best use of the strengths that come with democratic disaster risk management?

With regard to management, strengths of democracies may include a better economic shock absorbance (according to a study concerning disasters between 1962 and 2004) and less restrictive lockdowns and at the same time, more successful mobility reduction (according to a study on the early phase of the SARS-Cov-2 pandemic). Ways of compensating for weaknesses that democratic systems may face in crises and disasters include learning effects, institutional quality, government effectiveness and capacities, economic development, equality, social trust and cohesion, public risk awareness, and economic shock absorption measures. Democratic disaster risk management may be strengthened by respecting checks and balances, empowering and winning citizen support via cooperation and trust, establishing clear responsibilities to avoid power struggles, fostering civil society capabilities, protecting freedom of information and research while engaging in multi-directional information

streams, countering false information via transparency, proactive communication and reliable crisis communication channels (as opposed to restricting media), and building on public, expert-informed risk decision-making and debate. In this sense, democratisation of disaster management entails the encouragement of citizen responsibility for prevention, participatory and engaging rather than a coercive top-down approach. Democratic strategies of improving compliance comprise investing more in persuasion while using coercion where necessary, fostering trust, public risk awareness and trustworthy crisis management, as well as considering suitable incentive and motivation mechanisms.

What are possible ways to support and strengthen public debates and independent media reporting in situations of state of emergency and disaster?

In light of extensive restrictions on fundamental and democratic rights during the SARS-CoV-2 pandemic, the need for and role of responsible journalistic reporting and critical public debate in democracies that acknowledge public health threats became apparent. Single-option, conspiracy, or propaganda narratives go against the core norms and functioning logics of those open and democratic societies that are built on the quest for 'better' arguments and solutions through debate and democratic competition. Simultaneously, a huge demand for information, crisis communication and exchange of concerns, numerous media restrictions and reporting challenges arose from pandemic policies worldwide. Democratic societies may pose the question of how to ensure the space for criticism and debate during times of emergency and disaster. How can they foster responsible journalism? How may they engage parliaments and civil society and allow for the consideration of diverse perspectives and interests during times of threat and uncertainty? How can they address myths, conspiracies, and no-alternative discourses without resorting to the restriction of media freedom, but instead strengthening responsible and independent journalism?

1 Introduction

Main question: *Why does democracy matter in the SARS-Cov-2 pandemic?*

Key insights: *Depending on the political system, choices between pandemic control and civil liberties may differ. Democracies are challenged to deal with emergencies and crises within their democratic provisions as opposed to outside of them. In this sense, they are required to find ways for democratic disaster risk management.*

According to a Freedom House report from October 2020, the state of democracy and human rights has declined in 80 countries while 112 countries managed to maintain their standards during the pandemic (Repucci and Slipowitz 2020, 1–2). In order to contain the pandemic, protect public health and health systems, and prevent escalating infections and death tolls, many governments decided to implement stringent measures. These often comprise a number of rules that affect personal liberties and democratic freedoms. According to proponents of social contract theory such as John Locke and Jean-Jacques Rousseau, citizens exchange some of their individual freedoms, transfer them to the state, and in exchange expect the government to enforce, uphold and protect citizen rights and the “general will” of the community (cf. e.g. Weber 2014). In order to explore answers as to how states may balance their protective mandate of incompatible rights and norms in times of crisis, such as public health protection versus human rights and civil liberties, this paper investigates the characteristics and challenges of democratic disaster risk management based on the state of research. Subsequently, it provides an analysis of debates on the pandemic and democratic issues in Armenian and German society, thus contrasting topics of public interest in a comparatively young and transitioning democracy with a consolidated democratic system. The findings reveal issues and points of contention, discussion, and democratic debate surrounding the questions of how to address long-term states of crisis and disaster in democratic societies. Among many others, such insights may serve as a basis, on one hand, to tailor measures to the particular socio-cultural and political contexts (for a framework on cultures and catastrophes cf. Voss et al. 2019) and, on the other hand, to think beyond one’s own context, anticipate critical issues, and reflect upon those that may be accepted by society but may nevertheless impact a society’s political culture in the longer term. Such a reflection is especially crucial not only in the context of very long periods of exceptional circumstances, but also when considering increased frequencies of hazards related to climate change.

In the course of the SARS-CoV-2 pandemic, the statement “A Call to Defend Democracy” signed by more than 500 civil and political leaders as well as institutions was released in which the pandemic is identified “also as a political crisis that threatens the future of liberal democracy” (“COVID-19 Crisis Threatens Democracy, Leading World Figures Warn’ 2020). Accordingly, leaders and societies are faced with the challenge to not allow emergency powers and state surveillance to merge into the “new normal”, but to instead apply and respect accountability mechanisms and checks-and-balances, e.g. legal constraints, parliamentary involvement, time limits for states of emergencies, and freedom of press (“COVID-19 Crisis Threatens Democracy, Leading World Figures Warn’ 2020). As a serious threat to public health, the pandemic challenges many societal routines and norms through longer-term public health emergency restrictions and extraordinary measures that may limit civil liberties and democratic processes, for example, rights of public assembly, protest, political participation, and voting (in March-April 2020 elections were postponed in at least 50 countries), freedom of worship and religious practice, and indiscriminate access to e.g. health services (Corao 2020). Market freedoms and freedoms of movement, arbitrary detention and human rights such as the right to life and health,

as well as privacy rights, may be compromised (Nyamutata 2020; Lundgren et al. 2020; Cooper and Aitchison 2020). According to the perspectives of 32 democracy scholars, the pandemic may further weaken democratic institutions already under threat and contribute to inequality and injustice in democracies, especially if not addressed with the full strength of parliamentary and civil society diversity (Afsahi et al. 2020).

Table 1: Pandemic control and potential interference with certain citizen rights, fundamental freedoms and societal norms (exemplary)

Pandemic containment and control measures	Conflicting rights, freedoms and norms
<i>*Quarantine and isolation, visitor bans e.g. in care institutions</i>	<i>*Freedom from arbitrary detention</i>
<i>*Curfews, stay-at-home orders, restrictions of travel/movement/transportation</i>	<i>*Freedom of movement</i>
<i>*Information control and censorship, also to combat fake news</i>	<i>*Freedom of and access to information, press and expression as well as criticism</i>
<i>*Postponing of elections, cancellation of referendums</i>	<i>*Civil rights of democratic participation</i>
<i>*Legislative meeting interruption, prolonged state of emergency, regime/executive overreach</i>	<i>*Balance of power, democratic proceedings</i>
<i>*Closure of businesses and economic activity, pandemic economy</i>	<i>*Economic and market activity freedoms, protection from civilian market interference</i>
<i>*Mass/individual surveillance and tracking</i>	<i>*Privacy rights, protection from state surveillance, patient confidentiality</i>
<i>*Use of military or police intimidation/force</i>	<i>*Protection from police violence and military power within country borders</i>
<i>*Confiscation of private/business property</i>	<i>*Private property rights</i>
<i>*Restriction/ban of assemblies, gatherings, protests, strikes and rallies</i>	<i>*Freedom of peaceful assembly and protest as well as public and private gatherings</i>
<i>*Restrictions/ban of religious meetings</i>	<i>*Freedom of religious practice</i>
<i>*Closure of education facilities, online education</i>	<i>*Compulsory school attendance, right to education</i>
<i>*Prioritisation of patients, triage</i>	<i>*Right to life, health and indiscriminate access to health services</i>

Source: Author's compilation, see in-text references (cf. also CIVICUS 2020a; HRW 2020; Repucci and Slipowitz 2020)

Approaches of pandemic containment may differ widely depending on societal values, political and economic systems as well as cultural shaping. Likewise, the norms that may be compromised or respected within pandemic management differ. While authoritarian systems, in line with their general governance tendencies, may tend to try to implement containment measures via threat of force, punitive action and digital surveillance, democratic systems are challenged, especially in times of long-lasting crisis and emergency, to reconcile democratic values and freedoms with adequate crisis management and civil and health protection. The underlying hypothesis of this report states that in pluralist and democratic societies, considering the value systems and functioning logics of these societies, disaster management cannot be addressed solely through governmental control, but requires the additional involvement of citizens and public participative effort to deal with ongoing and future challenges, risks, and threats. While the social contract between democratic government and the people entails the state's responsibility to ensure safety, public health, as well as civil liberties and fundamental freedoms, states and governments can also choose to invest in transparent guidance, apply appropriate and reasonable restrictions, and make an effort to foster social trust that empowers people to make informed decisions and act responsibly.

2 Research review: DRM and democracy

Sara T. Merkes

Main question: What issues of democratic pandemic control and disaster risk management are identified in academic literature?

Key insights: According to the state of research, key aspects for democratic pandemic control and disaster risk management comprise:

1. the protection of and operation within democratic principles, norms, and institutions;
2. accountability mechanisms and checks-and-balances via oversight institutions;
3. the protection of human rights and fundamental freedoms and suspension thereof only within the guards of very demanding principles.

According to some studies, challenges may arise for democracies in the area of capacity for reducing affectedness and death rates in pandemics (but not necessarily in disasters generally) and increasing response pace. Ways to compensate for weaknesses may include learning effects, institutional quality, government effectiveness and capacities, economic development, equality, social trust and cohesion, public risk awareness, and economic shock absorption measures. Some research suggests that democratic strengths tend to include better economic shock absorbance, less restrictive lockdowns and more successful mobility reduction.

The following literature review summarises debates in research surrounding democracy and disaster (risk) management, including pandemic (risk) control. It serves as a basis for the analysis, interpretation, and contextualisation of socio-political debates in Armenia and Germany during the SARS-CoV-2 pandemic of 2020. The literature review extends over articles and documents from the past 10 years, from 2010 to 2020. Where especially relevant, earlier literature is added selectively. The literature search was conducted on 18-19 August 2020 via the search engine Google Scholar (selection of search results on the first pages until results become less relevant), using these keywords: democracy AND pandemics (selection of the first 25 pages as presumably the most relevant results) and democracy AND disasters (selection of the first 10 pages as presumably the most relevant results). On 13 January 2021, the same search was conducted again to cover the publications until the end of 2020. It is important to note that most research published on the SARS-CoV-2 pandemic up to that point covered its early phase. The focus was put on online accessible data and in total about 160 sources were identified for analysis. Further sources were added by snow-balling via relevant references mentioned in the literature considered. Interestingly, the topic of democracy and disasters seems to be one especially prevalent in the ongoing SARS-CoV-2 pandemic whereas the nexus democracy and disasters has not been discussed very extensively in the research community previously. Out of the little body of literature, economic disaster research shows, most prominently, an interest in issues of democracies for economic disaster impact studies.

2.1 Characteristics of democratic pandemic control and disaster risk management

A public health emergency does not put the State's institutional structures in danger, but the physical integrity and life of the people. What is at stake is the protection of the population, not the State itself. For this reason, the COVID-19 pandemic must be addressed considering democratic principles. Otherwise, the virus might also affect the rule of law, democracy, and human rights. This requires that all extraordinary and exceptional measures that are adopted respect national constitutions and international law. (Corao 2020, 2)

Cooper and Aitchison (2020, 5–8) point to four threats in the SARS-CoV-2 pandemic, namely 1) multilateralist deglobalisation and nationalism, 2) centralisation and less democratic participation, 3) state surveillance and human rights erosion, and 4) a neglect of inequalities. They report a new kind of authoritarianism is on the rise, which pursues 1) crony capitalism where an economic elite manages to steer policy-making decisions, 2) democratic erosion in the sense of favouring strong statehood at the expense of civil liberties, and 3) ethnic nationalism with toxic masculinity which targets minorities and marginalised groups (Cooper and Aitchison 2020, 9–13). In pandemics, or any type of disasters, societies not only face the challenge of how to adequately address emergency situations but also of taking long-term effects and path dependencies of system choices into account, for example when it comes to justifying surveillance technology (cf. Harari 2020). What kind of state action is permissible and maybe even imperative in exceptional circumstances for the protection of people and society, and where do democracies draw the boundaries in order to protect the liberties they have chosen to safeguard and live in? The following chapter outlines key points of legal approaches to dealing with extraordinary situations in democratic ways.

Governments function in different roles in the area of disaster risk management: as providers of disaster risk reduction goods and services; risk avoiders; regulators of private sector activity; promoters of collective action and private sector activity; coordinators of multi-stakeholder activities (Wilkinson 2012, 3). They do so via different means and degrees of coercion and persuasion which is largely dependent on their political culture and societal norms and value systems. For example, Baldwin (2005, 18) discusses state health interventions of the late twentieth century in the industrialised world in order to encourage behavioural change and discourage risky behaviour and notes that the introduction of the democratic paradigm demanded a particular educational approach:

Democracies could not, however, mandate their citizens' behaviour except at the margin. [...] The lifestyle of contemporary democracies had to be shaped via persuasion and consent – through the promotion of the merits of diets in low fat, of little alcohol and less nicotine, sufficient exercise, the liberal use of sunscreen, sexual parsimony, and so forth. Modern, democratic public health rested on the belief that individuals should be responsible for their own well-being. [...] Such individualized strategy, it is argued, ignores how any given choice springs from broader social forces. (Baldwin 2005, 18)

Comparing earthquake management in Japan in 1995 and 2011, Okada et al. (2018, 431) observe a paradigm shift from reactive to more proactive orientation, sectoral management to comprehensive and integrated risk governance, predetermined to adaptive planning, as well as top-down to participatory, bottom-up approaches. Alexander (2007) argues that the democratisation of disaster management entails the encouragement of citizen responsibility for prevention, the increase of equity

in disaster relief and management activities, a participatory and engaging approach rather than a top-down approach, and the protection of the democratic norms in a disaster. Whereas democratic disaster risk management focuses on a society's political system level, participatory disaster risk management aims at the practical level of community/public engagement and people-centred activities (Samaddar et al. 2017, 112) in an oftentimes rather expert-dominated and technical field. Benefits for improved disaster risk management may be acceptance/legitimacy, accountability, conflict-resolution and consensus-building, transparency, trust, ownership, risk education and awareness, self-reliance/empowerment, the inclusion of local knowledge, cost and time effectiveness etc. (Samaddar et al. 2017, 114–17). Different terms are used to describe participation in the field of disaster management, among them, (integrated) community-based disaster management and preparedness, participatory or collaborative disaster risk management, and local level disaster management (Samaddar et al. 2017, 112). Whereas participatory approaches entered the disaster risk reduction room at a later stage, they have been vigorously discussed, tested, and critiqued in the field of development studies and practices (for an early voice cf. Chambers 1983; for the historical evolution of the concept cf. Cornwall 2006). It is important to note that the participatory approaches are not per se based on or in pursuit of democratic mechanisms (cf. Cooke and Kothari 2001; Cornwall 2004; Neef 2003) and that democratic disaster risk management on the political system level may, but does not necessarily, go hand-in-hand with participatory and bottom-up approaches.

As there is a balance to strike among somewhat mutually exclusive rights and goals, legal scholars make the argument that there is not only a danger of executive overreach but also of executive underreach, which describes “a national executive branch's wilful failure to address a significant public problem that the executive is legally and functionally equipped (though not necessarily legally required) to address” (Pozen and Scheppele 2020, 2). In order to manage a pandemic and crisis situation in a balanced and proportionate way, the challenge lies in finding a middle ground between the two extreme poles of executive power abuse and executive power non-use. It is to carefully consider both the suspension or continuation of democratic practices, as the case for and against postponing elections reveals (for further discussion cf. also James 2020; James and Alihodzic 2020; cf. Kortum et al. 2020 for potential voting-systems in pandemics):

holding elections in the midst of the pandemic, as if nothing was happening, represents a real risk to the health—and even to the life—of citizens who show up to vote. Moreover, the health risks that constituents would face in showing up to vote constitute a reason for many of them to abstain from voting. Therefore, holding elections without effective corrective or alternative measures would be irresponsible in terms of putting those who do show up to vote at risk, and would constitute an attack on democracy itself. Accordingly, postponing elections may be the best response in some cases, as necessary conditions can be put in place so that they can be held effectively and safely, and broad participation can be ensured. But, this also requires holding scheduled elections during the pandemic, as long as the alternative mechanisms chosen and the safety and health measures imposed guarantee the integrity of the vote and the free participation of the voters. (Corao 2020, 6)

Democratic risk and disaster management entails addressing emergencies by considering democratic principles and ensuring the active operation of oversight institutions, such as constitutional and democratic rule of law, checks-and-balances of the executive branch via legislative and judiciary, and controls via international law, for example, when it comes to human rights provisions to which a state has committed (cf. Corao 2020, 2–3). In their protective function and as guarantors of human rights, including the rights to life, health, and personal integrity, states may exercise emergency measures if

general provisions and capacities prove insufficient; however, only in accordance with the principles of necessity, gradualness, temporality, suitability, and proportionality (Corao 2020, 3). Furthermore, according to the International Covenant on Civil and Political Rights and the rule-of-law approach (as opposed to the sovereignty approach), restrictions on rights should not be arbitrary but based on legal provisions (Lundgren et al. 2020, 2, 6).

The international legal frameworks for human rights, including the International Covenant on Civil and Political Rights (CCPR), the European Convention of Human Rights (ECHR) and the Siracusa Principles, allow for restrictions of civil liberties only in exceptional emergency situations and based on highly demanding criteria such as legality (according to the law), legitimacy (in their objective), necessity, reasonability, proportionality, equity, non-discrimination, the minimal restrictiveness and intrusiveness possible, and compliance with international law (Nyamutata 2020, 82–84). The bar set by international law for a public emergency is generally very high, including a ‘threat to the life of the nation’, or depending on the legal framework also an “extraordinary event” or “threat” that is exceptional, actual or imminent, concerns the whole nation, endangers the “continuance of the organised life of the community”, and exceeds a country’s normal public order and safety provisions in the sense that they “are plainly inadequate” (Nyamutata 2020, 85, 89). A particular challenge is posed by the balancing of individual/group rights and the protection of the community, as well as vice versa, the protection of individuals/groups and the rights of the community (Myers 2016, 205). Socio-cultural norm and values systems differ in their way of solving such dilemmas, some in favour of individual rights (liberalism), others appealing to individual and civil responsibility for the community and society (communitarianism) (Myers 2016, 206). For the US context, Myers (2016, 205) summarises four “democratic system principles” for health emergency management: 1) operation within the context of democracy in the sense of respecting the responsibilities and functions of elected bodies and the judiciary; 2) protection of individual freedoms, which entails that any restriction, even in times of danger, requires very careful consideration; 3) accountability mechanisms via a hierarchy of control; and 4) opportunities for reversal of measures that do not or no longer meet the high requirements imposed by democratic principles. The V-Dem Institute has defined and engaged in tracking six different aspects of violations of democratic standards, namely 1) timely unlimited emergency measures, 2) discriminatory measures, 3) de-jure violation of non-derogable rights from the International Covenant on Civil and Political Rights (ICCPR), 4) restrictions on media freedom, 5) disproportionate limitations on the role of the legislature, and 6) abusive enforcement (Edgell et al. 2020, 1). According to a briefing paper by the Eastern Partnership Civil Society Forum,

Unprecedented restrictions have been imposed on citizens’ rights and freedoms during the COVID-19 pandemic, yet these restrictions should always be lawful, necessary, and proportionate, and should be lifted as soon as public health considerations allow. Excessive measures – as well as outright abuses of power – should be condemned without reservation and the voices of the civil society calling out the abuse reinforced. Moreover, additional funding should be made available to support human rights watchdogs and other organisations working on fundamental rights and freedoms in order to prevent the current restrictions from becoming the ‘new normal’, and to ensure the longer-term viability of such organisations in the post-crisis era. (Bell 2020, 9)

Freedom House considers criteria such as checks and balances against abuses of power, protection of vulnerable groups, transparency and anticorruption, free media and expression, and credible elections (Repucci and Slipowitz 2020). Likewise, the Council of Europe stresses, among others, the crucial function of free, responsible and critical media which plays a “key role and special responsibility for providing timely, accurate and reliable information to the public, but also for preventing panic and fostering people’s co-operation” (Council of Europe 2020d, 6). In a wider sense, responsible and trustworthy media may function as a watchdog of democracy by providing transparency into political processes (Ferreau 2019).

Freedom House recommends several ways how governments, civil society organisations, and donors may safeguard and strengthen democracy and human rights during the SARS-CoV-2 pandemic:

Figure 1: Freedom House recommendations for safeguarding democracy and human rights in the pandemic



Source: Repucci and Slipowitz 2020, 14–16

The Council of Europe published a toolkit for member states to ensure democracy, rule of law and human rights during the pandemic according to the European Convention on Human Rights, which is summarised in the following:

Figure 2: Council of Europe toolkit for adherence to the European Convention on Human Rights during emergencies

Derogations from the European Convention on Human Rights

- Reporting mechanisms for emergency derogations to stay within the Convention's stipulations

Principle of legality and rule of law

- Measures based on legal provisions for emergencies

Principle of limited duration of restrictions and the state of emergency

- Allow for parliamentary control mechanisms

Principles of limited scope and necessity

- Necessary and appropriate measures for achieving their goal with the least alteration possible

Principle of power checks and balances

- Ensure parliamentary control of the executive, maintain key functions of judiciary

Rights to life, access of health care and prohibition of inhumane treatment

- Attention to vulnerable population, adequate health care for people with restricted liberties (e.g. in prisons, immigration centres, care homes, psychiatric facilities etc.)

Rights to liberty, security, and fair trial

- No unreasonable prolonging of custody and judicial review (in times of emergency there may be a little more flexibility, however, this should not be overstretched)

Right to private life and freedoms of conscience, expression and association

- Heightened restrictions permissible in exceptional circumstances, however, with maintenance of proportionality of criminal sanctions

Freedoms of expression, information and media, and access to official information

- Key function of media for informing the public, criticism must be possible, any restrictions to official information or on media information must be exceptional and proportionate, counter disinformation with government campaigns and ex post sanctions, duty to inform people about threats and preventative behaviour

Rights to privacy and protection of personal data

- Balancing protective measures, public interest and private life, exceptions to data protection rules only for limited duration, with safeguards such as anonymisation and oversight mechanisms

Principle of non-discrimination

- Maintain access to education in adapted form (e.g. online) also for vulnerable groups and minorities, take positive measure for equality

Protection from crime and of victims

- Prosecution and investigations into cyber crime, domestic, gender-based and sexual violence, human trafficking, and establishment of helplines etc.

Source: Council of Europe 2020d

To sum up the aforementioned points from the literature, the following characterisation of democratic disaster risk management is suggested:

Democratic risk and disaster management protects and operates within the parameters of democratic principles, norms and institutions, respects the respective functions and responsibilities of elected bodies, and is held accountable by the check-and-balances and hierarchy of control of oversight institutions, including the legislative and judiciary as well as the constitutional and democratic rule of law and international law, meaning that there are opportunities for the reversal and adjustment of measures in place. The protection of human rights and fundamental freedoms is at its core; their suspension or restriction requires very careful consideration and deliberation based on the principles of legitimacy (in their objective), necessity, suitability, proportionality, reasonability, the minimal restrictiveness and intrusiveness possible, gradualness, temporality, equity, non-discrimination, legality (according to the law), and compliance with international law.

Figure 3: Criteria for democratic risk and disaster management

Democratic risk and disaster management entails

- < The protection of and operation within democratic principles, norms and institutions
- < Accountability mechanisms and checks-and-balances via oversight institutions
- < The protection of human rights and fundamental freedoms as well as the careful deliberation and justification of restrictions based on the principles of
 - ❖ legitimacy (in their objective)
 - ❖ necessity
 - ❖ suitability
 - ❖ proportionality
 - ❖ reasonability
 - ❖ minimalism (the minimal restrictiveness and intrusiveness possible)
 - ❖ temporality
 - ❖ gradualness
 - ❖ equity
 - ❖ non-discrimination
 - ❖ legality (according to the law)
 - ❖ compliance (with international law)

Source: Author's compilation based on literature review (cf. above)

2.2 Challenges and strengths

Disaster risk management in democracies bears specific challenges but also particular strengths when it comes to risk mitigation and preparedness as well as disaster response and recovery. The following reveals general trends observed in empirical studies comparing disaster management performance in authoritarian and democratic regimes with consideration to loss reduction capacities as well as choice of policy restrictions and effectiveness. Furthermore, axioms of democratic risk and disaster management and ways for overcoming advantages that authoritarian regimes may have over democratic societies are discussed. The summary of the literature review comprises studies published until the end of 2020 which focused on past disasters and often only early SARS-CoV-2 epidemic control efforts. Further research is necessary to provide more specific insights in the particularities in the SARS-CoV-2 pandemic and regarding management challenges and successes in the longer run. Likewise, it is important to note that there may be certain biases in study designs and conclusions based on, for example, the definitions and variables chosen. While findings may hint towards some trends in regime-related differences, challenges, and strengths, they need to be understood in the specific study context and should not be overly generalized.

2.2.1 Effectiveness and efficiency in loss reduction: Affectedness, test rates, death tolls, economic shock absorption

A study by Huang et al. (2020) published in August 2020 suggests that countries who had experienced previous epidemics of SARS in 2003 and/or MERS in 2012 were more likely to have fewer SARS-CoV-2 cases, while countries classified as full democracies were found to have higher **infection case numbers** than less democratic regimes. A differentiated look at disaster impacts reveals that democracy must be combined with high **institutional quality** in order to minimise the number of people affected by disasters, while more people tend to be affected in democracies with low institutional quality than under authoritarian regimes (Persson and Povitkina 2017).

In terms of testing, Petersen (2020) observes for data from 85 countries until the end of May 2020 a curvilinear U-shaped relationship between the level of democracy and the extent of testing for COVID-19: Whereas low and high levels of democracy, with some outlier cases, tend to correlate with mass testing, medium democracy levels correlate with lower **testing rates** on average – these findings seem to be to some extent influenced by government effectiveness and GDP per capita (Petersen 2020).

Cepaluni, Dorsch, and Branyiczki (2020) note for the early stages of the SARS-CoV-2 pandemic that more democratic institutions correlate with a higher per capita **pandemic death count** and were less effective in speedily reducing COVID-19 mortality rates. In their comparison of China, South Korea and the United States, Zhao and Dilip (2020) also come to the conclusion that less democratic governments show a better performance of containing COVID-19-related deaths. Looking at data from 89 countries until 4 April 2020, Sorci et al. (2020) find a correlation between democracy and a higher COVID-19 case fatality rate (for similar findings until June 2020 cf. Norrlöf 2020). However, when contrasting China's and Taiwan's response, Alon et al. (2020) note that Taiwan's transparent communication was effective without resorting the Chinese approach of censorship and suppression of early warnings. General care must be taken not to draw hasty conclusions about the greater effectiveness of authoritarian pandemic management as a variety of factors may actually impact case counts such as testing capacities and reporting transparency; moreover, case numbers are not solely dependent on government action but

a multiplicity of factors, including social behaviour, population health, health system provisions, poverty, and factors that complicate social isolation (cf. Petersen 2020, 1). Similarly, long-term overall coping and the consideration of downstream effects, as well as the question of the means and social costs with which pandemic control is enforced, must be taken into account to assess more holistically a regime's competency, effectiveness, and performance in crisis management. For the SARS-CoV-2 pandemic, Aksoy et al. (2020, 10) observe differing response pace among countries with high institutional quality and suggest that speedy government reaction is correlated with high public attention to the first infection cases whereas countries with initially lower public interest and awareness tended to be slower to adopt containment policies. The finding of higher pandemic-related death cases in democracies cannot be generalised for overall disaster death counts. According to Kahn's (2005) study of 73 countries from 1980 to 2002, **disaster death tolls** tend to be lower in more economically developed countries, as well as in countries with democratic and higher-quality institutions and higher income equality. Studying the data from 150 countries between 1995 and 2009, Lin (2015) finds lower mortality rates in states with strong **capacities** and especially in democracies, which is particularly true for forecastable hazards, including floods and storms. Based on a historical review and argumentation, also Stasavage (2020) comes to the conclusion that building capacities may increase pandemic performance of democracies – however, this investment of resources is only likely to happen if voters support and reward prevention policies. A study of 158 regions in 19 European countries during the first wave of the SARS-CoV-2 pandemic finds that lower **social trust and higher institutional polarisation** correlate with higher excess mortality (Charron, Lapuente, and Rodriguez-Pose 2020).

Looking at economic shocks in disasters among 170 countries between 1962 and 2004, less democratic and smaller countries tended to experience a decline in imports compared to an increase of imports in more democratic and larger countries, resulting in a better **economic shock absorption**, while export cuts were comparable for both (Gassebner, Keck, and Teh 2010).

2.2.2 Choice and effectiveness of measures: State of emergency declarations, social distancing, restriction of individual freedoms, mobility reduction

Lundgren et al. (2020, 21) find for the SARS-CoV-2 pandemic that newer and less robust democracies tend to be more likely to declare a **state of emergency** in comparison to consolidated democracies and autocracies and argue that, for robust democracies, such a policy choice may be too costly and for authoritarian regimes, redundant, because they already possess a wide range of powers. For the SARS-CoV-2 pandemic, the likelihood of governments declaring states of emergency increased if their regional neighbours were opting for this governance choice (Lundgren et al. 2020, 2).

Analysing data gathered until the end of June 2020, Lins, Domingos und Rebouças (2020) find no significant differences among autocratic versus democratic regimes in their choice to adopt social distancing measures in the SARS-CoV-2 pandemic despite different incentive and motivation mechanisms and find only the correlation that wealthier countries tend to be slower in policy action. According to Wood and Wright (2016), immediate-onset disasters tend to correlate with increased repressive government action, whereas external aid tends to reduce violations of physical integrity rights with this effect being stronger in more democratic states. Trein (2020) finds that countries with an authoritarian past were more likely to exercise pandemic policies which more stringently **restrict individual freedoms** during the SARS-CoV-2 pandemic compared to countries with a history of liberal democracy. Interestingly though, the current level of democracy does not correlate clearly with stringency of policy measures but rather with smaller economies and higher death rates (Trein 2020, 2, 6). Hence, a society's historical institutional landscape and roots of political norms – modern public health legislation goes back to the 19th and 20th century (Trein 2020, 3) – may impact its policy choices during times of crisis and disaster.

Experimental surveys found that, while differentiating between different civil liberties and democratic rights, many citizens living in democracies show support for the restriction of individual freedoms to address the SARS-CoV-2 pandemic (Alsan et al. 2020; Arceneaux, Bakker, and Hobolt 2020). A study among 35 countries suggests that both failure to properly manage the pandemic and loose pandemic policies hurt approval rates for office-holders (Herrera et al. 2020). According to Frey, Chen and Presidente's (2020) analysis of 111 countries until the end of April 2020, authoritarian regimes tended to exercise stricter **lockdowns** and relied more on contact tracing whereas democratic governments often opted for less restrictive lockdown measures and showed a roughly 20% higher success rate in **reducing mobility** than authoritarian governments at a similar stringency level. Similarly, societies with "more obedient and collectivist cultural traits" were comparatively more effective than those with higher individualist preferences (Frey, Chen, and Presidente 2020, 1). This is an interesting finding in the sense that it *contradicts* theoretical arguments from a political economy perspective, that contend that "coercion offers the most efficient tools for dealing with pandemics" and that democracies are therefore less successful pandemic managers (Geloso and Murtazashvili 2020, 11). In risk communication and crisis management, trust is seen as a crucial asset (cf. e.g. Voss and Lorenz 2016, 53; Dombrowsky 1991). Trust in authorities, information transparency, and a diversity of risk communicators may positively impact societal cooperation and adherence to recommendations (Siegrist and Zingg 2014). In the period of February to beginning of April 2020, Bargain and Aminjonov (2020, 8) find a greater fall in mobility rates in regions of high **trust** as opposed to lower trust regions and suggest this may be due to higher compliance with social distancing recommendations and policies. Similarly, whereas adherence to pandemic measures may be influenced by a variety of factors such as expected duration, risk perception, economic status, trust in sciences, political affiliation and

a sense of social trust and solidarity, it was found that within the United States, counties with high-trust levels in fellow citizens tend to more be compliant with stay-at-home orders than those counties with lower trust levels (Brodeur, Grigoryeva, and Kattan 2020, 12).

2.2.3 Axioms of democratic disaster and risk management and pathways for overcoming authoritarian advantages

The following chapter, based on the state of research, investigates into axioms of democratic disaster and risk management and outlines potential pathways for overcoming some authoritarian advantages.

Disasters can impose challenges to daily norms and routines. The SARS-CoV-2 pandemic, for example, exposes modern societies' strong emphasis on collective action and thus also vulnerability to pandemics in times where collective well-being depends at least on a certain degree of isolation. Quick-onset disasters may be experienced as shocks, while slow-onset and long-term disasters may lead to altered normalities, changes in practices, and the need to reconsider or re-invent democratic practices and institutions. Research on catastrophic famines, for example, by Amartya Sen and Jean Drèze and later by Francesco Burchi and Oliver Rubin argues that

in democracies executives are subject to accountability links with the citizenry —at least elections— and with other institutions (legislative, judicial, international, etc.), they are induced to increase their responsiveness and improve their performance. In contrast, authoritarian executives do not have clear institutionalized channels to receive pressure from the public, which allows them to ignore demands for prevention strategies and therefore are outperformed by democracies. (Petersen 2020, 1)

One should note that the very functioning logics of democracies, such as multi-stakeholder decision-making, multi-level government engagement, and considering a variety of jurisdictions, can become a challenge in situations where speedy and collective response is imperative (Schwartz 2012, 314), yet they may also help to foster acceptance through legitimacy and consensus- as well as solution-finding mechanisms. Strong parliamentary involvement may also contribute to more equitable decisions by bringing in a greater diversity of representation (Afsahi et al. 2020, ix). *Therefore, it is especially important to find effective ways for democratic and systemic risk management that are sensitive to weaknesses and strengths of this particular approach.*

Pandemic management in democracies may build on differently functioning axioms than in authoritarian states. For example, authoritarian governments may rely more on coercion whereas democracies may be able to build more on conviction via persuasion and appeal to citizens' responsibility. Amat et al. (2020a, 23) distinguish between two frames for political action and preference; namely, the cooperation and trust frame versus the discipline and authority frame. As Table 2 indicates, authoritarian versus democratic options build on different policy and management strategies according to a system's cultural and functional logics – please note that the table depicts theoretical extreme ideal types, whereas empirical practice may be in fact rather a mixture of options on a continuum, with more or fewer tendencies in either direction:

Table 2: Authoritarian and democratic disaster management options

More authoritarian options	More democratic options
<i>*Executive overreach</i>	<i>*Checks and balances</i>
<i>*Coercion by discipline and authority</i>	<i>*Persuasion by cooperation and trust</i>
<i>*Centralised decision-making</i>	<i>*Agreement on clear responsibilities to avoid power struggles</i>
<i>*Strongly relying on state security and military forces</i>	<i>*Fostering civil society’s role and capabilities, citizen empowerment</i>
<i>*Information and mass media control</i>	<i>*Freedom of information and research, multi-directional information stream</i>
<i>*Make use of relations to mass media to stimulate public support and suppress critical voices</i>	<i>*Independent media - counter false information via transparency, proactive communication and the provision of reliable crisis communication channels</i>
<i>*Elite risk decision-making</i>	<i>*Public, expert-informed risk decision-making</i>

Source: Author’s depiction based on Amat et al. 2020b; Cepaluni, Dorsch, and Branyiczki 2020; Lavazza and Farina 2020; Schwartz 2012

In a two-case comparison between China’s and Taiwan’s handling of the SARS epidemic of 2002-3, Schwartz et al. (2012, 315) find that an “**authoritarian advantage**” – namely centralised decision-making, public support for measures and relations to mass media – can allow for better information control. Cepaluni, Dorsch, and Branyiczki (2020, 24, 5) note that fewer checks and balances and centralised decision-making may increase the pace of policy-implementation but that “the freedom of information and research available in democratic countries might help them over time to reverse the autocratic advantage.” Checks and balances also assist in the demanding process of protecting democratic disaster risk management principles against executive overreach (for an example, cf. info box). Legislative and judicial processes are core institutions for democratic risk management, as they help weigh the principles of necessity, gradualness, temporality, suitability, and proportionality of extraordinary measures against one another (Corao 2020).

“In April, Germany’s Constitutional Court (GCC) ruled against the decision of the Giessen Administrative Court and the Court of Hesse, which validated a ban on the convening of a series of protests about the restriction of rights. In its judgment, the GCC noted that those courts ‘had incorrectly assumed that the provision by the Hesse state government to fight the coronavirus includes a general ban on gatherings of more than two people who don’t live in the same household,’ since a general and absolute prohibition of assembly ‘violate[s] the constitutional right to assembly’ protected by the German Constitution. Therefore, although the GCC did not directly authorize public protests during the pandemic, it urged authorities and lower courts to analyze them on a case-by-case basis” (Corao 2020, 4)

Democratic regimes may overcome their system-related obstacles in the following ways: preparedness and **agreement on clear responsibilities** to avoid central-local power struggles; by engaging health-related **civil society** groups via training, preparedness and pandemic involvement, in order to increase trust and mobilise public support; and **communicating proactively** via a dedicated media outlet only

for emergencies where people may easily access up-to-date and reliable information (Schwartz 2012, 329).

One widely known challenge for pandemic as well as disaster management is the aspect of pre-emptive investment and prevention rather than a focus on crisis response (Wilkinson 2012, 1). As Voss and Lorenz (2016, 52) state, “[i]deally, in democratic societies, risk communication allows stakeholders to find their way to a legitimate evaluation of risks – in other words, one they accept – and thus to decide whether a risk should be taken.” In this sense, the process of public negotiation of risk acceptance and mitigation as well as preparedness choices and investments may contribute to risk awareness, active risk decision-making, and mitigation in democratically organised societies. Mass disinformation poses more general obstacles to democracies (cf. Bechmann and O’Loughlin 2020) and may be especially harmful, or at least visible, in crisis situations. To allow for expert-informed but not expert-driven or dictated political decision-making, the concept of epistemic democracy entails social and political contextualisation via wide and diverse public inclusion (Boschele 2020, 481). Democratic resilience entails, among other things, that free press can raise questions on expert choices, courts may cancel policies that go against constitutional rights, and opposition as well as civil society function in their role to foster government accountability and transparency (Guasti 2020). Independent media is recognised as a safeguarding pillar in democracies, as it engages in information dissemination, analysis, debate and criticism which are fundamental functioning logics of democratic societies (cf. Repucci and Slipowitz 2020, 8). Each change in a highly complex societal system triggers secondary and tertiary effects that may not have been obvious at the time of implementation, yet nonetheless open up new needs, increase social and economic costs, and even call into question the principle of proportionality. Therefore, **societal debate**, **freedom of expression** and **free press** may expose gaps and weaknesses, as well as precarious situations due to emergency measures (cf. Repucci and Slipowitz 2020, 5). In the SARS-CoV-2 pandemic, gender-based-violence, poverty, food insecurity, the needs of children during stay-at-home orders, and the situation of imprisoned people are just a few issues which require special attention and differentiated treatment (Corao 2020, 16).

Of course, socio-political systems not only shape pathways for addressing disasters and risks but are also impacted and changed by these very processes. Paddeu and Waibel (2020) scrutinise the messiness of defining the end of pandemics and epidemics - which are not only of biological but also of social, political, and legal nature - and related states of emergency as well as entering into new (institutionalised) normalities. According to Toya and Skidmore (2014), disasters can alter social trust levels. In a post-earthquake case study in Chile, Carlin, Love and Zechmeister (2014) find that the experience of significant disaster damages in less stable democratic regimes may undermine democratic **legitimacy** and a society’s support for democratic institutions and norms, while increasing protest activities that are not necessarily within the boundaries of democratic participatory options, but may contribute erosive processes. Ahlerup (2011, 10), in contrast, finds evidence that disasters encourage democratisation in intermediate political systems and in recently politically unstable states. Flinders (2020, 18) argues that pre-crisis trends such as lack of trust in institutions and blaming may be reinforced in the course of the pandemic and have negative impacts on the state of democracy in democracies. Guasti (2020) argues with reference to cases of Poland and Hungary versus the Czech Republic and Slovakia in the SARS-CoV-2 pandemic that both the rise of authoritarian trends and the resilience of democracies are empirically observable and that democracies and that technocratic, populist, and plebiscitary trends may undermine democratic accountability, institutional safeguards, as well as the role of parliaments and civil society. Amat et al. note that possible impacts of disastrous shocks on political systems may provide windows of opportunity for democratisation but also for power centralisation:

There are at least two channels through which the pandemics might endanger democracy: a direct and an indirect one. The direct channel would be a durable transformation of preferences for representation. If citizens negatively update their beliefs about the ability of democratic, representative and liberal systems to protect them against these types of threats, the preference change we have documented here may be more stable in the long term. Indirectly, the shock opens a window of opportunity for would-be authoritarian leaders and institutions to seize and centralize power, limit checks and balances and increase population control and surveillance. In the first stage they will not encounter resistance from the public, and then the authoritarian turn may outlast the pandemics. The early shift of preferences that we have documented in this paper, even if it turns out to be short-lived, could offer an opportunity for policy changes that may then self-enforce and move some democracies towards a new political equilibrium of more centralized and less limited power, as well as more invasive surveillance of the population. (Amat et al. 2020a, 25)

However, whether this argument finds empirical support remains to be seen. In a survey among citizens in Western European countries at the pandemic's onset in March 2020, Bol et al. find increased support for office holders, trust in government, and also satisfaction with democracy (Bol et al. 2020, 13). In a historic analysis on the aftermath of the so-called "Spanish" flu, Trein (2020, 2) finds no evidence of a pandemic-related decline of democracy and argues that, at most, pandemic policies may have contributed to already existing anti-democratic trends. According to a survey in Western European democracies, the introduction of social confinement measures is associated with a rise in public support for Prime Ministers/presidents (+ 4.1 - 4.3 %), trust in government (+ 2.4 - 3.2 %) and for democratic regimes (+ 2.8 - 3.2 %) during the pandemic's onset between March and April 2020 (Bol et al. 2020, 2, 5). Disaster research also indicates that disaster situations may mobilise pro-democratic political and citizen engagement, such as in the case of higher voting rates after the 2010-11 floods in Pakistan (Fair et al. 2017).

2.3 Conclusion

Democratic risk and disaster management is bound to the core principles and values of democracy, including checks and balances, oversights, and accountability mechanisms, the rule of law and opportunities for the reversal and adjustment of imposed measures. While the limitation or suspension of human rights and fundamental freedoms may only occur as a well-considered last resort, measures need to adhere to the principles of legitimacy, necessity, suitability, proportionality, reasonability, minimal restrictiveness and intrusiveness, gradualness, temporality, equity, non-discrimination, legality, and compliance with international law at all times.

Authoritarian choices for disaster and pandemic management differ significantly from more democratic options. Some authoritarian states may have an easier time successfully managing crisis, pandemics and disasters. Democracies, however, need to find different methods of crisis management if they do not want to endanger the very core of their political and societal norms, e.g. by: respecting checks and balances; empowering and winning citizen support via cooperation and trust; establishing clear responsibilities to avoid power struggles; fostering civil society capabilities; protecting freedom of information and research while engaging in multi-directional information streams; countering false information via transparency, proactive communication and reliable crisis communication channels (as opposed to restricting media); and building on public, expert-informed risk decision-making and debate. In this sense, **democratisation of disaster management** entails the encouragement of citizen responsibility for prevention, and participatory and engaging as opposed to coercive top-down approaches.

Democracies face **capacity challenges** when it comes to reducing affectedness and death rates in pandemics (but not in disasters generally) and increasing response pace. However, some research suggests that they tend to better absorb economic shocks. Ways to compensate for weaknesses that democratic systems may face in times of crisis and disaster may include learning effects, institutional quality, government effectiveness and capacities, economic development, equality, social trust and cohesion, public risk awareness, and economic shock absorption measures.

Based on the review of the state of research, some studies made the following observations: In the area of **policy restrictions**, democracies tend to less stringently restrict individual liberties (in the case of a democratic regime history), implement less restrictive lockdowns and tend to be more successful on mobility reduction (controlled for stringency level). Newer, less robust democracies are more likely to declare a state of emergency in comparison to more authoritarian as well as more democratic regimes. Democratic ways for improving compliance comprise investing more in persuasion while using coercion where necessary, fostering trust, public risk awareness, and trustworthy crisis management, as well as considering suitable incentive and motivation mechanisms.

3 Debates in Armenia

Sara T. Merkes

Main question: Along which topics do media articles discuss democracy in Armenia with relation to the SARS-CoV-2 pandemic?

Key insights: Topics of media reporting on democracy-relevant aspects during the pandemic in Armenia include, among others:

- Restrictions under the state of emergency
- Limitations of the freedoms of information and press
- Protest activities and bans under the emergency regime
- Penalties for the violation of pandemic measures
- The so-called constitutional court crisis and judicial investigations
- The cancellation of the planned constitutional referendum in Armenia, as well as the presidential and parliamentary elections in Nagorno-Karabakh during the pandemic
- Democratic system transitioning and challenges
- Accountability for pandemic management
- International support and accountability for democracy
- Restrictions of individual freedoms via quarantine and self-isolation measures
- Data protection versus pandemic containment

Building on the theoretical literature review in the previous chapter, the following summarises societal debates and reporting on Armenia concerned with pandemic-related restrictions and democracy. To this end, information on the methodological approach as well as on the pandemic developments in Armenia is provided. The overall aim is to analyse which aspects of pandemic response are topics of discussion and reporting in a young democracy aspiring to democratic transition in the midst of the pandemic. Since the anti-government and pro-democracy Velvet Revolution of 2018, Armenia has pushed for a number of reforms and transformation agendas (cf. e.g. Lansky and Suthers 2019), which have, of course, been affected and further shaped by the disaster management politics during the SARS-CoV-2 pandemic.

3.1 Methodology and sources

To answer the question of which democracy-related topics became relevant in the context of the pandemic within Armenian society, an analysis of media discourses was conducted. The following first summarises some characteristics of the Armenian media landscape, and then proceeds to explain the methodological approach.

3.1.1 Armenian media landscape

According to Reporters without Borders, Armenia's media landscape can be characterised by "diversity but not yet independence," where "independence and transparent media ownership are still far from being achieved" but "investigative journalism is flourishing online" (RSF 2020b). On the 2020 World

Press Freedom Index, Armenia ranks with a score of 28.60 points (with 25-35 points considered a “problematic situation”) at place 61 out of 180 countries (RSF 2020a). In the 2019 country report, IREX (2019, 2) classifies the Armenian media landscape as “near sustainability” in the areas of free speech, professional journalism, plurality of news sources, business management, and supporting institutions, which implies that there is progress in various areas such as laws, professionalism and business factors but that “more time may be needed to ensure that change is enduring and that increased professionalism and the media business environment are sustainable.” Freedom House classifies Armenian freedom on the internet as free, with 75 out of 100 points, but also points to several issues that will be discussed in the media analysis below (Freedom House 2020c).

A challenge for the Armenian media landscape comprises, among others, its long history of control first by the Soviet Union and after Armenia’s independence in 1991 by government, political parties, and business people and its ongoing polarisation due to dependence on editorially intervening sponsors (Baghiyan 2020). The post-Velvet Revolution societal transformation has, according to the analysis by Baghiyan (2020) on “Media landscapes”, not yet reached the media sector and exposes a struggle between former and new governmental leaders surrounding issues of pandemic information control and fake news:

Opposition media, which supports the former authorities, has serious financial resources and a wide range of media resources. Generally, this media tends to pursue the interests of its owners. These resources openly and actively criticize the current government, blaming it on any occasion. Criticism annoys government authorities and the Prime Minister Nikol Pashinyan has repeatedly made loud statements about the corruption of ‘99% of the media and 70% of journalists’. This caused a wide resonance among journalists and the media initiative Media advocate and the Journalists Union of Armenia called on the Prime Minister not to label their former colleagues and disclose the names of corrupt journalists. The Journalists Union of Armenia also issued a statement that ‘today the current government considers the free press an adversary and enemy.’ According to the public organization, the authorities use the tactics of inciting the army of controlled fake users on social networks against the insubordinate social media. The Public TV of Armenia is also the supporter of the ideas and initiatives of the current government. The involvement of security services in combating disinformation is worrying. Having declared war on fake news, especially at the initial stage of the spread of coronavirus infection in Armenia, authorities overdid it. There were cases when special services demanded to delete posts on Facebook of famous doctors and cultural figures about COVID-19 for not spreading panic among the population. (Baghiyan 2020)

A contributing factor to the challenges of the post-Velvet revolutionary media and political setting is that previous powerholders lost greatly in support to the point of rather insignificant political party weight in parliament, yet holding the power over major media companies and thus transferring political conflict from parliamentary debates to the media publications (Navasardyan 2019). As a consequence, the Prime Minister uses Facebook extensively to make live statements rather than relying on third party media reporting, which, however, allows him to cherry pick from the audience’s questions rather than facing possibly uncomfortable journalistic ones in press conference formats (Müller 2019). As a transitioning country, Armenia is grappling with media capture (USAID 2019) and has yet to build a democratic opposition. Key development areas for the Armenian mass media sector comprise ownership transparency and financial accountability to expose political ties to media outlets (Hupfeld, Navasardyan, and Grigoryan 2019).

The most widely used source of political information in Armenia is television (64%), followed by social media (62%), internet (40%), radio (10%), print (5%), acquaintances and friends (1%) (IRI 2020b), whereas “online media as an alternative to traditional media are perceived as a more liberal platform for searching information and free expression of opinions” and became particularly popular in the Velvet Revolution of 2018 (Baghiyan 2020). About 45% of media sites publish only in Armenian language, while 32 % offer news in Armenian, Russian, and English (Baghiyan 2020). As of June 2020, a survey reveals that 32% were very and 29% somewhat satisfied with mass media in general whereas 68% found national media outlets very or somewhat trustworthy (IRI 2020b). According to a survey from October 2019, the top three sites visited for seeking news information are News.am, Azatutyun.am and Facebook (IRI 2019).

3.1.2 Methodological approach

In order to analyse media discourses, an online media screening was conducted for the months of March¹ to August 2020 via an archive search of the selected news publishing sites’ English-language articles using the key words democracy Armenia AND Covid on 3-9 September 2020. On hetq.am, the headlines from the news feed were screened to find relevant articles from March to August 2020. From September to December 2020, the daily Armenian News Index Groong and the daily Hetq RSS news feed were consulted to identify relevant articles from various sources based on their headlines instead of a key word search on several news sites. After the end of 2020, a second key word search was conducted on Armenpress, the news website with the most hits in the earlier key word search, in order to complement findings. For headlines and selected articles in Armenian language in the Groong Index, Google Translate was used, naturally with the cautious awareness of translation inaccuracies and potential misunderstandings. Since the focus is on general debates and not particular details, however, this approach seems suitable and most efficient. In addition to these systematic searches, articles were taken into account that were found to be of relevance during the project work. In total, about 600 news articles were consulted in the analysis, which covers the period of March to December 2020.

According to the Media Sustainability Index 2019 (IREX 2019, 2), there are over 200 Armenia online news portals, out of which the following table presents a selection and indicates which sources (mainly English-language ones) were selected for the media analysis:

Table 3: Sources consulted for media analysis

Publisher*	Link	Languages ²	Time range in 2020	Number of articles
Online news outlets consulted via keyword search “democracy Armenia AND Covid” (until Aug 2020)				
Agos	http://www.agos.com.tr/en/home	arm, en , tur	Mar - Aug	0
A1Plus	https://a1plus.am	arm, en , rus	Mar - Aug	1
Aravot	https://www.aravot-en.am/	arm, en , rus	Mar – Aug	32, mostly re-postings
Arminfo	https://arminfo.info/index.php?lang=3	arm, en , rus	Mar - Aug	0
Armenian Weekly	https://armenianweekly.com	arm, en	Mar - Aug	4

¹ On 1st March, Armenia’s first discovered Covid-19 case in connection with a travel activity from Tehran was reported (N. Hovhannisyan and Antidze 2020).

² Articles were considered in the languages marked in bold. Websites were only taken into account if they offered current news in English.

Arka News Agency	http://arka.am/en/	arm, en, rus	Mar - Aug	0
Asparez	https://asparez.am/en	arm, en	Mar - Aug	0
Armenpress	https://armenpress.am/eng/	arm, en, rus, fr, ara	Mar - Aug	50
Asekose	http://asekose.am/en/	arm, en, rus	Mar - Aug	1
Aysor	https://www.aysor.am/	arm, en, rus	Mar - Aug	2
Azatutyun	https://www.azatutyun.am	arm, en, rus	Mar - Aug	2
CivilNet	https://www.civilnet.am	arm, en	Mar - Aug	6
Epress	https://epress.am	arm, en, rus	Mar - Aug	0
Eurasianet	https://eurasianet.org/region/armenia	rus, en	Mar - Aug	2
EVN Report	https://www.evnreport.com	arm, en	Mar - Aug	6
Fact investigation platform	https://fip.am/en/	arm, en, rus	May - Aug	1
FGM News	http://24.fmg.news/	arm, en, rus	Mar - Aug	0
Horizon	https://horizonweekly.ca	arm, en, fr	Mar - Aug	1
Hye Media	http://hyemedia.com/	en	Mar - Aug	4, all re-postings
Hye Tert	https://hyetert.org	arm, en, fr, ger, it, kur, rus, tur	Mar - Aug	3, some re-postings
Iravaban	https://iravaban.net	arm, en	Mar - Aug	0
Mamul	https://mamul.am/	arm, en, rus, tur	Mar - Aug	2
MassisPost	https://massispost.com	arm, en	Mar - Aug	5
Mediamax	https://mediamax.am	arm, en, rus	Mar - Aug	0
Mirror-Spectator	https://mirrorspectator.com	en	Mar - Aug	3, some re-posting
News.am	https://news.am	arm, en, rus, tur	30 Apr - Aug	1
Panorama	https://www.panorama.am	arm, en, rus	Mar - Aug	1
Lragir	https://www.lragir.am/en/	arm, en, rus	Mar - Aug	1, re-posting
Tert	https://www.tert.horiam/en/	arm, en, rus	May - Jul	2
The Armenian Reporter	https://www.reporter.am	en	Mar - Aug	1, re-posting
Online news outlets consulted via headline search (the latest from Sept 2020 onwards)				
ANN/Groong - Armenian News Index	https://groong.org/news/index.html	arm, en	Sept - Dec ³	Not counted
Hetq Online	https://hetq.am RSS-Feed	arm, en, rus	Mar - Aug Sept - Dec	24 ⁴ Not counted
Online news outlets not consulted (either no English-language news or no current updates)				
1in.am (engl. version up-to-date until 2015)	https://en.1in.am/newsfeed	arm, en, rus		Not considered
7or	https://www.7or.am/am	arm, rus		Not considered
Armlur	https://armlur.am/	arm		Not considered
Azg	https://azg.am/	arm		Not considered

³ Daily mailing list headline check for relevant articles as of September (no archive available for previous mailing list results).

⁴ Headline check of daily English Newsfeed for relevant articles.

ArmeniaNow (up-to-date until 2016)	https://www.armenianow.com/	en	Not considered
Armenews	http://www.armenews.com	fr	Not considered
Armeniasputnik	https://armeniasputnik.am/	arm, rus	Not considered
Armtimes	https://armtimes.com	arm, rus	Not considered
Blognews	https://blognews.am/arm/	arm, rus	Not considered
Galatv	https://galatv.am/ru/	arm, rus	Not considered
Hraparak	https://hraparak.am/	arm	Not considered
Hayastani Hanrapetutyun	www.hhpress.am	arm	Not considered
Hayeli	https://hayeli.am/	arm	Not considered
Haykakan Zhamanak	https://www.armtimes.com/hy	arm, rus	Not considered
Ilur	http://www.ilur.am/	arm	Not considered
Lurer	https://lurer.com/	arm, en, rus	Not considered (search results only in arm)
Massisweekly	http://www.massisweekly.com	arm, en	Not considered (no overall search function)
Medialab	https://medialab.am/	arm	Not considered
Normarmara	http://www.normarmara.com/	arm	Not considered
PanARMENIAN.Net	http://panarmenian.net/	arm, en, rus	Not considered (at time of checking, unresponsive search function)
Past.am	https://past.am/?l=en	arm, en, rus	Not considered (search results only in arm)
Razm	https://razm.info	arm	Not considered
Shamshyan	https://shamshyan.com/hy/	arm	Not considered
Voskanapat	https://voskanapat.info/	arm	Not considered
Yerevan Today	https://yerevan.today/	arm	Not considered
Yerkir	http://www.yerkir.am/	arm, rus	Not considered
Zham	https://zham.am/	arm, rus	Not considered

Source: Author's compilation

The table above indicates which 21 English-language news publishing sites were consulted for the period of March to August 2020. The following provides a contextualisation of those news publishers with more than five topic-relevant articles. In order to address the above-mentioned challenges in Armenian media landscape to some extent in the context of this report, additional reports and information is researched at times in order to provide a wider or more precise perspective on a particular topic. However, the main focus remains on media articles and their content.

Aravot is one of the most successful online media outlets in Armenia, along with News.am, tert.am and 1in.am (Gwyn Roberts 2013, 133). However, according to a survey from October 2019, only 5% of the respondents named Aravot as 'web-source most frequently visited to obtain news' (IRI 2019). Aravot stood out in particular for their opposition to the Kocharyan government (1998-2008). It was one of several newspapers prevented from being published in 2008 (*RadioFreeEurope/RadioLiberty* 2008). Nevertheless, from Hetq's point of view, Aravot was not independent but partisan to the ANM (Armenian National Movement) while it also exempted oligarchs from its reports (Sayadyan 2005). The

32 findings from the search on the news portal Aravot are by a great majority not first-publication articles but re-postings from other news agencies and press statements by various governmental and institutional bodies such as the European Armenian Federation for Justice and Democracy, the European Union, and the Armenian National Committee of Australia. Some of the articles are direct contributions by experts and public figures. During the pandemic, the Armenian police ordered the removal of content from an Aravot article on the concealment of COVID-19 cases in Russia based on the argument that it goes against the state of emergency provision on not publishing pieces “‘causing public panic’ linked to the coronavirus outbreak” (Balasanyan 2020a).

In the search on the English-language website of Armenpress, 50 articles were gathered, among which there are many shorter informative and somewhat fewer analytical articles. Armenpress is the oldest Armenian news agency, dating back to 1918 (Baghiyan 2020) and is state-run (BBC 2020).

On the English-language RSS Newsfeed from Hetq, 24 relevant articles were identified based on their headlines. A number of them addressed media freedom issues. Hetq is dedicated to investigative journalism, covering corruption among other subject categories, and has uncovered concealed offshore business activities by the head of the Compulsory Enforcement Service of the Ministry of Justice in 2016 (Baghiyan 2020).

On CivilNet 6 relevant articles were found between March and August. CivilNet by the Civilitas Foundation took a prominent reporting role in the Velvet Revolution protests of 2018 and focusses also on issues not prominently discussed in media (Fritt Ord 2019)

Similarly, 6 relevant articles were published on EVN Report. EVN Report is a relatively young news media outlet founded in 2017 with international grants and focussing on English-language long-form journalistic pieces and podcasts (Amos 2019).

The ANN/Groong - Armenian News Index is a mailing list which dates back to 1988, gathers collectively current news articles about Armenia, and disseminates them through various organisations, governmental institutions, and interested individuals in Armenia and worldwide (Groong 2020). The selection of articles, which can also be found online for the period of a week, is of course curated and not based on a particular systematic.

Results must be understood within the limitations of the media analysis, the first of which being that the focus only on English-language sources (with occasional exceptions), which implies an underrepresentation of Armenian and Russian language sources. Despite this restriction, there is still a remarkable number of English-language media sources which may also be due to the significant Armenian diaspora having settled abroad and following the happenings in Armenia from that perspective. A second limitation is the focus on one kind of media source, online articles, while not examining TV, radio, print or social media. Third, the above-mentioned methodology aims to cover a number of outlets, yet, of course, does not cover all articles published on the given topics. Key word searches in particular may produce rather narrow debates while ignoring other related articles that may use different terms. Fourth, it should be stressed that during the war period from the end of September to mid-November, priorities and focus have shifted towards the conflict to an extent that other topics, the pandemic included, faded into the background of societal and media debates.

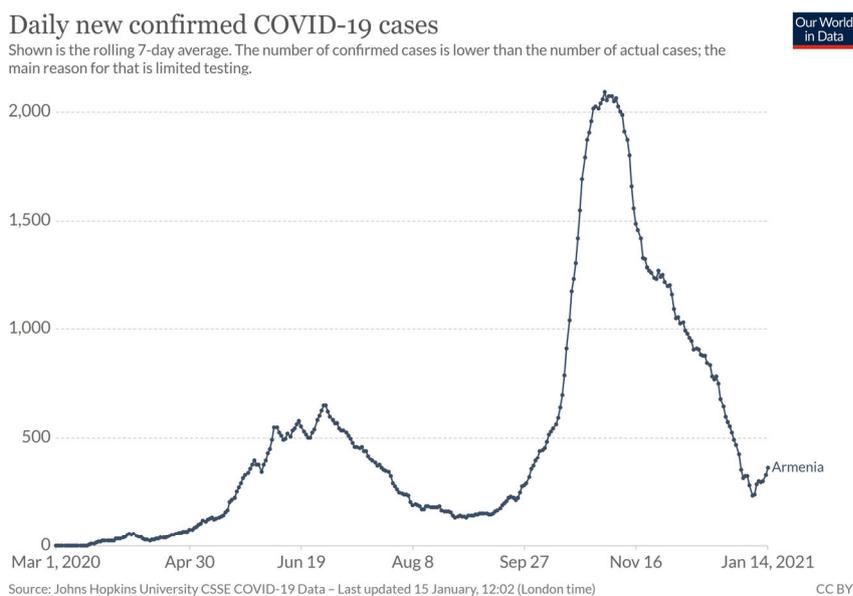
Finally, it is important to note that the Armenian government made a considerable effort to inform the public, e.g. via the Armenian Unified Infocenter Facebook page or Twitter, the website by the National Center for Disease Control, and other governmental websites, as well as three times a day, press

conferences by the unified information centre of the government's press department to be broadcasted on public TV and the government's YouTube channel (Bell 2020, 4; NCDC 2020a; Voskerchyan 2020; Armenian Unified Infocenter 2020). In addition, a hotline was opened for the public to call in (WHO 2020). In June, 1500 Red Cross volunteers engaged in an information campaign (WHO 2020). A survey from the end of June indicates high satisfaction levels with the official pandemic communication (by the Commandant's Office: 64% fully and 21% somewhat satisfied, by the government: 54% fully and 27% somewhat satisfied) (IRI 2020b). This is not to ignore that criticism has also been raised toward the government's risk communication strategy and contradictory messages over the course of the pandemic (cf. e.g. Giebel 2020). Thus, news media is by no means the only channel of information. On that note, the following provides a selected, yet still substantial insight into issues of contention, concern, reporting and debate on democracy and the pandemic in Armenia as gathered via a media screening.

3.2 The pandemic in Armenia at a glance

On 1st March, Armenia's first discovered COVID-19 case in connection with a travel activity from Tehran was reported (N. Hovhannisyan and Antidze 2020). Until the end of December 2020, Armenia has experienced two epidemiological waves with the first one peaking end of June and the second one beginning of November (Ritchie et al. 2021). For Armenia in the year 2020, a total of 159,738 cumulative cases and 2,823 cumulative Covid-related deaths were reported (Ritchie et al. 2021). Overall mortality rates in Armenia increased between January and October 2020 by 3,313 compared to the same period in 2019, whereas 1,403 people were officially reported to have died from COVID-19 (Ghazaryan 2020a).

Figure 4: Daily confirmed COVID-19 cases in Armenia (7-day average)



Source: Ritchie et al. 2021

For Armenia, the pandemic was not the only crisis in the year 2020. Just after Armenia's first pandemic peak, hostilities at the border between Armenia and Azerbaijan flared up and left as a consequence at

least 16 service people, of these 5 Armenian and 12 Azerbaijani soldiers, dead (Hauer 2020). On the 27th of September, fighting between the armed forces of both sides broke out again, this time much more fiercely and in the disputed territory of Nagorno-Karabakh (Kim 2020). Both countries declared martial law and engaged in mobilisation efforts (Kim 2020). After several rounds of peace talks and brokered truces failed, a Russian-negotiated agreement on 9 November 2020 achieved the termination of fighting after 44 days (*Aljazeera* 2020a; *Civilnet* 2020d). As of 5 December 2020, the Armenian Health Ministry confirmed at least 2,718 military and 55 civilian casualties during the war (Associated Press 2020). As [Figure 4](#) above shows, the war was accompanied by a significant rise in pandemic infection as capacities were diverted from the pandemic to the war, many people fled, tried to seek refuge in community bunkers and shelters, engaged and volunteered in the armed forces, met for farewells and funerals, hospitals were overwhelmed and health workers contracted the virus, often through patients, but had to keep working to cater to all the wounded (Avedian 2021).

Since mid-March 2020, the global SARS-CoV-2 pandemic has noticeably shaped **political response** in Armenia: On January 31st, the government established an inter-agency commission for the prevention of the spread of SARS-CoV-2 in Armenia (*Armenpress* 2020a). Another initial concern of the commission was the situation of about 600 Armenian citizens in China (of the Republic of Armenia 2020), where the virus was first discovered. On March 16th, when 30 COVID-19 cases were confirmed in the country (Ghukasyan 2020a), the Armenian government under Prime Minister Nikol Pashinyan declared the state of emergency in Armenia, which was extended five times at 30-day intervals and thus effectively in force between 16 March to 11 September 2020 (Council of Europe 2020a). Subsequently, the state of “quarantine” was declared for 122 days until 11 January 2021 and subsequently renewed for another 6 months (180 days) until 11 July 2021 (Nalbandian 2020b; Ghazanchyan 2021). Irrelative to the pandemic, martial law was active from 27 September 2020 onwards due to the escalating military conflict with Azerbaijan, whereas some restrictions, more precisely the ban on strikes and rallies and publication restrictions, were lifted on 2 December 2020 while the martial law regime was maintained until 24 March 2021 (*Armenpress* 2020a; Council of Europe 2020a; CSO Meter 2021; *English Jamnews* 2021; Ghazanchyan 2020d; *MassisPost* 2020f).

Table 4: Extent of periods under emergency, quarantine and martial law legislation

Mar 2020	Apr	May	June	Jul	Aug	Sept	Oct	Nov	Dec	Jan 2021
State of emergency (150 days)							State of quarantine (302 days) until 11 July 2021			
							Martial law (66+ days) until 24 March 2021			

Source: Author’s compilation (cf. text for references), information as of 26 March 2021

For enabling epidemic management options without the declaration of a legal state of emergency, amendments were made to the laws “On Ensuring the Sanitary and Epidemiological Security of the Population in Armenia” and “On Population Protection in Emergency Situations” (*The Law of the Republic of Armenia on Population Protection in Emergency Situations* 1998; National Assembly of Armenia 2020; ‘Law of the Republic of Armenia “About Ensuring Sanitary and Epidemiologic Safety of the Population of the Republic of Armenia”’ 2020; *Verelq* 2020a, 11). The state of emergency declaration with its extensions as well as the declaration of martial law were reported to the Council of Europe as temporary derogations from the Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe 2020a). A number of aid packages were introduced in order to address the economic and social impacts of the pandemic and pandemic-related measures (for an assessment of efficacy cf. Aslanyan, Baghdasaryan, and Shakhmuradyan 2021). According to the

Armenian government (2020b), social assistance was made available mostly in the form of one-time payments with reference to particular time periods, for the following groups, among others:

- People who lost their registered jobs with additional support for parents with children under 14 years and pregnant women
- Families with children and with both parents being without a registered job
- Socially disadvantaged families
- Subscribers to natural gas, electricity, water and drainage services (assistance in paying bills)
- Students in graduate, postgraduate and academic programs (assistance with / reimbursement of tuition fees, subsidies for student loan interest rates)
- Employees and self-employed in the areas of hotel business, accommodation for persons in need of health care, public catering, tourism, hairdressing / beauty, retail (except food and drugs), and ground transportation services, as well as preschool institutions, sporting, entertainment, leisure and educational (culture, music, sports, dance) activities, cinema, photography, car rentals, casinos and creative, artistic and ceremonial performance activities

Additionally, temporary jobs were created for the construction of riverbanks (Armenian government 2020b). Support for the economy was granted in form of loans, interest rate subsidies for loans, various grants, support for salary payment, assistance for micro-enterprises, among other things. (Armenian government 2020a). In the aftermath of the agreement regarding the handover a number of territories to Azerbaijan, the Armenian Prime Minister announced one-time payments for those people deported from Nagorno-Karabakh to Armenia (*Verelq* 2020e). Wounded soldiers and families of soldiers who lost their lives or were disabled in battle are also to receive support (*News.am* 2020f; Shams 2020). Also conflict displaced people were eligible for financial support (*Verelq* 2020e).

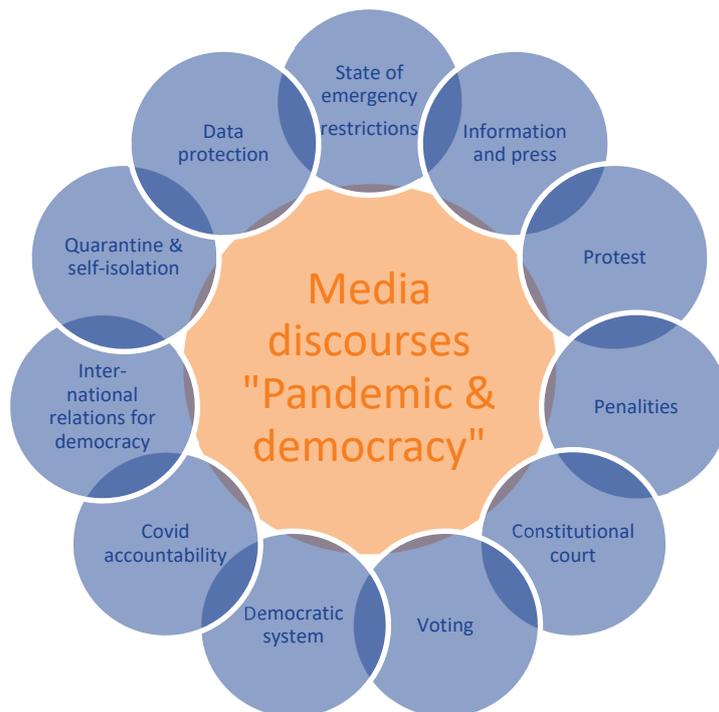
3.3 Media debates: Pandemic and democracy in Armenia

Since the Velvet Revolution of 2018, Armenia has been transitioning into a more democratic system and undergone a variety of reforms. For the calendar year of 2019, Freedom House rates the Republic of Armenia as semi-consolidated authoritarian regime (33 / 100 points), partly free concerning political and civil rights (53 / 100 points), and as free regarding the Internet Freedom Score (75 / 100 points) (Freedom House 2020d; 2020a; 2020c). According to the V-Dem Institute's pandemic democratic violations index, between March and December no violations in the areas of discriminatory measures, derogation of non-derogable rights, abusive enforcement, time limit, limitations on legislature and official disinformation campaigns have been found for Armenia in the pandemic-related areas (V-Dem 2020). However, major violations were recorded for the area of restrictions of media freedoms (V-Dem 2020).

Before presenting the analysis, it is important to note that the polarised political discourse in Armenia (cf. Avedissian 2020) significantly hinders debate and critique of issues. Thus, both critical and positive reactions need to be carefully considered within their context. It affects pluralist expression of opinion within parties and those supporting one particular political direction. As a transitioning system, Armenian society faces the challenging task of overcoming anti-democratic forces and past wrongs through democratic means while widening the space for pluralist debate and democratic choice.

The following analysis starts off with an overview over major pandemic restrictions and summarises the findings from the media analysis on debates concerning democracy and civil rights during the pandemic state of emergency and quarantine regulations in Armenia. With the help of the reference managing software Zotero, the news articles were inductively coded for key words (cf. Figure 5) based on the content of the debates discussed. Additional research was conducted to provide background information on the particular issues.

Figure 5: Armenian media discourses on the pandemic and democracy



Source: Author's compilation based on media analysis (cf. below)

3.3.1 Restrictions under the state of emergency

Like many countries during the pandemic, the Armenian government enforced a number of pandemic containment measures (for an overview cf. Table 1: [Pandemic control and potential interference with certain citizen rights, fundamental freedoms and societal norms \(exemplary\)](#)). In the Prime Minister's speech announcing the state of emergency on 16 March 2020, he justified this step as follows:

A state of emergency is possible when there is an immediate threat to the constitutional order. In this case, the immediate threat was considered to be, in essence, threatening the concept of a welfare state when citizens have a right to health, to health, and that right could, in fact, appear in an absolutely unprotected situation. In this case, the State is obliged to take extraordinary measures to secure that right. (Pashinyan 2020)

The pandemic measures affected the following fundamental rights, freedoms, and key public areas:

- the planned constitutional referendum

- information and press, more precisely limitations on virus-related information dissemination
- assembly, including a ban on demonstrations and strikes and restrictions on any public events including religious ones
- travel and movement, including public transport restrictions
- personal liberty such as lockdown measures, self-isolation orders, and visitor and mail restrictions in certain closed and/or care institutions
- data privacy
- property rights
- on-site education
- economic activity

The Armenian state of emergency declaration from March 16, 2020 refers to the World Health Organization's pandemic declaration on March 13, states an "imminent danger posed to the constitutional order", and justifies the restriction of fundamental freedoms for the sake of protecting lives (*Decree 'On the State of Emergency' Issued by Prime Minister of the Republic of Armenia, Nikol Pashinyan 2020*):

"based on the fact that Article 120 of the Constitution of the Republic of Armenia authorises the Government of the Republic of Armenia to declare a state of emergency in the country in the event of an imminent danger posed to the constitutional order, and the fact that the massive spread of the infection threatens the life and health of people, and such an emergency situation may be an imminent threat posed to the constitutional order, by jeopardising the component of the social state of the constitutional order, prescribed by Article 1 of the Constitution of the Republic of Armenia; and taking into account the constitutional status of the human being as the highest value, prescribed by Article 3 of the Constitution of the Republic of Armenia, which obliges the State to take measures for the protection of the life and health of individuals;

noting that, given the boundaries of the spread of the infection and increase in the number of infected persons, the implementation of appropriate preventive activities and measures and the **protection of the life and health** of persons as a result thereof will not be possible to ensure without **restricting the fundamental rights and freedoms** of the human being and the citizen guaranteed by the Constitution of the Republic of Armenia, in particular, **personal liberty** (Article 27), **right to freedom of movement** (Article 40), **freedom of assembly** (Article 44), **right of ownership** (Article 60), and without temporarily suspending and additionally restricting — as the situation requires and as prescribed by law — other rights and freedoms subject to restriction by the Constitution of the Republic of Armenia during the state of emergency; [...]

To prescribe that the measures and temporary restrictions on the rights and freedoms applied within the framework of the state of emergency shall, taking into consideration **the principle of proportionately**, be applied in the whole territory of the Republic of Armenia or within territories determined by the Commandant's Office. For the purpose of ensuring the implementation of measures and the application of the temporary restrictions on the rights and freedoms within the framework of the state of emergency, the **forces and means of the State authorised bodies of the Police and the National Security** ensuring the legal regime of the state of emergency shall be involved upon the instruction of the **Commandant**."

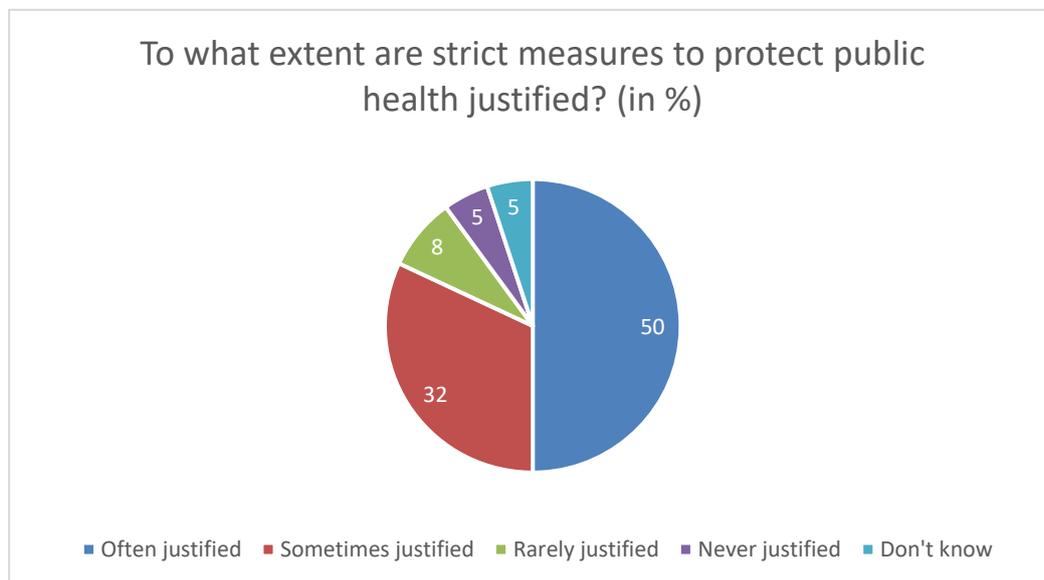
Figure 6: Armenian state of emergency declaration from March 16, 2020

Source: Decree 'On the State of Emergency' Issued by Prime Minister of the Republic of Armenia, Nikol Pashinyan 2020, author's emphasis

In a survey from August 2020, people assessed how, often according to their judgement, human rights violations occurred in Armenia: Referring to the time before April 2018, 10 % said 'always', 14% 'often' and 26% 'sometimes'; the numbers dropped for after April 2018 to 4 % responding 'always', 14% 'often' and 26% 'sometimes' (IRI 2020a). Interestingly, with regard to the pandemic state of emergency, the numbers of those responding 'never' even increased to 79% (compared to 68% for after and 47% for before April 2018), while 12% answered 'sometimes', 5% 'often' and 4% 'always' (IRI 2020a). The top two institutions, according to respondents, in which human rights violations take place are according to 17% of the respondents 'the judicial system' and 12% 'the health system' (IRI 2020a). Half of the respondents agree that the Armenian government does a 'somewhat good job to protect human rights', while 26% even say 'a very good job' and in total only 7% a 'somewhat bad' or 'bad job' (IRI 2020a).

As of June, the great majority agreed with the justification of strict measures in order to protect public health with 74% believing that both the people and the government share responsibility to combat the pandemic (IRI 2020b):

Figure 7: Justification of strict measures to protect public health, June 2020



Source: Author's depiction of survey results from 18-25 June 2020, among 1,517 Armenian citizens (60% response rate) by the Center for Insights in Survey Research, International Republican Institute (IRI 2020b)

With relation to the states of emergency and quarantine, media mostly covered the various applicable restrictions but also other countries' pandemic strategies (Poghosyan 2020) and the ignorance of hygiene and social distancing rules (Elliott 2020d). The legality of measures and pandemic decision-making as well as necessary amendments to the emergency legal provisions were discussed (Ghukasyan 2020e). For example, the media published a statement by three organisations on the draft law on the emergency legal status saying that:

Emergency measures by the state should not depart from the principles of democracy, human rights and the rule of law. The draft contains a number of problematic regulations that create disproportionate and unnecessary restrictions on the protection of personal data, privacy and family life, freedom of communication and privacy rights. [...] The principle of proportionality requires that preference be given to less intrusive solutions, taking into account the specific pursued purpose. The introduction of additional oversight mechanisms could disrupt the entire human rights system and have irreversible consequences for the function of democratic institutions. (Open Society Foundations-Armenia, Peace Dialogue NGO, and Helsinki Citizens' Assembly Vanadzor office 2020)

In comparison to the state of emergency, the state of quarantine from 12 September onwards allowed for more flexible, targeted and also local response to the pandemic situation, as well as for fewer restrictions of peoples' rights – for example, electronic tracking of peoples' locations was discontinued (*JamNews* 2020b). The opposition voiced concern on the new legal regime of quarantine as well as its hasty introduction without much time for parliamentary debate and argued that parliamentary oversight is limited, data privacy and property rights may be violated, and information restriction may be implemented (*Panorama.am* 2020c; Nalbandian 2020a). Whereas parliament may cancel restrictions on citizen rights, such as the ban of protests, under the state of emergency regime, it may not do so under the state of quarantine stipulations (*English Jamnews* 2020)

Table 5: Restrictions under the states of emergency, quarantine, and martial law in Armenia

Introduction	Cumulative Covid cases ⁵	Area	Measures	Lifting
30/02/2020	1	Education	<ul style="list-style-type: none"> One-week closure of all education facilities after the first case was reported in Armenia⁶, one-week re-opening 	02/03/2020
14/03/2020	20	Education	<ul style="list-style-type: none"> Closure of all education facilities (except military education) / distance learning across all ages⁷ 27/04/2020-30/06/2020: Cancellation of final exams and thesis defences in colleges, fourth and ninth grade exams, final twelfth-grade school exams and graduation ceremonies; reduction of student admission exams from 3 to 1 Final university exams possible under hygiene rules / upon university's discretion⁸ Re-opening of kindergartens and pre-schools⁹ (cf. also 22/06/2020) 	14/09/2020 (cf. 27/10/2020) 27/04-30/06/2020 18/05/2020
16/03/2020	45	State of emergency	<p>Declaration of state of emergency due to the SARS-CoV-2 pandemic: 30 days until 14/04/2020¹⁰</p> <ul style="list-style-type: none"> Establishment of Commandant's Office for managing the state of emergency, comprising: <ul style="list-style-type: none"> -Commandant: Deputy Prime Minister of the Republic of Armenia Tigran Avinyan -Ministers of Emergency Situation, Healthcare, Economics, Territorial Administration, and Infrastructures -Heads of the State Revenue Committee, Police, Bureau for Co-ordination of Inspectorates of the Staff of the Prime Minister, Healthcare and Labour Inspectorate, Food Safety Inspectorate -Director of the National Security Service -Deputy Chief of Staff of the Prime Minister 	11/09/2020
		Right to vote/ Referendum	<ul style="list-style-type: none"> Constitutional referendum (originally planned for the beginning of April) indefinitely postponed¹¹ 	
		Freedom of information & press	<ul style="list-style-type: none"> Covid-related health information may only be published based on official reporting; prohibition of publishing "information causing panic or containing risk of creating a panic situation," softening of rules: 24/03/2020¹² 	13/04/2020

⁵ NCDC 2020b⁶ Meister et al. 2020, 7⁷ Toghramadjian 2020⁸ EVN 2020p; EVN 2020e⁹ EVN 2020j; EVN 2020k¹⁰ Armenpress.am 2020; Decree 'On the State of Emergency' Issued by Prime Minister of the Republic of Armenia, Nikol Pashinyan 2020; Elliott 2020a; Iravaban.net 2020¹¹ EaP 2020¹² EaP 2020, EVN 2020b; Lusine Sargsyan 2020

		Freedom of assembly	<ul style="list-style-type: none"> Prohibition of holding, organising, and participating in strikes and assemblies Prohibition of public events (culture, education, sports, recreation, festivities, commemorations, religious events) with more than 20 people, as of 13 August a maximum of 40 people for private events¹³ No more than two passengers (including the driver) to be transported in personal vehicle¹⁴ 	13/08-26/09/2020 02/12/2020
		Freedom of movement & personal liberty	<ul style="list-style-type: none"> People can go out in the immediate vicinity of place of residence, for the purpose of physical exercise or cycling once a day¹⁵ Required upon going outside: ID and written application Procedures, prohibitions and isolation/quarantine rules for people entering and exiting the country and establishment of border checkpoints Visiting ban and prohibition of receiving/sending parcels in penitentiary institutions, social service institutions (elderly, childcare and protection, psychiatry) and military units 	03/05/2020 (cf. 01 & 28/04/2020)
		Property rights	<ul style="list-style-type: none"> Commandant may order the use of any privately /company-owned property, drugs or medical supplies for ensuring the state of emergency with the owner's right to equivalent compensation 	
		Economy	<ul style="list-style-type: none"> Export restrictions of certain goods and restriction of cross-border land and air communication may be applied Suspension of some non-essential economic activities¹⁶ 	
25/03/2020	290	Economy/ businesses	<ul style="list-style-type: none"> Shut-down of enterprises and economy except for medical institutions, infrastructure facilities, banks, pharmacies, supermarkets, smaller grocery shops, and food delivery services; requirement to carry IDs and written statements justifying the reason for visiting these businesses¹⁷ <p>Resuming of selected economic activities:¹⁸</p> <ul style="list-style-type: none"> farming, fishing, outside construction, production of tobacco, cement, construction materials shops for household appliances, some textile factories repair shops, real estate agencies and some other businesses manufacturing of textiles, footwear, furniture, printing; work on the completion of construction projects¹⁹ wholesale and retail trade only in specialised and non-specialised shops and kiosks whereas shopping malls and markets remain closed²⁰ 	04/05/2020 13/04/2020 20/04/2020 23/04/2020 04/05/2020 04/05/2020 04/05/2020

¹³ Eurasianet 2020b; Musheghyan 2020

¹⁴ PwC Armenia 2020

¹⁵ Elliott 2020c; Mejlumyan 2020c; 2020d

¹⁶ EaP 2020

¹⁷ Meister et al. 2020, 7

¹⁸ Decision No 51 of April 22, 2020. Changes and Additions Guided by "State of Emergency in the Republic of Armenia of the Government of the Republic of Armenia 2020 By Decision No. 298-N of March 16, 2020 2020; Elliott 2020c; EVN 2020d; Meister et al. 2020, 7; Mejlumyan 2020c, 2020d

¹⁹ Decision No. 63 of May 3, 2020. Appendix 5. Safety Rules for Work on Construction Sites

²⁰ Decision No. 63 of May 3, 2020. Appendix 6. Safety Rules for Wholesale and Retail in Trade Places and Customer Service 2020

			<ul style="list-style-type: none"> only food, agricultural outlets and pharmacies can operate in shopping centres with restrictions on open-air cafes, restaurants and pubs²¹ zoos, botanical gardens and nature reserves, sports clubs and sports facilities exclusively for professional athletes for training and holding sporting events; personal services²² restaurants/cafes may resume service of customers in their indoor seating areas gyms, open-air historical and cultural sites, cultural groups may resume practices (but only in smaller groups) Some shopping centres reopen²³ <p>General hygiene rules for businesses during the State of Emergency (particularities apply for certain domains²⁴)</p> <ul style="list-style-type: none"> - provide the necessary conditions for workers to regularly wash their hands - ensure workers have access to water, soap, hand sanitiser, face masks and gloves - ensure that those employees who are in direct contact with customers wear face masks - ensure one faucet for every ten employees and trash cans with lids are available - measure employees' temperature at least twice daily, one of which should be done when the employees arrive at work - use chlorine-based or alcohol-based (60-80 percent) disinfectants to disinfect the working space and frequently touched surfaces and objects at least twice daily - ensure that employees are at least two meters apart from one another - employers must limit the number of business trips - ensure that employees have designated lockers to keep their clothes²⁵ 	04/05/2020 14/05/2020 14/05/2020 14/05/2020 18/05/2020
26/03/2020	329	Financial assistance	<ul style="list-style-type: none"> 12 government assistance programs launched for a total of 150 billion Drams (280 million Euro)²⁶ 	
01/04/2020	663	Freedom of movement	National lockdown and stay at home order²⁷	03/05/2020 (cf. 28/04/2020)

²¹ Decision No. 63 of May 3, 2020. Appendix 7. Safety Rules for Public Food Facilities during Covid-19 2020; Decision No. 63 of May 3, 2020. Appendix 8. Safety Rules for Hotels and Similar Accommodations 2020

²² Decision No. 63 of May 3, 2020. Appendix 10. Safety Rules for Sports Facilities 2020; Decision No. 63 of May 3, 2020. Appendix 11. Safety Rules for Hairdressers and Beauty Salons 2020; Decision No. 63 of May 3, 2020. Appendix 12. Safety Rules for the Mining Industry 2020; Decision No. 63 of May 3, 2020. Appendix 13. Safety Rules for Preschool Facilities 2020; Decision No. 63 of May 3, 2020. Appendix 14. Safety Rules for Public Transport 2020; Decision No. 63 of May 3, 2020. Appendix 16. Safety Rules for Areas Not Regulated in Annexes 2-15. 2020; Decision No. 74 of May 14, 2020. Additions and Changes to Paret Decision No 63 of May 3, 2020 2020; EVN 2020g; EVN 2020h

²³ EaP 2020

²⁴ Decision No. 63 of May 3, 2020. Appendix 2. Rules of Work Organization, State Governance and Local Self-Governance Bodies during the Coronavirus Pandemic 2020; Decision No. 63 of May 3, 2020. Appendix 3. Safety Rules for Economic Activity in a Closed Production Area 2020; Decision No. 63 of May 3, 2020. Appendix 4. Safety Rules for Economic Activities in Office Conditions 2020; Decision No. 74 of May 14, 2020. Additions and Changes to Paret Decision No 63 of May 3, 2020 2020

²⁵ EVN 2020c

²⁶ EaP 2020

²⁷ EaP 2020; Elliott 2020c; EVN 2020a; EVN 2020j; EVN 2020k; Lusine Sargsyan 2020; Meister et al. 2020, 7; Mejlumyan 2020c, 2020d; The Government of the Republic of Armenia 2020

			<ul style="list-style-type: none"> • People were required to self-isolate at home; people going to work needed to carry a form from their employer • Suspension of inter-regional transport, upon resuming possibility of closing off infection hotspots • Suspension of public transportation (with the exception of trains and taxis but including the Yerevan subway) and inter-regional transportation) • Prohibition for foreign nationals to enter Armenia 	26/04/2020 18/05/2020 12/08/2020
		Protection of data privacy	<ul style="list-style-type: none"> • Introduction of a bill granting authorities the right to track mobile phone data, access citizens' telephone call and text message history and location data in order to stop the transmission of COVID-19²⁸ • Covid tracing and information app launched on 05/04/2020²⁹ 	11/09/2020
15/04/2020	1159	State of emergency	Extension of the state of emergency: 30 days until 14/05/2020³⁰	11/09/2020
16/04/2020	1201	Freedom of movement	<ul style="list-style-type: none"> • Lockdown of the town of Vardenis: Neither persons nor vehicles allowed to enter or leave³¹ 	28/04/2020
		Financial assistance	<ul style="list-style-type: none"> • 13th government Covid assistance package (welfare payments for vulnerable families) launched for a total of 1.2 billion Drams (2.2 million Euro)³² 	
23/04/2020	1596	Financial assistance	<ul style="list-style-type: none"> • 14th government Covid assistance package (student tuition refunds and interest rate reduction) launched for a total of 1.2 billion Drams (2.2 million Euro)³³ 	
28/04/2020	1932	Freedom of movement	Changes and further lockdown restrictions³⁴ <ul style="list-style-type: none"> • Shopping only within 500m (rural areas: 1km) from residence/workplace • Exercise/cycling /walking only within 1km from residence with max. of 2 adults or family members Required upon going outside: ID and form (paper or app) with purpose for leaving, time, address, destination	03/05/2020
30/04/2020	2148	Financial assistance	<ul style="list-style-type: none"> • 15th government Covid assistance package (temporary job creation program) launched³⁵ 	
04/05/2020	2619	Lockdown lifted	Termination of two-month lockdown and stay at home order, most restrictions eased (cf. left column 03/05/2020)³⁶	

²⁸ Lusine Sargsyan 2020; *The Law of the Republic of Armenia on Making Amendments to the Law On The Legal Regime Of Emergency 2020*

²⁹ EaP 2020

³⁰ *Decision No 51 of April 22, 2020. Changes and Additions Guided by "State of Emergency in the Republic of Armenia of the Government of the Republic of Armenia 2020 By Decision No. 298-N of March 16, 2020 2020*

³¹ EVN 2020c

³² EaP 2020

³³ EaP 2020

³⁴ EVN 2020f

³⁵ EaP 2020

³⁶ Elliott 2020c; Mejlumyan 2020c; 2020d

		Financial assistance	<ul style="list-style-type: none"> 16th government Covid assistance package (utility bill aid) launched³⁷ 	
07/05/2020	3029	Financial assistance	<ul style="list-style-type: none"> 17th government Covid assistance package (grants for entrepreneurs) launched³⁸ 	
09/05/2020	3313	Freedom of assembly	<ul style="list-style-type: none"> One-day closure of Victory Park and Yerablur Military Pantheon, Yerevan, to prevent crowds from gathering to celebrate the victory over Nazi-Germany³⁹ 	09/05/2020
15/05/2020	4283	State of emergency	Extension of the state of emergency: 30 days until 13/06/2020⁴⁰	11/09/2020
18/05/2020	5041	Personal liberty	<ul style="list-style-type: none"> Wearing masks in public (outdoors and indoors) and on public transport is mandatory; violation of this regulation will result in a fine by police⁴¹ <p>Exceptions as of</p> <ul style="list-style-type: none"> 08/07/2020: People with certain illnesses (asthma, chronic obstructive pulmonary disease, emphysema, or bronchitis accompanied with acute respiratory failure, chronic heart failure), who are required to carry a medical document confirming their condition⁴² 14/08/2020: People who are exercising/cycling, people in the countryside and at specific outdoor recreation areas⁴³ 	20/06/2020
		Freedom of movement	<ul style="list-style-type: none"> The village of Areni in the Vayots Dzor Region is in lockdown The village of Zoragyugh of the Gegharkunik region is in lockdown⁴⁴ 	
25/05/2020	7402	Freedom of movement	<ul style="list-style-type: none"> The Sevan community is under lockdown⁴⁵ 	03/06/2020
26/05/2020	7774	Financial assistance	<ul style="list-style-type: none"> 18th government Covid assistance package (salary support for SMEs) launched⁴⁶ 	
		Financial assistance	<ul style="list-style-type: none"> 19th government Covid assistance package (loans for SMEs) launched⁴⁷ 	
14/06/2020	17064	State of	Extension of the state of emergency: 30 days until 13/07/2020	11/09/2020

³⁷ EaP 2020

³⁸ EaP 2020

³⁹ EVN 2020i

⁴⁰ EVN 2020j; EVN 2020k

⁴¹ Decision No. 63 of May 3, 2020. Appendix 11. Safety Rules for Hairdressers and Beauty Salons 2020, 11

⁴² EVN 2020q

⁴³ Hetq 2020j

⁴⁴ EVN 2020l

⁴⁵ WHO 2020

⁴⁶ EaP 2020

⁴⁷ EaP 2020

		emergency		
		Executive competencies	“Until now, police officers were responsible for monitoring the compliance of citizens with the rules and regulations. Moving forward, representatives of other government bodies will also be involved in the process, which will allow the police to significantly increase its capacity” ⁴⁸	
15/06/2020	17489	Financial assistance	<ul style="list-style-type: none"> 21st government Covid assistance package (salary support) approved⁴⁹ 	
17/06/2020	18698	Personal liberties	<ul style="list-style-type: none"> ID required upon going outside (upon violation: 10,000 AMD fine) Fine for not wearing masks where required: 10,000 AMD⁵⁰ 	
18/06/2020	19157	Financial assistance	<ul style="list-style-type: none"> 20th government Covid assistance package (lump sum wage compensation) approved⁵¹ 	
22/06/2020	21006	Education	<ul style="list-style-type: none"> Yerevan Municipality: closure of kindergartens except for 1-2 per administrative district. Children from other kindergartens to be transported to those in operation⁵² 	
25/06/2020	23247	Financial assistance	<ul style="list-style-type: none"> 22nd government Covid assistance package (lump sum compensation to those who lost their jobs) approved⁵³ 	
10/07/2020	31392	MoH competencies	<ul style="list-style-type: none"> “The Government approved the proposed amendments to the Law on the Legal Regime of the State of Emergency, which allows a centralized management of the healthcare system in the event of a State of Emergency (SOE). According to the new legislative initiative during a SOE the Government will be authorized to transfer the management of all medical centres of the Republic of Armenia to the Ministry of Health, regardless of the affiliation and ownership of the medical institutions.”⁵⁴ 	11/09/2020
14/07	33005	State of emergency	Extension of the state of emergency: 30 days until 12/08/2020	11/09/2020
13/08	41299	State of emergency	Extension of the state of emergency: 30 days until 11/09/2020	11/09/2020
12/09	45862	State of quarantine	Declaration of quarantine status: 122 days until 11/01/2021 “It empowers authorities to impose nationwide or local lockdowns, seal off communities hit by coronavirus outbreaks, and close the country’s borders. Public gatherings can also be banned or restricted.” ⁵⁵	11/07/2021

⁴⁸ EVN 2020m⁴⁹ EaP 2020⁵⁰ EVN 2020m⁵¹ EaP 2020⁵² EVN 2020o⁵³ EaP 2020⁵⁴ EVN 2020r⁵⁵ Nalbandian 2020b

		Freedom of assembly	<ul style="list-style-type: none"> Gatherings up to max. 60 people⁵⁶ 	11/01/2020
		Personal liberties	<ul style="list-style-type: none"> Mandatory use of face masks in indoor and outdoor public spaces, also public transportation and taxis but not in personal vehicles (fines upon violation: 10,000 dram); exemptions for children under 6 years, people exercising or riding their bike, people with certain health conditions Social distancing rules A 14-day quarantine may be ordered for those who have had contact with a person who has tested positive for COVID-19; health officials may check for conditions⁵⁷ 	
		Economy	<ul style="list-style-type: none"> Hygiene rules for businesses 	
		Freedom of movement	<ul style="list-style-type: none"> International visitors allowed (quarantine or negative test result), although restricted entry via land border checkpoints⁵⁸ 	
27/09	49574	State of martial law	Declaration of martial law due to military conflict with Azerbaijan⁵⁹ <ul style="list-style-type: none"> State activities operating under the regime of martial law Activation of civil protection plans Shift to wartime composition and structure for the Armed Forces, other troops, and the forces of the state-authorised body of the civil protection and emergency situations Shift of civil protection sub-divisions and rescue forces (under Ministry of Emergency Situations) to full combat readiness for the implementation of civil protection measures and emergency rehabilitation of 	24/03/2021
		Freedom of information & press	<ul style="list-style-type: none"> Information on combat and related activities may only be published based on official information 	
		Freedom of assembly	<ul style="list-style-type: none"> Prohibition of strikes and assemblies 	02/12/2020
		Personal liberties	<ul style="list-style-type: none"> General mobilisation 	
16/10/2020	63000		Health advice by Ministry of Health⁶⁰ <ul style="list-style-type: none"> Work from home if possible, especially for people with higher risk factors “conscious, voluntary lockdown”: abstain from social activities, restaurant visits, birthday parties, allowing children to play outside 	
27/10/2020	82651	Education	<ul style="list-style-type: none"> Two-week extension of fall break with distance-learning exceptions for 12th graders⁶¹ 	12/11/2020

⁵⁶ US Embassy to Armenia 2020

⁵⁷ US Embassy to Armenia 2020

⁵⁸ Ministry of Foreign Affairs of the Republic of Armenia 2020

⁵⁹ *Decision of the Government of the Republic of Armenia on Declaring Martial Law in the Republic of Armenia 2020*; Dergalin 2020; Ghazanchyan 2020d; *MassisPost* 2020f; *English Jamnews* 2021

⁶⁰ WHO 2020

⁶¹ *Armenpress* 2020t; *Armenpress* 2020ak, 7

			Resumption of in-person learning (universities still in distance learning) <ul style="list-style-type: none"> Elementary schools Middle and high schools 	12/11/2020 07/12/2020
09/11	108607		Conclusion of Russia-brokered peace agreement between Armenia and Azerbaijan ⁶² <ul style="list-style-type: none"> Complete ceasefire, stationing of Russian peacekeepers along Lachin corridor Armenia handing over to Azerbaijan the following regions: Aghdam, Gazakh, Kelbajar, Lachin New road along the Lachin corridor (guarded by Russian peacekeepers) to connect Armenia with Stepanakert Return of internally displaced people and refugees to the territory of Nagorno-Karabakh Exchange of prisoners of war and bodies of deceased Unblocking economic and transport links, new transport links between the Nakhichevan Autonomous Republic and the western regions of Azerbaijan 	
11/01/21	162643	State of quarantine	Extension of quarantine status: 180 days until 11/07/2021 ⁶³ <ul style="list-style-type: none"> Restrictions on public events (indoors and outdoors lifted) 	11/07/2021

Sources: Author's compilation (cf. footnotes for references)

⁶² Aljazeera 2020a; Civilnet 2020d

⁶³ Ghazanchyan 2021

3.3.2 Limitations of the freedoms of information and press

In the subject area of information and press, media articles covered **media restrictions** under state of emergency stipulations, a suggested law on environmental information restriction, the issue of fake news, and with reference to the violent conflict between Armenia and Azerbaijan, media violations under the martial law provisions.

Simultaneously with the state of emergency stipulations on 16th March, the dissemination of information was restricted for a month in the sense that “media outlets are prohibited from publishing other than official information on the spread of the novel coronavirus” and “Individuals found spreading false information over the social websites on the virus will also be found in violation of the state of emergency” (Ghukasyan 2020b).

Figure 8: Media restrictions in the State of Emergency Declaration of 16th March 2020

“VII. PROHIBITIONS OF SEPERATE PUBLICATIONS, REPORTS THROUGH THE MASS MEDIA

23. Public dissemination, transfer of publications, information materials, interviews, reports (hereinafter referred to as “report”) on the current and new cases of infection having had in the Republic of Armenia, as well as outside the Republic of Armenia, state of health of persons, sources of infection, scope of other persons having contacted with already infected or potentially infected persons, number of persons undergoing examination (infection testing) and those having been isolated, as well as on the information causing panic or containing risk of creating a panic situation, including in the form of their publication on the internet websites and social networks, shall be carried out by natural and legal persons, including the mass media, exclusively by making reference to the information provided by the Commandant's Office (hereinafter referred to as “official information”).

24. The reports envisaged by point 23 of this Procedure must not contradict the official information and shall reproduce it as far as possible.

25. The restrictions prescribed by this Chapter shall not be applied to the reports made by state officials or the references made to their reports.

26. Reports made in violation of the provisions prescribed by this Chapter shall be subject to immediate removal by persons having made them.”

Source: Decree ‘On the State of Emergency’ Issued by Prime Minister of the Republic of Armenia, Nikol Pashinyan 2020

According to Deputy Justice Minister Vahe Danielyan this covers panic provoking content, health status information of those infected, and the scope of contact etc. (Ghukasyan 2020b). Prime Minister Pashinyan reportedly interpreted this as follows: “There are strict restrictions on the dissemination of information, this is solely related to coronavirus and does not mean that any critical publication of the government's work will be avoided. The restriction applies only to the dissemination of information related to the virus” (Ghukasyan 2020a). The police were granted authority to monitor restrictions and order the removal of content in case of violation and violators are subject to administrative liability and fines up to 500,000-800,000 drams (\$1,000-\$1,600) (Ghukasyan 2020b; Balasanyan 2020a). On March 23rd, the maximum fine was lowered 300,000 drams (\$ 600), however, if content is not deleted as ordered within 24 hours fines can be higher (\$ 1000-2000) (*JamNews* 2020a). According to one article, “Opposition politicians, civic activists and journalists were quick to decry this provision, saying

that it legalizes censorship and puts unnecessary curbs on press freedom in the country” (*Azattyun* 2020a). Among others, the president of the Yerevan Press Club (YPC) raised concern on the proportionality of these measures and the Chair of Yerevan State University’s Department of Civil Procedure argued that a state of emergency allows for constitutional rights restrictions, yet that the term “panic-mongering” leaves much room for subjective interpretation (Balasanyan 2020a). International criticism was also voiced over the freedom of press restrictions, among others, by the OSCE Representative on Freedom of the Media, Reporters Without Borders, and the Advocates for Human Rights together with the Women’s Resource Center Armenia (van den Brandt 2020; Mejlumyan 2020a; Advocates for Human Rights and Women’s Resource Center Armenia 2020). Global calls for guarding the freedom of press, such as by the Council of Europe and the Association of European Journalists were also reported in Armenian media (‘Council of Europe Chief Says Governments Must Not Use COVID Crisis to Silence Journalists’ 2020; *News.am* 2020a; Gadarigian 2020). Media also informed about a report by the US Library of Congress of Covid-related press restriction in several countries, among them Armenia (*News.am* 2020c; The Law Library of Congress 2020). According to a report published by the Council of Europe, a total of 22 media outlets had to take down content based on the state of emergency press restrictions (Noorlander 2020, 6). Media reporting on particular instances is summarised in information box to the right.

The media restrictions from March 16 were relatively quickly eased again on March 25 (*Hetq* 2020c). While the earlier version applied to broadcasters as well as social media posts by private individuals, the revisions exempt the latter from fines

Hetq, Eurasianet and several physicians reported enforced **content removals** based on the allegation of panic creation:

- A Hraparak article, which the newspaper withdrew, on the complaints of prisoners concerning the ban of receiving parcels from family (Balasanyan 2020a)
- Aravot had to edit an article on the non-disclosure of Covid-19 infection cases in Russia (Balasanyan 2020a)
- A Facebook post by the journalist Marine Kharatyan on a company demanding their employees to show up at work even if they had a fever; the police requested deletion (Mejlumyan 2020)
- Deletion order of CNN citation by Armenian Public Television that “people were dying of coronavirus at the rate of one death every 10 minutes” (Mejlumyan 2020)
- Deletion of Facebook post by the doctor Artavazd Sahakyan demanding the government, in light of the crowded streets, to ensure social distancing (Mejlumyan 2020)
- Deletion of health advice and calls for drastic measures by several physicians and also a filmmaker for quoting Euronews content on night burials in Italy (Balasanyan 2020b)
- 168.am, Armday.am, Tert.am and FactInfo had to remove content, e.g. on a patient complaining about improper treatment (Balasanyan 2020b)

Hetq reported **hindrance of press** coverage:

- Following a message about the allegedly poor condition of a provincial medical facility, Hetq attempted to report and take photos of equipment and the wards (Balasanyan 2020b). Hetq was denied access by the hospital’s director, which prompted the reporters to contact the provincial government and national government’s press department, however, without receiving support for their inquiry (Balasanyan 2020b). Hetq also reports instances where the Ministry of Health did not reply to or delay response to press inquiries and questions, which was explained by Covid-related capacity shortage in the press department (Baghdasaryan 2020).

(Azatutyun 2020a). Journalistic organisations criticised vagueness concerning “the authority empowered to provide official information or commentary to the media on behalf of State of Emergency Command” and the “procedure for providing the requested information to the media within a reasonable time” (*Hetq* 2020c; cf. also *Hetq* 2020d). While prolonging the state of emergency mid-April, the media restrictions were not extended (Doychinova 2020). At the end of June, the Prime Minister is quoted elaborating on what he perceives as negative consequences of lifting the media restrictions and politically motivated media influences:

Let us look at it from a different point of view in order to understand the level of freedom of speech and the way it works in Armenia. At today’s cabinet meeting, I had the opportunity to note that in compliance with your criticism, the Human Rights Defender’s appeals, we lifted the restrictions on freedom of speech during the state of emergency considering that after all it was matter of national importance. But look at what happened next. And one of the main reasons behind the current situation is that we were wrong to comply with your request. While we are not going to give up on that, we must state that the forces that spread stench are pushing people to death. After all, the forces that spread the stench believe that the more people in Armenia become infected with the coronavirus, the more people will die, the higher their chances of speaking. They keep talking about newspapers. Yes, we have declared that political parties, media outlets and non-governmental organizations should be 100% transparent in the Republic of Armenia, so that the so-called former presidents could not use their stolen money to finance battalions of “fakes” and other media outlets by waging a hybrid war against the people of Armenia. (*Aravot* 2020c)

Mid-June, the Freedom of Information Centre Armenia published a statement according to which a group of journalists, in a scuffle among supporters awaiting the opposition leader Gagik Tsarukyan after his interrogation, found themselves surrounded, hindered, and not protected by police forces (FOI 2020). According to the monitoring of the Committee to Protect Freedom of Expression (CPFE 2020), 131 cases of pressure on media outlets and their personnel, 81 violations of the right to receive and disseminate information, and 2 cases of physical violence against journalists with a total of 6 injured were recorded for the period between January to September 2020.

Additionally, the “Law on Electronic Communication” allows the government to take control electronic communication network and services during a state of emergency (Freedom House 2020c). Concern was also raised on a suggested draft law allowing authorities to withhold environment-related information – critics fear it affects the freedom of information and may be used to push through contested mining projects during a time during of pandemic state of emergency (Mejlumyan 2020b). Civil society organisations also criticised a number of content points, as well as the adoption of the law during a time where reporting and protest activities were limited (Chakryan 2020; FOICA 2020).

The other side of the story is the question of how to deal with the spread of false information. This has already been a pre-pandemic point of discussion, including with regard to the country’s transitioning challenges in the area of public discourse and fake news as “political tool” (*Eurasianet* 2020a). As of June 2020, 62% agreed that they receive daily or several times a week misleading or false information regarding the coronavirus (IRI 2020b). Besides the above-mentioned information restrictions, the Armenian government addressed the much-debated challenges of the Covid infodemic also through proactive information politics, e.g. via the Armenian Unified Infocenter Facebook page, the website by the National Center for Disease Control and other governmental websites, as well as daily press conferences by the unified information centre of the government’s press department at 12 pm, 4 pm

and 8 pm to be broadcasted on public TV and the government's YouTube channel (Bell 2020, 4; NCDC 2020a; Voskerchyan 2020). Looking into the media debates, one article from mid-March discusses disinformation, fake news, conspiracy theories, and propaganda based on the history of such narratives in Armenia including references to certain values, Russian influence, and campaigns by those in power prior to the current government – however, a direct link to the pandemic is not made (The Armenian Institute of International and Security Affairs (AIISA) 2020). In relation to information-seeking on widely used social platforms, the argument is made that “The spread of false news is seen as a threat to the very foundations of democracy, where every individual has the right to receive accurate and transparent information from the mass media” (*MassisPost* 2020c). The difficulty of countering false information is discussed and the importance of public information literacy is underlined (*MassisPost* 2020c). Prime Minister Pashinyan is quoted saying that former oligarchic and corrupt circles “rely on media manipulations and spread false information aimed at sowing distrust towards the government and blur the efforts aimed at struggling against the coronavirus pandemic.” (Armenpress 2020). A statement, repeated on a media website, from Armenia's Foreign Minister Zohrab Mnatsakanyan reads:

The Infodemic that accompanies the COVID-19 pandemic is a real threat not only for democratic institutions but for public health and security. Numerous instances of unjustified restrictions or denial of access to essential information on the spread of the disease in various parts of the world are concerning. At the same time, where free media is strong, the recognition of the free media as public value and public service is a compelling means of instilling conscious public collective action in addressing risks. Therefore, free media should also insist on the requisite of responsibility. Fight against COVID-19 amplifies this condition.

The Government of Armenia is resolutely determined in maintaining and guaranteeing strong grounds for people to exercise their right to free expression and freedom of speech. Meantime, the dissemination of misinformation, fake news are among the major threats to ensuring the realization of the constitutional rights of persons to have access to reliable and factual information. (Mnatsakanyan 2020)

EVN notes the challenges of Armenia's generally polarised political discourse playing also a role in the pandemic:

Armenia's politically polarized information space, already rife with anti-government disinformation, has been inundated by conspiracy theories related to the pandemic. COVID-19-related disinformation in Armenia has been shown to be promoted by; moreover anti-vaccine disinformation originating from American websites is also being translated and disseminated. (Avedissian 2020)

Media also informed about the means through which fake news is spread (Stepanyan 2020). Another widely covered story was the case of the website “Medmedia.am”, which is owned by the NGO “Armenian Association of Young Doctors” and supported via a grant for democracy and transparency promotion by the US Embassy in Armenia (Fip 2020; T. Hovhannisyan 2020a; 2020b; Kirchgaessner and Roth 2020; MAMUL.am 2020a; *MassisPost* 2020d; Opendemocracy.net 2020; *Mirror-Spectator* 2020). The “Armenian National Health Council”, founded by the same person as the NGO, received also funding sub-granted by an NGO and provided by the European Union “to unite Armenian civil society organisations and enhance their influence over the public policy process” (T. Hovhannisyan 2020a). The website spread false Covid-related information and conspiracies in Armenia, e.g. claims Covid

vaccines were to be prepared as biological weapons (Fip 2020). The Armenian Health Minister Arsen Torosyan was quoted as saying: “if the anti-vax campaign continues at the same pace, Armenia will criminalize it” (T. Hovhannisyanyan 2020a). A statement by the website’s initiator was published as well, including his site of the story and announcing that the US-funded project “Reducing Corruption Risks in the Healthcare Sector through Strengthening Sector CSOs and Promoting Public Control” has ended (G. Grigoryan 2020).

With the declaration of martial law on September 27 2020, in relation to the violent outbreak of the conflict Armenia and Azerbaijan, Armenia imposed new restrictions on media and the freedom of expression that may be “threat to the security of the state” (*European Federation of Journalists* 2020).

Figure 9: Media restrictions in the State of Martial Law Declaration of 27th September 2020

“IV. RESTRICTIONS ON THE PUBLICATIONS AND REPORTS

9. Public dissemination, transmission of publications, information materials, interviews, reports about the combat operations taking place in the Republic of Armenia and the Republic of Artsakh, their directions, the movement of combat equipment, losses and damages caused as a result of combat operations, and other information directly related thereto (hereinafter altogether referred to as “reports”), including in the form of their publications on Internet websites and social networks (hereinafter referred to as “publications”) shall be done exclusively with reference to the official information provided by state bodies (hereinafter referred to as “official information”), by fully reflecting the official information (without editing).

10. The restrictions prescribed by this Chapter shall not be imposed on the reports made by state officials or references made to their reports.”

Source: *Decision of the Government of the Republic of Armenia on Declaring Martial Law in the Republic of Armenia* 2020

Comparatively, a similar approach was chosen as under the pandemic state of emergency, according to which certain information may only be published based on official government information. Until 11 October 2020, 14 violations were registered (*Civilnet* 2020b). The number of prohibited publications more than doubled on the following day which were answered with administrative procedures and fines (*Civilnet* 2020c). Further obstacles faced by journalists included their personal safety during the war actions: Reporters without Borders commented on the targeting of the press and stated that at least seven journalists had been injured as of November 6th (RSF 2020d). Also in the virtual realm, media and people found themselves in what some have described an “online war” of information (*Armenpress* 2020at; *Eurasianet* 2020c; Mirovalev 2020; *News.am* 2020d), which stretched far beyond the borders of Armenia and Azerbaijan and encompassed apologies for biased statements on the conflict by a global brand such as Burger King and celebrities (*RT International* 2020; *Armenpress* 2020u). One article critically engages with the „information vacuum“ during the war (Sarukhanyan 2021):

As a result, a large segment of the public, both lacking and possessing basic media literacy, was obsessed with swallowing pleasant lies. Many ignored the publications and statements of independent journalists with years of war coverage experience. Those who dared to reveal the truth amidst the war propaganda were slandered. In short order, however, the slogans of ‘victory’ and ‘we will win’ were turned upside down. The new reality was ‘we lost’. (Sarukhanyan 2021)

During the post-war anti-government protests, there were isolated instances reported in which police prevented media work and on 8 December the media representative Gegham Manukyan, director at the ARF-affiliated Yerkir Media TV, was forced in a police car and released shortly after (Aysor 2020c; Hovsepyan 2020d). The police claimed that this happened by accident whereas the European Federation of Journalists and the Union of Journalists of Armenia called for an investigation; the latter referring to the “intolerant attitude of the authorities towards the press” (Aysor 2020c).

3.3.3 Protest activities and bans under the emergency regime

Up until the agreement on terminating the war actions between Azerbaijan and Armenia, protests and demonstrations have been mentioned only in isolated instances, presumably also because they were prohibited under the state of emergency stipulations from 16 March to 12 August, 2020 (cf. Table 1). Until the end of the state of emergency on 11 September and under the state of quarantine stipulations, strikes and rallies were permitted again, however, only if wearing masks and adhering to social distancing measures (EVN 2020s; Musheghyan 2020).

Figure 10: Restrictions on protest in the State of Emergency Declaration of 16th March 2020

“IV. RESTRICTIONS AND PROHIBITIONS ON ASSEMBLIES AND PUBLIC EVENTS

16. Organising and holding assemblies and strikes as well as participating therein shall be prohibited in the whole territory of the Republic of Armenia.

17. Organising, holding and participating in public events in the territories prescribed by the decision of the Commandant shall be prohibited. Within the meaning of this point, public events shall be the following events with the participation of 20 and more persons:

- (1) concerts, exhibits, shows, theatrical performances and other sports, cultural, educational events;
- (2) recreational events;
- (3) festive and commemorative events, including, but not limited to birthday (anniversary), wedding (engagement), burial events;
- (4) other events qualified as public events upon the instruction of the Commandant.”

Source: Decree ‘On the State of Emergency’ Issued by Prime Minister of the Republic of Armenia, Nikol Pashinyan 2020

In July, media reported on a virtual meeting of the Armenian Human Rights Defender and civil society organisations to discuss the “Freedom of Assembly Under Coronavirus State of Emergency Restrictions” whereas the latter criticised the absoluteness of bans on the freedom of assembly and pointed to friction between people and the police (Hetq 2020i). Some of the reported issues of contention and protest included the following:

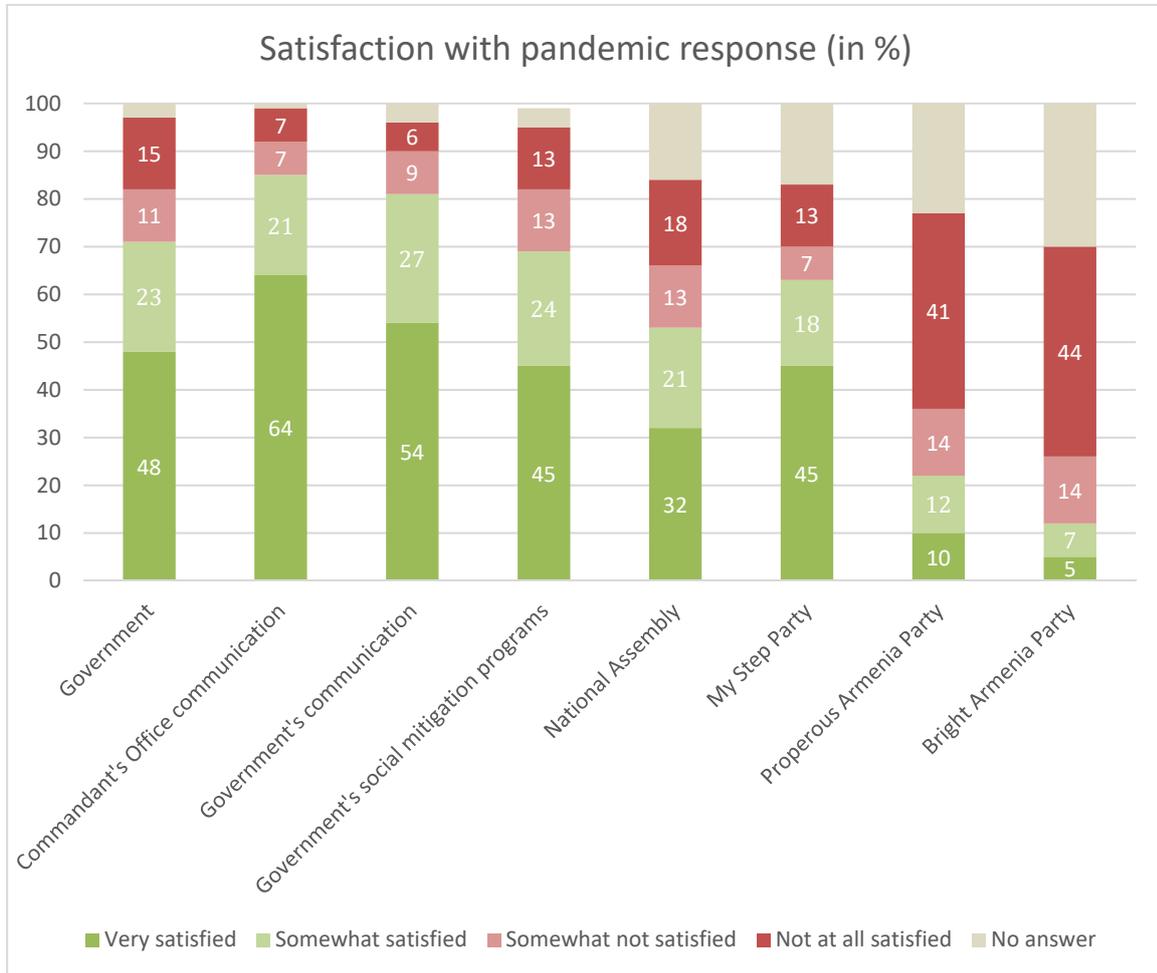
- 10 June 2020: 30 locals protested in Yerevan city centre against the demolition of a historic building (CIVICUS 2020b)
- 4 June 2020: In front of the US Embassy in Yerevan, a small Black Lives Matter protest took place (Elliott 2020e).
- 14 June 2020: Rally against the legal prosecution of opposition party leader Gagik Tsarukyan (cf. below Constitutional Court and judicial investigations) by his supporters who claim that political motivation and a connection to the politician’s criticism of governments pandemic management (CIVICUS 2020b). Due to violating the ban of rallies under the state of emergency

regime and violations of social distance, the police arrested 252 protestors (*Interpress News* 2020). The Human Rights Defender's Office announced speedy response and visits of those having been arrested (*Hetq* 2020g). The Prosperous Armenia Party stated that it would consider an application to the Constitutional Court concerning the prohibition of rallies during the state of emergency (EVN 2020n).

- August 2020: Environmental activists and opponents picked up their pre-pandemic protest against the Amulsar Mine (Khulian 2020). On the 4th of August 2020, 10 out of reportedly 200 protestors, blocking a road, and 4 employees of the mining company "Lydian Armenia" were arrested by the police (Martirosyan 2020a; 2020b). Other detentions of protestors, while referring to pandemic rules, were reported as well (N. Khachatryan 2020).
- 15 September 2020: University students protested for partial reimbursement of their tuition fees due to pandemic-related income loss (*Panorama.am* 2020d).
- 16 September 2020: The Armenian Youth Federation, the youth wing of the party Armenian Revolutionary Federation's (ARF), demonstrated against an educational reform that would imply more freedom on subject choice in higher education by taking Armenian language and history from the list of mandatory subjects (Elliott 2020i). An opposition-led "no confidence motion" concerning the Minister of Education, Science, Culture, Sport Arayik Harutyunyan was not approved by parliament (Armenpress 2020q).
- 23 September 2020: Armenian migrant workers held a hunger strike because they are not permitted to return to their workplaces in Russia due to Russia's Covid-related entry regulations (*JamNews* 2020c).

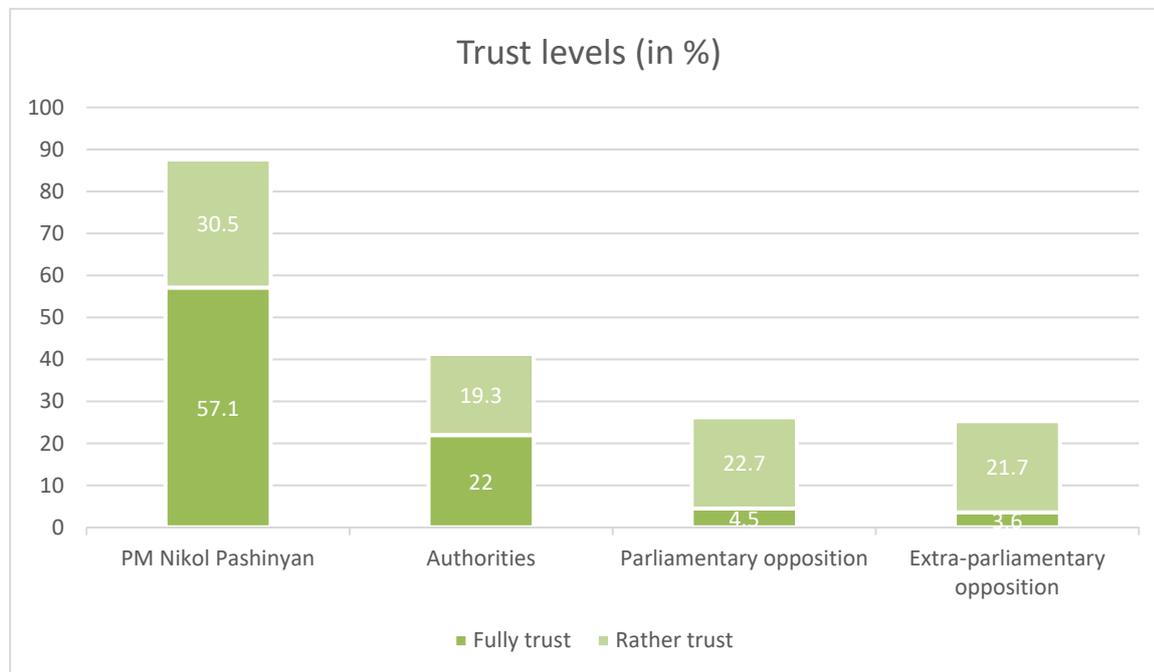
A couple of months into the pandemic during the time of Armenia experiencing the first wave's peak, two surveys indicate very high trust and approval rates the first post-Velvet Revolution Prime Minister in office, Nikol Pashinyan (84% very or somewhat favourable) and comparatively low trust and satisfaction with the opposition:

Figure 11: Satisfaction with political pandemic response, June 2020



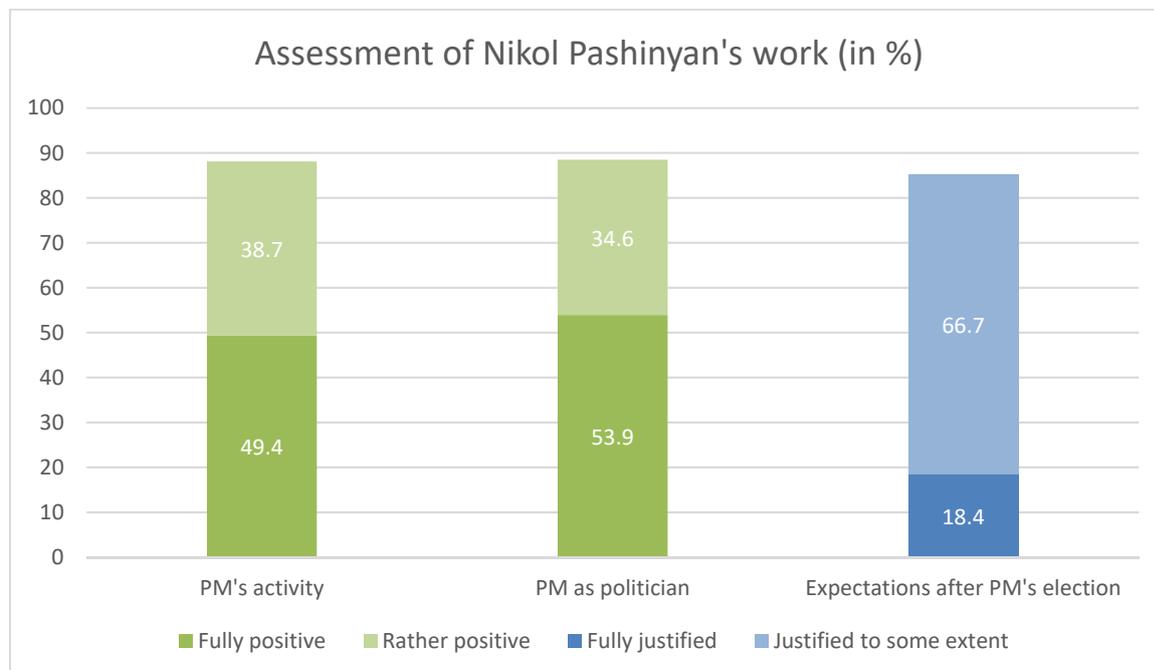
Source: Author's depiction of survey results from 18-25 June 2020 among 1,517 Armenian citizens (60% response rate) by the Center for Insights in Survey Research, International Republican Institute (IRI 2020b)

Figure 12: Trust towards political actors, June 2020



Source: Author's depiction of survey results from 10-27 June 2020 among 1,002 Armenian citizens by MPG LLC, Gallup International Association, as reported by Armenpress (Shoghikyan 2020a)

Figure 13: Assessment of the Prime Minister's performance, June 2020



Source: Author's depiction of survey results from 10-27 June 2020 among 1,002 Armenian citizens by MPG LLC, Gallup International Association, as reported by Armenpress (Shoghikyan 2020b)

From 27th September to 2nd December, the state of martial law prohibited for the whole country of Armenia "Organising, holding and participating in assemblies and strikes" (*Decision of the Government*

of the Republic of Armenia on Declaring Martial Law in the Republic of Armenia 2020; *MassisPost* 2020f). During the war, some protests were reported such as in front of the German Embassy and the United Nations office in Yerevan to demand a more active role in the conflict situation (Muradyan 2020a; A. Sargsyan and Muradyan 2020).

From the 9th of November 2020 onwards, however, an opposition-led protest movement, the Homeland Salvation Movement (*Armenpress* 2020ao), developed: Late in the night, Prime Minister Nikol Pashinyan signed an agreement to end six weeks of fighting with Azerbaijan, which caught many Armenians by total surprise (Cookman 2020). As a response, protesters went to the streets and some stormed the government's headquarters and the parliament where the speaker of the parliament Ararat Mirzoyan was beaten up and injured (Cookman 2020; *Armenpress* 2020w). Criminal investigations were initiated accordingly (*Verelq* 2020g). For the 11th of November, the Council of 17 Parties called for a rally at Freedom Square (*168.am* 2020c) where reportedly several thousand protestors gathered, despite martial law stipulations forbidding any public assemblies (*Armenpress* 2020y), and called for the Prime Minister's resignation (Roth 2020). The police arrested 129 protestors of whom 41 were released a few hours later (*Armenpress* 2020x). Demonstrations, and some arrests, continued the next few days (Demourian 2020a; *Armenpress* 2020ab; *Hetq* 2020k), including in front of the UN office and Council of Europe offices, as well as the French, Russian and US embassies (*Hetq* 2020l).

Upon being forced to abandon their homes in the territories to be handed over to Azerbaijan, pictures of people burning their houses and farms circulated around the world (*Deutsche Welle* 2020a; Majeed 2020; *News.am* 2020j; *The Organization for World Peace* 2020). While demonstrations against the Prime Minister carried on, pro-Pashinyan rallies also took place (*Armenpress* 2020ah). Along with the call for the Prime Minister's resignation, the opposition parties Prosperous Armenia and Bright Armenia parliamentary factions demanded the state of martial law be lifted (Avedian 2020a; *Armenpress* 2020ag). The Council of 17 parties argued that the continuation of martial law after the ending of the war hostilities is unacceptable and demanded the right of free expression and peaceful assembly as well as ending "political persecution" be allowed (*Verelq* 2020f). On 26 November, protestors demanded the termination of the prevailing state of martial law which, however, was voted down in parliament on that day, but lifted the ban on strikes and rallies a week later (*Devdiscourse* 2020; Ghazanchyan 2020c; *MassisPost* 2020f).

From 22nd November onwards, some members of the Armenian Revolutionary Federation Armenia and the former Constitutional court judge Kim Balayan went on hunger strike (*Asbarez.com* 2020b; Mamulyan 2020f). After a conversation with Catholicos Garegin II on December 1st, they declared an end to their hunger strike and a continuation of their struggle in other ways (Mamulyan 2020g). On 30 November, opposition activists report that they have been attacked during a protest and some protestors blocking a road were arrested by the police (*News.am* 2020i; *TASS* 2020c). Another rather large protest with reportedly 20,00 participants took place on December 5 (Hovsepyan 2020b; *France 24* 2020a). The ultimatum for stepping back, set by the protestors for 8 December, was not met by the Prime Minister – subsequently the organisers called for civil disobedience (*Armenpress* 2020ap; *Armenpress* 2020ao; Associated Press 2020; Avedian 2020b; *Civilnet* 2020e; Ghazaryan 2020b; Hovsepyan 2020c; Khojoyan 2020). On 19 December, Nikol Pashinyan led a march of mourning for those fallen in the war, which was attended by thousands of people (*Aljazeera* 2020b). This was followed by a march of 20,000 opposition supporters (*Aljazeera* 2020b).

The following table indicates that protests took place almost daily:

Table 6: Summary of anti-government protests (9 November - 31 December, 2020)

Date in 2020	Protest details	Reported arrests	Sources
09/11	Conclusion of agreement to end the war, storming of parliament and government headquarters, speaker of the parliament Ararat Mirzoyan beaten up		(Cookman 2020; <i>Armenpress</i> 2020w)
10/11	Hundreds of anti-government protestors		(<i>Armenpress</i> 2020w)
11/11	Several thousand anti-government protestors	129, among them Gagik Tsarukyan, leader of the opposition's Prosperous Armenia Party	(<i>Armenpress</i> 2020y; <i>Armenpress</i> 2020x; Mamulyan 2020b)
12/11	Anti-government protest	Some	(<i>Armenpress</i> 2020aa)
13/11	Anti-government protest		(Muradyan 2020b)
14/11	March of mourning		(<i>JamNews</i> 2020d)
16/11	Anti-government protest		(<i>Armenpress</i> 2020ae)
18/11	Pro- and anti-government rallies (the PM asked his supporters to stop the rally)		(<i>Armenpress</i> 2020ah)
19/11	Minibus forced its way through anti-government protestors blocking the road	More than 24	(<i>JamNews</i> 2020e)
20/11	Anti-government protest	25	(Hovsepian 2020a; <i>Verelq</i> 2020h)
21/11	Several thousand anti-government protestors		(<i>Asbarez.com</i> 2020c)
23/11	Launch of anti-government hunger strike		(<i>Asbarez.com</i> 2020b)
26/11	Anti-government protest		(<i>Devdiscourse</i> 2020)
30/11	Opposition reported having been attacked during the anti-government protest	Some	(<i>News.am</i> 2020i; TASS 2020c)
01/12	End of anti-government hunger strike	35	(<i>Asbarez.com</i> 2020d; Mamulyan 2020g)
02/12	Lifting of martial law restrictions forbidding strikes and protests, some 4,000 anti-government protestors		(Demourian 2020b)
03/12	Hundreds of anti-government protestors	Dozens	(<i>Panorama.am</i> 2020e; <i>News Today</i> 2020; <i>WHBL</i> 2020)
04/12	Hundreds of anti-government protestors		(<i>WHBL</i> 2020)
05/12	Over 20,000 protestors		(Hovsepian 2020b; <i>France 24</i> 2020a)
08/12	Protestor's ultimatum for PM's resignation ceased, civil disobedience campaign, creation of the National Movement for the Salvation of the Homeland, shut down of Yerevan Metro due to protest actions, PM supporters also held a rally	34, including ARF official Gegham Manukyan and a reporter (the latter being released shortly after)	(<i>Armenpress</i> 2020ap; <i>Armenpress</i> 2020ao; Associated Press 2020; Avedian 2020b; <i>Aysor</i> 2020c; <i>Civilnet</i> 2020e; Ghazaryan 2020b; Hovsepian 2020c; Khojoyan 2020)
09/12	Anti-government protest		(<i>Armenpress</i> 2020aq)
10/12	Anti-government protest		(Baghdasaryan 2020)
11/12	One police officer and a protestor hospitalised after injuries, anti-government protest	Leader of the Armenian Revolutionary Federation party, Ishkhan Sagatelyan, and others	(Aleksanyan 2020; <i>Armenpress</i> 2020ar; TASS 2020d)

14/12	Anti-government protest		(<i>Armenpress</i> 2020as)
15/12	Anti-government protest		(<i>Armenpress</i> 2020au)
16/12	Anti-government protest		(<i>Armenpress</i> 2020av)
17/12	Anti-government protest		(<i>Armenpress</i> 2020aw)
19/12	20,000 anti-government protestors, additionally march of mourning led by PM with thousands of people		(<i>Aljazeera</i> 2020b)
21/12	Blocking of Syunik region roads to prevent PM from visiting several cities	Goris mayor Arushan Arushanyan	(<i>The Guardian</i> 2020)
22/12	25,000 anti-government protestors, opposition calls for national strike		(<i>France 24</i> 2020b; <i>Deutsche Welle</i> 2020b; <i>Reuters</i> 2020)
23/12	Anti-government protest		(<i>Armenpress</i> 2020az)
24/12	Thousands of anti-government protestors, five people injured by police forces	69	(<i>Panorama.am</i> 2020g; <i>Hetq.am</i> 2020)
25/12	Anti-government protest	2 members of the opposition Homeland Party: Babken Harutyunyan and Arsen Nikoghosyan	(<i>Panorama.am</i> 2020h; <i>Armenpress</i> 2020ba)
28/12	Anti-government protest	8	(<i>TASS</i> 2020f; <i>Tasnim News Agency</i> 2020)

Sources: Author's compilation (cf. right column for references)

Several opposition politicians were arrested in the course of the protests, among them, Gagik Tsarukyan, leader of the opposition's Prosperous Armenia Party and one of the protest's organisers, along with other politicians and officials (*TASS* 2020a; *Armenpress* 2020z). Gagik Tsarukyan claimed that he was politically persecuted for criticising the government's war politics and the Yerevan Court ruled that his arrest was illegal (Mamulyan 2020b; 2020c). Some media strongly criticised the restrictions on the freedom of expression:

The suppression of freedoms such as press and speech have been seen numerous times throughout Pashinyan's two and a half years in office. Most notably this past week, there were the arrests of ARF Supreme Council of Armenia member Artsvik Minasyan, Arsen Babayan of the Homeland Party and Ara Hakobyan of the National Agenda party, ARF Supreme Council of Armenia chairman Ishkhan Saghatelyan, ARF Supreme Council of Armenia member and editor of Yerkir Media Gegham Manukyan, Homeland Party chairman Artur Vanetsyan, Prosperous Armenia Party chairman Gagik Tsarukyan and leader of the Republican Party of Armenia Edward Sharmazanov. Clearly arrests were targeted against all opposition parties in an effort to suppress their right to critique the decisions undertaken by Pashinyan. (Arshaguni and Tashian 2020)

As Hetq reports on 18 November, 11 opposition politicians have been charged in a Special Investigative Service case on the rallies of 11 November (Mamulyan 2020d). At his re-arrest, Artur Vanetsyan's lawyers "labelled the arrest and search further proof of a wave of political and anti-nationalist persecution in Armenia" (*Hetq* 2020m). The criminal code charges against the politicians Arthur Ghazinyan, Eduard Sharmazanov and Arsen Babayan referred to Article 255 on the "Organization of mass disorder, accompanied with violence, pogroms, arson, destruction or damage to property, using fire-arms, explosives or explosive devices, or by armed resistance to the representative of the authorities" (Mamulyan 2020e). A judicial investigation was also initiated against former Chief of the

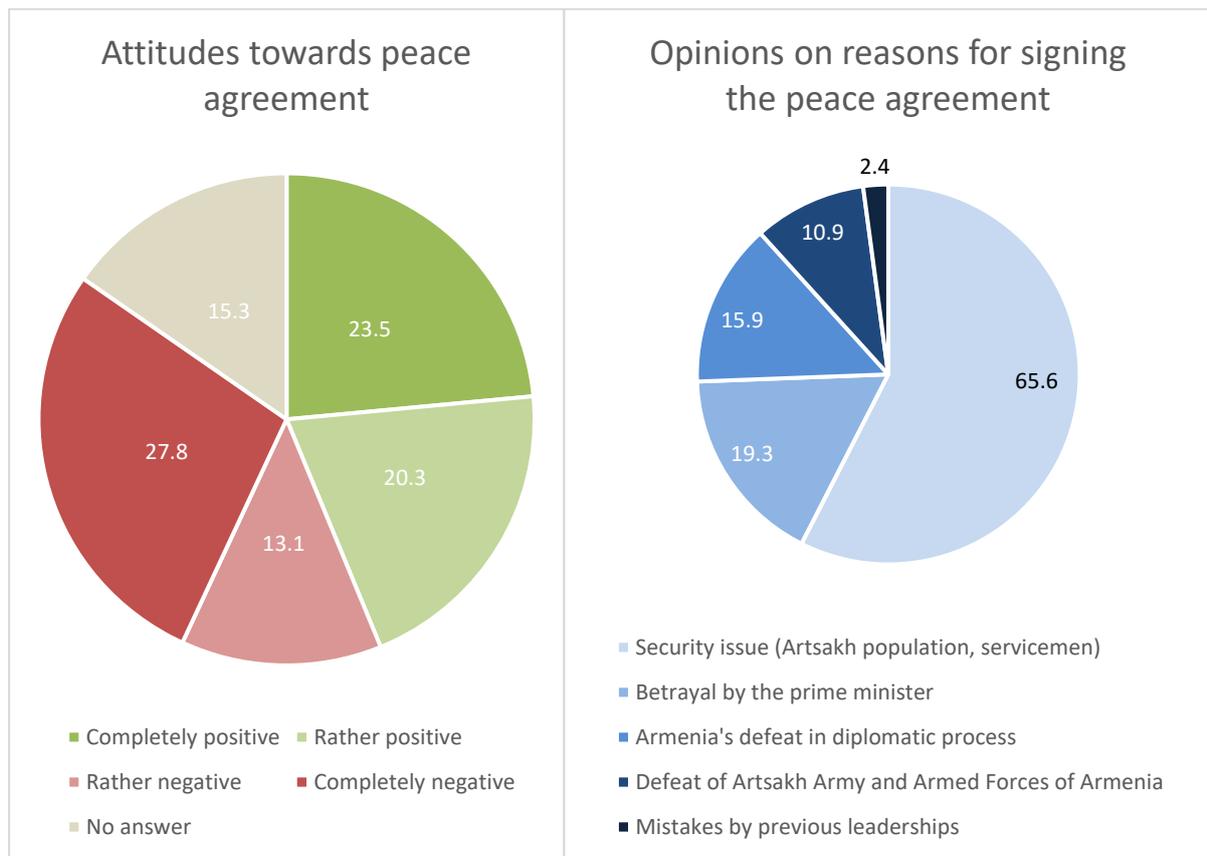
General Staff of the RA Armed Forces, Movses Hakobyan, for abusing his official power and criticising the government's mistakes during the war (*Hetq* 2020n). When blocking a road on 20 November, opposition activists were reportedly arrested, among them the political scientist and head of Henaket Analytical Center Tigran Abrahamyan, former chief of staff of the National Assembly of Armenia Ara Saghatelyan and the head of Green Future environmental movement Vahagn Varagyan (*TASS* 2020b; *News.am* 2020e). Other politicians such as ARF official Gegham Manukyan (*Armenpress* 2020ap), and the leader of the Armenian Revolutionary Federation party, Ishkhan Sagatelyan, faced arrests, too (*TASS* 2020d). After publishing a YouTube video with the title "The person who shoots Nikol should be awarded the title of National Hero or one million dollars," Garnik Isagulyan, leader of the National Security party, was arrested (*Hetq* 2020t). On 20 December, the mayor of Goris, Arushan Arushanyan, called upon citizens to block the "not to allow the person who is giving up Armenian lands to enter the region," to which protestors responded with road blockings the following day (*JamNews* 2020g). While the Prime Minister had to circumvent the blockage via helicopter, he did not continue his visit to all scheduled cities. Arushan Arushanyan was arrested on 21 December (*JamNews* 2020g). One day later, the Yerevan Court ordered his release from custody as his arrest was against the law (*Armenpress* 2020ay). On 30 December 2020, the Armenian parliament – without the support of the parliamentary opposition – voted member of parliament Naira Zohrabyan, Prosperous Armenia party, out of her position as chair of the permanent parliamentary commission for the protection of human rights after calling people who had voted the current Prime Minister into office "rubbish" and expressing her "hate" for them in a Facebook post (*JamNews* 2020i).

A number of prominent institutions and public individuals demanded the resignation of Prime Minister Nicol Pashyan, among them President Serzh Sargsyan (*Mejлумyan* 2020e), former Prime Ministers such as Karen Karapetyan (*Hetq* 2020o) and Vazgen Manukyan, who was nominated by the opposition parties as their candidate for Prime Minister (*Associated Press* 2020), spiritual leaders such as Aram I of the Great House of Cilicia (*Avedian* 2020b), Catholicos of All Armenians Garegin II (*JamNews* 2020f) and several priests from the Armenian Apostolic Church (*Associated Press* 2020), more than 140 lawyers (*Verelq* 2020i) as well as the Presidium of the National Academy of Sciences (*JamNews* 2020f) and many faculties by the Yerevan State University (*Hetq* 2020r) plus more than 40 staff members of the American University of Armenia (*Hetq* 2020p). The Human Rights Defender of Armenia called for the respect of people's right to free expression after uncovering attempts by officials to force people into joining or abstaining from protests (*Armenpress* 2020ax). The Prime Minister responded to the protests by re-ordering his cabinet and dismissing his Foreign Minister on 16th November, while the Ministers of Emergency Situations, Defence and Labour, Social Affairs, Education and Economy resigned over the following days (*CTV News* 2020; *Armenpress* 2020ai; *Armenpress* 2020af; *Asbarez.com* 2020c; *Armenpress* 2020aj). Regarding calls for his resignation, the Prime Minister defended himself, among others, by calling the movement "riots of elites," referencing those having lost their privileges during the country democratic transition (*JamNews* 2020h). He said that the opposition's call for his resignation was not supported by the general population (*TASS* 2020e) but indicated by the end of December that he would agree to snap elections in 2021, which would, however, require the parliament's consent (*Panorama.am* 2020i). The two parliamentary opposition parties, Prosperous Armenia and Bright Armenia, stated, however, that they did not support snap elections lead by the current Prime Minister, instead suggesting an interim government (*JamNews* 2020j).

According to a survey by Gallup International Association in Armenia from 13 November 2020, 43.8% of the respondents had a positive or rather positive attitude towards the peace agreement whereas 40.9% expressed a rather negative or negative attitude (*Armenpress* 2020ac). 19.3 % considered the conclusion of the peace agreement a betrayal by the Prime Minister (*Armenpress* 2020ac). Earlier

surveys among 400 respondents each on 29 September, 6 October, and 30 October showed the public’s assessment of the complete readiness of the army for countering a large-scale attack (84.0 / 85.6 / 68.8 %) and of a very high fighting spirit (92.0% / 92.5% / 83.3%) as well as a positive evaluation of the Prime Minister’s work in the war situation (completely and rather positive: 30 Oct: 63.9%) (Gallup 2020). The respondents also indicated a high personal readiness to be enrolled in military service (rather and completely ready: 91.8% / 95.7% / 88.8%) (Gallup 2020).

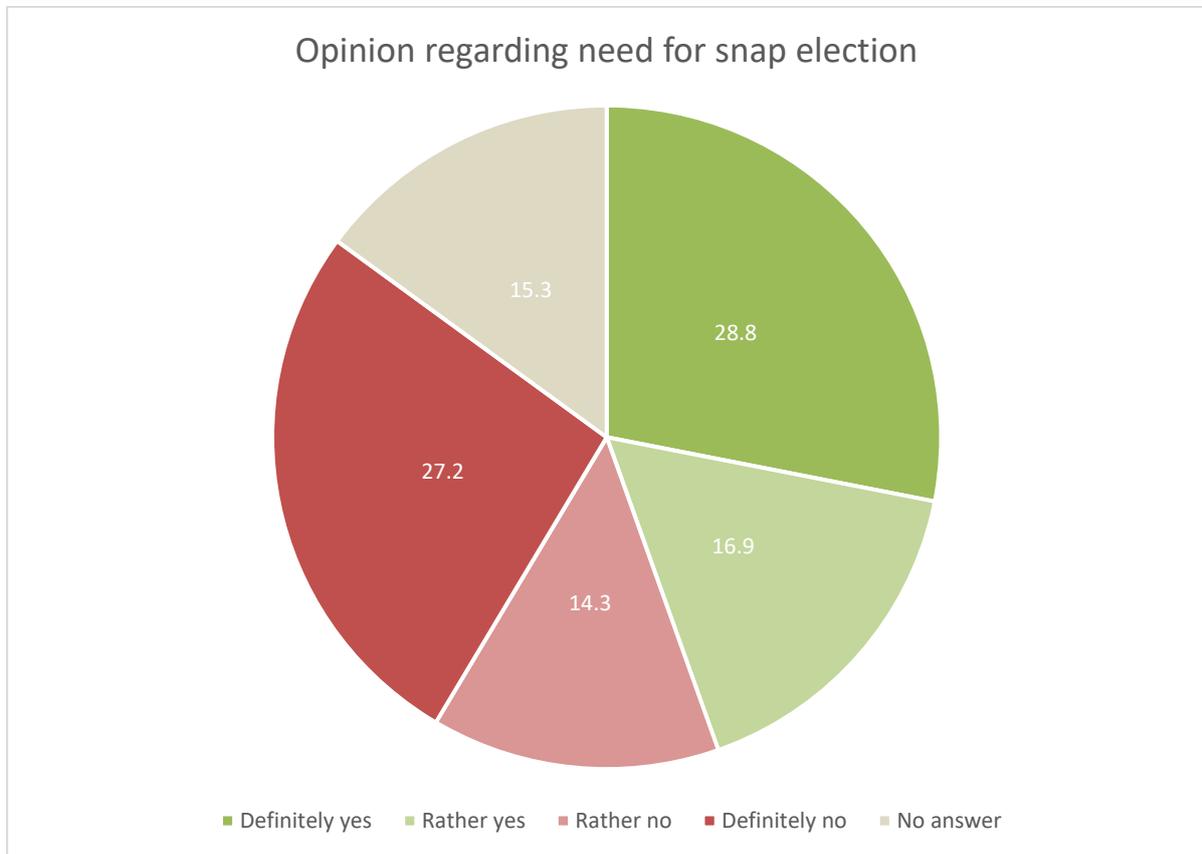
Figure 14: Survey results on attitudes towards the peace agreement of 9 November, 2020



Source: Author’s depiction of survey results from 13 November 2020, by MPG LLC, Gallup International Association, as reported by Armenpress (Armenpress 2020ac)

According to a survey from December, 46% were in favour of snap parliamentary elections and 33% for switching from the parliamentary system to a presidential system (Armenpress 2020am).

Figure 15: Survey results on opinion regarding snap election



Source: Author's depiction of survey results announced 4 December 2020, by MPG LLC, Gallup International Association, as reported by Armenpress (*Armenpress* 2020am)

Another survey of 1,200 Armenian citizens by “Voice of the People”, reported on 7 December, finds that 40% positively assess the Armenian authorities’ work during the war in contrast to 50% assessing it negatively and 10% in a neutral way (Verelq 2020j). Reasons for the lost war were believed to be due to strategic shortcomings of the political leaders (20%), insufficient military capacity on the Armenian and Artsakh side (4%), Turkey’s support of Azerbaijan (19%), and 57% of the respondents said that all the above aspects contributed (Verelq 2020j). The role of the United States and the European Union in the settlement was regarded largely negatively (61%), with only 7% evaluating it positively and 32% taking a neutral position (Verelq 2020j). In contrast, the involvement of Russia was largely assessed positively (83%), with only 3% evaluating it negatively and 14% taking a neutral position (Verelq 2020j). To the question of whether the Prime Minister should resign, 46% disagreed, 35% agreed and thought it needed to happen immediately, and 19% agreed but said that the country’s problems in the wake of the war need to be settled first (Verelq 2020j).

To summarise, the varying survey results indicate that the support for the Prime Minister has significantly decreased since the conclusion of the agreement for settling the war on the one hand, while, on the other hand, also revealing that the country is divided and many people disagree with the demands of the opposition-led protest movement.

3.3.4 Penalties for the violation of pandemic measures

On March 23, 2020, JAMnews reports on a package of fines and, in offences with severe consequences, also prison penalties for violating state of emergency provisions – originally, penalties were intended to be higher, but eventually the following was agreed upon (*JamNews 2020a*):

Figure 16: Penalties for violating state of emergency provisions as of 23rd March 2020

- “The fine for violating quarantine or self-isolation during a state of emergency was reduced. Now it is 100-250 drams (about \$200-500).
- A larger fine will be imposed if the citizen infects others. In this case, violators are liable to pay 300-500 thousand drams (approximately \$ 600- \$ 1000) or spend a month in detention.
- For infecting two or more citizens or causing grievous bodily harm to their health, the fine will be 500-700 thousand drams (\$ 1000- \$ 1400), detention for a period of 1-3 months, or imprisonment for up to two years.
- A more severe punishment will be imposed if the violation leads to the death of another. In this case, the offender may be sentenced to 2 to 4 years in jail.
- The fines for posts on social media that had been in the original bill were removed.
- Other changes were made to the paragraph concerning the media. The term “media” was replaced by the wording “organization that carries out journalistic activities”. This decision was made in order to include electronic publications that are not considered part of the press.
- The maximum fine for publications considered to have violated the restrictions during a state of emergency was reduced to 300 thousand drams (approximately \$ 600).
- But a new paragraph was added, according to which a refusal to delete prohibited information within 24 hours will result in a larger fine of 500-1000 times the minimum wage (\$ 1000-2000).”

Source: *English Jamnews 2020*

Furthermore, it was announced that for the duration of the stay at home order, the police would conduct random checks of whether people leaving their home were carrying the necessary paperwork (Margaryan 2020). Some fines were decreased and some added later on, e.g. in May when a fine of 10,000 drams (\$21) was introduced “for not carrying a face mask while outdoors” (Ghukasyan 2020f; Aysor 2020a) and in June, the same fine was announced for violation of the obligation to carry an ID (Aravot 2020a). One article reports a statement of Armenia’s Human Rights Defender, Arman Torosyan, on excessive and disproportionate police force while arresting a person for not wearing a mask in public space (*Hetq* 2020f). Another source reported on the Prime Minister’s appeal to the police to be diligent in their duties of ensuring the adherence to the restrictions:

The police must not be afraid of performing their duties. They must stay within the parameters of the law but must display backbone and resolve. [...] This anything goes attitude is our country’s number one enemy. Those preaching such an approach must climb down their holes. The police must be strong, law abiding and tough. There can be no arguing with officers about wearing masks. Protesting violators must be detained and force used when necessary. (Ghukasyan 2020h)

Criticism was raised about the power given to the police, unnecessary police force, and about the fact that the law covering detentions by the police only applies to very specific violations and does not

cover the practices under the state of emergency regulations (168.am 2020b). A lawyer argues that this seems to pit the police system against the people and creates an “atmosphere of violence and fear” (168.am 2020b). However, there was also criticism that the enforcement of measures was too lax:

The government has repeatedly defended the decision to avoid using excessive force to enforce guidelines following the lockdown, arguing for civic responsibility and strict adherence to social distancing guidelines. A campaign led by Pashinyan to shame businesses and individuals on social media for not respecting the guidelines did garner criticism as well as vigorous debate online. (Elliott 2020f)

As of 17 June, the authorities have issued 35,000 fines and closed nearly 1,000 supermarkets and restaurants for the violation of measures (Elliott 2020g). A package of fines suggested for the state of quarantine was criticised by opposition politicians as being too extensive (*Verelq* 2020a).

3.3.5 The constitutional court crisis and judicial investigations

Since the Velvet revolution and democratic transitioning of Armenia, the new government initiated reform packages in various areas, among others in the judiciary, “with the goal to put democracy on institutional basis,” as Prime Minister Pashinyan stated during his visit to the Munich Security Conference mid of February 2020 (Armenpress 2020b). A pre-pandemic survey from February to mid-March 2020, indicates very low trust in the judicial system: Only 22% of the respondents trusted the courts and 21% agreed with that everyone is treated equally by the courts (Nazaretyan 2020). 66% were in favour of the constitutional referendum while 13% were against it (Nazaretyan 2020).

As a means of changing the Constitutional Court’s composition, early retirement options were presented to the judges appointed under previous regimes to the Constitutional Court but they were not taken up (Shahbazian and Mandalyan 2020). In order to decide upon and legitimise decisions and changes, a constitutional court referendum was scheduled for April 5 (*Hetq* 2020a). According to the “yes campaign” for the removal of the seven judges, the Constitutional Court is a politicised institution acting upon the interests of the pre-Velvet revolution authorities and impeding necessary transition and change in the country (YPC 2020, 3). Opponents put forth arguments about the unconstitutionality for such a referendum, warn about the executive’s tendency to “subjugate the Constitutional Court and the judiciary in general” and argue that the costly referendum is used to remove an unfavoured court’s chairperson and replace judges with associates of the new government (YPC 2020, 4; de Waal 2020).

The scheduled referendum was, however, suspended due to the pandemic state of emergency at that time (*Hetq* 2020b). One article notes that Armenian law does not allow for elections or referendums during a state of emergency (*MassisPost* 2020b). It was intended to take place between 50 to 65 days after the ceasing of the state of emergency or martial law (Armenpress 2020j). Yet, with the continued renewal of the state of emergency, Prime Minister Pashinyan announced that an appeal to the Strasbourg-based Venice Commission (the European Commission for Democracy through Law, advisory body of the Council of Europe in the field of constitutional law) has been made in order to solve the issue in parliament (*MassisPost* 2020b; Anna Grigoryan 2020a). An article concludes that “Pashinyan said that the vote cannot be held at least before May 2021, implying that it has been effectively cancelled” (*MassisPost* 2020b). EVN comments that

Eighty-two percent of Armenian society consider judicial reforms a top priority. Thus, in one broad stroke, Armenia's Parliament conciliated the demands of the Armenian public, while at the same time resolving an inter-institutional crisis between the branches of government that had been simmering for the last two years. (Kopalyan and Sargsyan 2020)

In June, the parliament – dominated by the My Step faction and under protest of the opposition parties Prosperous Armenia and Bright Armenia (Ghukasyan 2020k) – decided upon a constitutional amendment which reduces the term time of constitutional judges to 12 years, also for those being appointed before 2018, and as a consequence, three out of nine constitutional judges were removed from office (Avim Center for Eurasian Studies 2020; Luise Sargsyan 2020; Elliott 2020h). Furthermore, the court's presidency under Hrayr Tovmasyan was ended without, however, removing him (Avim Center for Eurasian Studies 2020). In his time as Minister of Justice under the former Sargsyan administration, Hrayr Tovmasyan was responsible for the grandfather clause allowing judges being appointed before 2018 to serve until retirement and benefitted himself from this provision by assuming the Constitutional Court's chairmanship three weeks before the 2005 Constitution came into effect (Kopalyan and Sargsyan 2020) (cf. info box). The changes differed from the suggested content for the referendum to the extent that not all judges appointed prior to 2018 were removed, and instead the term limit of 12 years would apply to everyone, without exceptions (Kopalyan and Sargsyan 2020). The opposition had argued that, under the Articles 168(2) and 169(2), the Constitutional Court must first attest the changes as constitutional before they could enter into effect, while the ruling My Step faction brought forward Article 14(2) that judges may not decide in such a conflict of interest (Kopalyan and Sargsyan 2020). The Venice Commission's answer to this legal impasse was to differentiate between

Background constitutional court crisis

"This process of institutional insulation was spearheaded by Hrayr Tovmasyan, who served as Minister of Justice under the previous Sargsyan Administration, was the architect of the 2015 Constitution amendments, and who assumed the Chairmanship of the Constitutional Court under the very laws that he himself wrote. In quite simple terms, Tovmasyan, in conjunction with then-President Sargsyan and their Republican Party, rigged the constitutional and institutional arrangements of the Constitutional Court to insulate it from any future alterations. [...] How did Tovmasyan design this institutional insulation? By "grandfathering" the terms of tenure from the previous Constitution, inserting himself into the "grandfathered" or "transitional" clause, and then installing himself as Chairman of the Court. According to the 1995 Constitution, under Article 96, a judge's tenure in the Constitutional Court was until the age of seventy. With the modified 2005 Constitution, under the amended Article 96, the tenure of a judge was reduced to sixty-five years of age. When designing the 2015 Constitution, Tovmasyan included a new alteration: under Chapter 7 Article 166(1), tenure of a judge was no longer defined by age, but rather a fixed term limit of 12 years. Thus, Constitutional Court judges, according to the 2015 Constitution, will serve a maximum term of 12 years. [...] The 12 year tenure will apply only to judges who are appointed *after* 2018 (when 2015 Constitution goes into effect) and as such, judges who are serving under the 1995 Constitution will stay in office until age of 70 and judges serving under the 2005 Constitution will serve until the age of 65." (Kopalyan and Sargsyan 2020)

unamendable and amendable clauses and that the constitution may not be changed by simple but only by 3/5 constitutional majority (Kopalyan and Sargsyan 2020). A statement by the parties Prosperous Armenia, Hayrenik, and Armenian Revolutionary Federation reinforces their position in “arguing that the executive branch of the government has overstepped its authority and has violated several clauses of the Criminal Code in its attempt to alter the make-up of the court” (*Hetq* 2020h).

While the legal advice by the Venice Commission was generally followed, the commission criticised that its procedural recommendations were not completely adhered to, which would have allowed for a transition period of gradual changes in order to protect the court’s independency (*Avim Center for Eurasian Studies* 2020; Kopalyan and Sargsyan 2020; MAMUL.am 2020b). Armenian Weekly reports on doubts of the impartiality of two of three Armenian delegates to the Venice Commission, as voiced by the president of the Europe in Law Association (ELA), Lousineh Hakobyan, and on the Venice Commission president’s support of the constitutional reform of 2005 (Guariglia 2020). Mid-September, the parliament voted in three new constitutional judges while the opposition parties abstained from voting and criticised the constitutional amendments and procedural legal issues (*Verelq* 2020b). Some articles showed concern about “Pashinyan’s slip into authoritarianism despite his professed liberal aims” (*Avim Center for Eurasian Studies* 2020) and “Prime Minister Pashinyan’s approach to ‘neutralize’ former President Robert Kocharyan and the Constitutional Court” (Kalfayan 2020a). In October, Arman Dilanyan became the new Constitutional Court president with six out of nine votes (Balasanyan 2020b).

Another judicial issue strongly debated are the legal investigations, such as against the leader of the opposition party Prosperous Armenia, Gagik Tsarukyan, who is accused of having been involved in voter buying activities in the 2017 parliamentary election (Ghukasyan 2020i; EVN 2020n). Parliament voted for the lifting of his immunity and granted a motion by the Prosecutor General to allow detention (Ghukasyan 2020i). The Yerevan Court, however, decided against detention (Mamulyan 2020a). The opposition parties Prosperous Armenia and Bright Armenia boycotted the vote and accused the ruling government of political motivations on that matter, saying that “the campaign against Tsarukyan started after he criticized the government for mishandling the pandemic and the economy” (Ghukasyan 2020j). Mid-November, the parliament debated a motion of applying to the Constitutional Court in order lift Tsarukyan from his parliamentary duties (*Armenpress* 2020ad; *News.am* 2020h; *News.am* 2020g). However, the Constitutional Court decided against considering the motion (*Panorama.am* 2020f). After the Russian brokered agreement of 9 November 2020, Tsarukyan was as opposition politicians among those demanding the resignation of the Prime Minister (*Armenpress* 2020bb). Another prominent case concerns former President Robert Kocharian on charges of “overthrowing the constitutional order during the final weeks of his decade-long rule that ended in April 2008” (*RadioFreeEurope/RadioLiberty* 2020; *Armenpress* 2020an, 8).

With reference to the pandemic, it is mentioned that, some challenges during the state of emergency aside, the functioning of the court system continued (Mamulyan 2020h). At the beginning of the pandemic, however, detainees were not transferred to the court for hearings, meaning that the judges had to postpone trials (Mamulyan 2020h). International calls to consider the release of detainees in overcrowded facilities were followed as well (Mamulyan 2020h). Access was also limited to trial participants and only later re-opened for non-trial audience (Mamulyan 2020h). Virus infections among those involved in trials also lead to delays in some cases (Mamulyan 2020h). In cases in which all parties agreed, virtual proceedings were held for administrative but not criminal cases (Mamulyan 2020h).

3.3.6 The constitutional referendum in Armenia and elections in the Republic of Artsakh

In the context of elections and the pandemic, Armenian media followed the presidential and parliamentary elections in Nagorno-Karabakh which was held on March 31st, 2020 (Armenpress 2020c). The Foreign Ministry of Artsakh was quoted in a statement attesting to the conditions for a free and fair election process, informing also that due to travel restrictions caused by the pandemic, international observers and journalists were unable to provide election monitoring, which was instead carried by 950 observers from non-governmental organisations in Armenia and Nagorno-Karabakh (Armenpress 2020e). The need for democratic principles was stressed along with a call on the international community for support:

We are convinced that the strengthening of democratic traditions and their spread throughout the South Caucasus will become an important contribution to ensuring peace, stability and predictability in the region, as well as create the necessary conditions for the final settlement of the Azerbaijan-Karabakh conflict by exclusively peaceful means. The consistent efforts of the authorities and people of Artsakh should be supported by the international community, since the strengthening of democracy, human rights and the rule of law is universal and therefore is the collective responsibility of the entire world community. The creation of artificial obstacles on this path is a violation of the provisions of fundamental international human rights instruments. (Foreign Ministry of the Republic of Artsakh 2020)

Media also mentioned international congratulatory comments on the election (Armenian National Committee of Australia 2020; *Armenpress* 2020g; Artsakh Friendship Group of Dutch-speaking Belgian Parliamentarians 2020). Civilnet published an interview with South Caucasus expert from the USC Institute of Armenian Studies addressing reports of voting violations, candidate preferences in Yerevan, and the decision not to postpone the election in light of the pandemic (*Civilnet* 2020a).

The media also reported the decision to suspend the constitutional referendum planned for April in Armenia (Armenpress 2020j). The lowering of voting age from 18 to 17 or 16 years of age was discussed (Shoghikyan 2020c) as well as the reformation of Armenia's electoral code (Ghukasyan 2020l).

3.3.7 Democratic system transitioning and challenges

A pre-pandemic survey "Caucasus Barometer Armenia" (Caucasus Research Resource Center 2020) from March 2020 found a general optimism (80% of 1,491 respondents) about prospective improvements in Armenia, high government approval (71 %), increased yet not particularly high trust in parliament (39 %), and strong support for the "persecution/prosecution of the representatives and leaders of the former government" (78 %) (Nazaretyan 2020). Regarding the evaluation of the state of democracy, most respondents (67 %) see Armenia as a democracy with major (37 %) and minor (30 %) problems (Nazaretyan 2020).

The media reported some debates on the democratic system: EVN discussed the importance of the recodification of Prime Ministerial term limitation after its removal in 2018, which led to the Velvet Revolution and regime change (Manougian 2020). Several agencies covered the publication of Freedom House report "Nations in Transit 2020: Dropping the Democratic Facade" (Csaky 2020) and its findings on Armenia's significant improvements and remarkable leaps on the democracy score

(Armenpress 2020h; *MassisPost* 2020a; *News.am* 2020b). According to the report, Armenia ranked for the year of 2019 as a semi-consolidated authoritarian regime with improvements in the electoral process, almost reaching the threshold for transitional or hybrid regimes (Csaky 2020, 22–23). Commenting on Armenia’s 2019 performance in international democracy indices, Prime Minister Nikol Pashinyan claimed that “a democratic stability is established in the Republic of Armenia, [...] and nothing threatens the democratic stability of Armenia” (Armenpress 2020i). His reform efforts in the areas of strengthening democratic institutions, rule of law, government accountability, anti-corruption and judicial system and discussions on decentralisation of power and local capacity, self-governance, and democracy development are also quoted (Armenpress 2020l; 2020k). But media also picked up on the criticism of European People’s Party President Donald Tusk stating that “Democracy is backsliding in Armenia. We call on Armenian authorities to refrain from pressuring the opposition” (*News.am* 2020b). The Prime Minister argued that democracy must be protected from “former systems of influence” including corrupt and biased judges, as well as the spread of false information by the media (*Aravot* 2020c; Anna Grigoryan 2020c) and continuously stresses the transformational and democratic efforts made thus far (Armenpress 2020r; *Panorama.am* 2020b). Stark criticism on the Prime Minister’s “authoritarian and divisive discourse which relied on challenging the rule of law” came from Philippe Raffi Kalfayan, a Paris-based lawyer, lecturer of international law, former Secretary General of the International Federation of Human Rights, and columnist for the *Mirror-Spectator* (Kalfayan 2020a; 2020b). According to Kalfayan, worrisome “autocratic” trends comprise the destruction of “traditional democratic institutions established since independence”, the silencing of political opposition, the concentration of power in the new government’s hands at the expense of checks and balances, the “unconstitutional laws to take control of the last institutional power guaranteeing the rule of law”, media restrictions under the state of emergency, the failure to pursue the Karabakh negotiations with Azerbaijan, high turn-over of government staff, and the fomenting of intergenerational conflict (Kalfayan 2020a). He observes a climate where discussion and criticism are not always welcome:

the Prime Minister has started threatening all political forces who may be tempted to challenge his power in the future or who criticize his policy in the management of the health crisis. (Kalfayan 2020a)

Parliamentary democracy no longer exists. The majority party does not accept any challenge or discussion of bills or criticism of the government and they have enough members to adopt any desired law without the participation of minority opposition blocs. The opposition parties have boycotted the Parliament for the laws amending the Constitution and the Parliament has become a notary for the Executive. (Kalfayan 2020a)

In an expert roundtable titled “Transition Tremors: Armenia Two Years after the Velvet Revolution,” organised by the Society for Armenian Studies together with National Association for Armenian Studies and Research (NAASR)/Calouste Gulbenkian Foundation Series on Contemporary Armenian Issues, academic researchers address the issue of ongoing transitional challenges, among others, solving the constitutional court crisis and pursuing democratic pathways for judicial reforms, cultivating a political culture of criticism and democratic opposition, achieving institutional transformation, and addressing the Nagorno Karabakh conflict (*MassisPost* 2020e; Society for Armenian Studies and National Association for Armenian Studies 2020). In one article, human rights professor Vahan Bournazian claim that the conflict with Azerbaijan is also about Armenian’s struggle for democracy, self-determination and human rights (Bournazian 2020b). In a 15-point roadmap for the following six months in the aftermath of the November agreement with Azerbaijan, the Armenian Prime Minister announced, among other things, a reform of the Armed Forces, amendments to the electoral code, a new law on parties, the establishment of an anti-corruption court, and regular consultations with civil society,

political actors, Armenian organisations and the diaspora to ensure the “democratic stability of Armenia and to create guarantees that nothing threatens the formation of power in Armenia through the free will of the people” (Ghazanchyan 2020b; Ghukasyan 2020n; 2021).

3.3.8 Accountability for pandemic management

According to the Prime Minister, the pandemic lends the opportunity for and demands a democratic reconsideration of formerly adopted understandings of statehood and control as well as “attitude[s] towards discipline and [...] civil duties” (Anna Grigoryan 2020b). Reports on discussions and criticism on pandemic management include, the issue of blaming “irresponsible citizens” rather than crisis management for increased infection rates and recommendation turns from discouraging masks to making them mandatory (Ghukasyan 2020g). In June, the government’s crisis communication was criticised for contradictory statements and lacking a coherent strategy (Kabakian-Khasholian 2020). The opposition also raised concern about the pace of COVID-19 related law changes, such as the adoption of laws within 24 hours and in two instead of three hearings (Bell 2020, 6). The For Social Justice party criticised the government for using the pandemic for its own benefit and for their insufficient support of the people in their pandemic-related grievances, and warned about rising social discontent (*Verelq* 2020d). An article in the Horizon on the position of the party Armenian Revolutionary Federation also contains, among other things, criticism of the Prime Minister’s comments against criticism on the Covid measures:

During his June 10th press conference Pashinyan stated that anyone who criticizes the government for mishandling the pandemic or for any other reason, should be viewed as a traitor and is guilty of treason. He goes on to say this is a wartime situation and the opposition groups are “political coronavirus” who they will battle following the rules of war. Everyone from children to adults know that to play war games is to kill or destroy your opponent, the enemy on the other side. (Manoukian 2020)

Some opposition politicians, calling for the Prime Minister’s resignation, accused the government of lifting the lockdown measures too soon and failing to contain the pandemic (*The Armenian Weekly* 2020). Mid-September 2020, based on the opposition’s initiative, Armenia’s parliament created a commission of inquiry concerning the effectiveness of the government’s pandemic management measures and the restrictions’ legality concerning human rights and fundamental freedoms for the upcoming six months (Ghukasyan 2020m; *Verelq* 2020c), thus until the at that point foreseeable end of the state of “quarantine”. The commission is chaired by Arkady Khachatryan of the Bright Armenia faction, which brings in two members into the commission along with three members from Prosperous Armenia and seven members from the ruling faction My Step (Ghukasyan 2020m). The Prime Minister welcomed the set-up of the commission, showed confidence over the government’s pandemic management, and said that the government’s strategy entails the principle that “we need to get used to living with the coronavirus” (Anna Grigoryan 2020d).

3.3.9 International support and accountability for democracy

A number of media articles also mentioned international partnerships and cooperation for supporting democratisation efforts. In a public statement, Josep Borrell and Olivér Várhelyi, the European Union’s foreign policy chief and commissioner for neighbourhood and enlargement, emphasised in light of the pandemic-related challenges and in the context of the European Union’s policy objectives for Eastern

Partnership countries beyond 2020, the European Union's previous and ongoing support for the Armenian economy as well as a number of key points for cooperation (European Union 2020a; *Azatutyun* 2020b). These include institutional accountability (rule of law, good governance, anti-corruption, democracy consolidation), climate resilience, digital transformation, and inclusive societies (fair elections, transparency, citizen-centred public administrations, civil society, plural and independent media, human rights) (Borrell and Várhelyi 2020; European Union 2020a). In June, the allocation of almost 1 billion Euros of EU funds to support Eastern Partnership countries in the pandemic was announced, with the emphasis on a continued dialogue about democracy and the rule of law (European Union 2020b). Reports were made on EU pandemic aid and democracy funds for Armenia (*Armenpress* 2020v; *Armenpress* 2020n; 2020m; *Aravot* 2020b), as well as on the partial budget reallocation of existing funds, such as in the EU-UN project on "Empowering women, youth and children for deepening democracy in Armenia", in order to better target pandemic-related vulnerabilities, particularly in rural areas (European Union 2020c). At an Eastern Partnership Summit, as well as at a meeting with the Council of Europe, Prime Minister Nikol Pashinyan reportedly stressed the government's efforts regarding anti-corruption measures, judicial reform, and strengthening institutions, rule of law, and accountability (*Aysor* 2020b; *Armenpress* 2020o). Support in those areas has also been assured by the United States (*Armenpress* 2020p). A statement released by the Armenian Republican Party and published in media in mid-June accuses the government of autocratic leadership and the restriction of human rights and political freedoms during the pandemic, and "appeals to diplomatic missions accredited to Armenia and international rights-based structures to provide an adequate assessment of the crisis in Armenia, in particular – in the context of the country's international commitments to democracy" (168.am 2020a; Ashotyan 2020). A representative of the My Step Alliance Faction also engaged prominently in the discussion about the proportionality of measures in Council of Europe member states and called together with the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe to ensure that all measures implemented are "lawful, necessary, proportionate and non-discriminatory, and that they fully respect the principles applicable to states of emergency that have been elaborated by the Venice Commission" ('Resolution 2338: The Impact of the Covid-19 Pandemic on Human Rights and the Rule of Law' 2020; PACE 2020).

Panorama.am reported on the OSCE Parliamentary Assembly's human rights committee, which highlighted the particular infection challenges in refugee camps and detention facilities, and supported advice by the United Nations and World Health Organization for the reduction of prison inmate numbers (*Panorama.am* 2020a). Another article covered expert discussions in the Council of Europe on pandemic-related issues in the areas of human rights, the rule of law, democracy, and legitimate state of emergencies (Council of Europe 2020c). Further, a speech by the President of the Parliamentary Assembly of the Council of Europe, Rik Daems, on the red lines of restrictions on human rights and freedoms during the pandemic, was also published (Council of Europe 2020b).

Armenpress republished the article "Democracy and Human Rights Are Important, Even During Pandemic" by Armenia's Ambassador to the Netherlands Tigran Balayan, in which he stressed the commitment to human rights and freedoms as well as the success of presidential elections held in the Republic of Artsakh despite the pandemic (*Armenpress* 2020f). Democracy is not only portrayed in the article as worthwhile value and common effort, but also as a distinguishing element to certain neighbouring countries, such as Azerbaijan (*Armenpress* 2020f; *Armenpress* 2020s; Hamparian 2020). *Aysor* published an article by National Assembly deputy Tatevik Hayrapetyan („My step" alliance) who asks the question "How come that internationally recognised dictatorships are more protected than unrecognised democracies?" (Hayrapetyan 2020). She exposes the challenges of receiving international pandemic aid in conflict zones such as Nagorno-Karabakh:

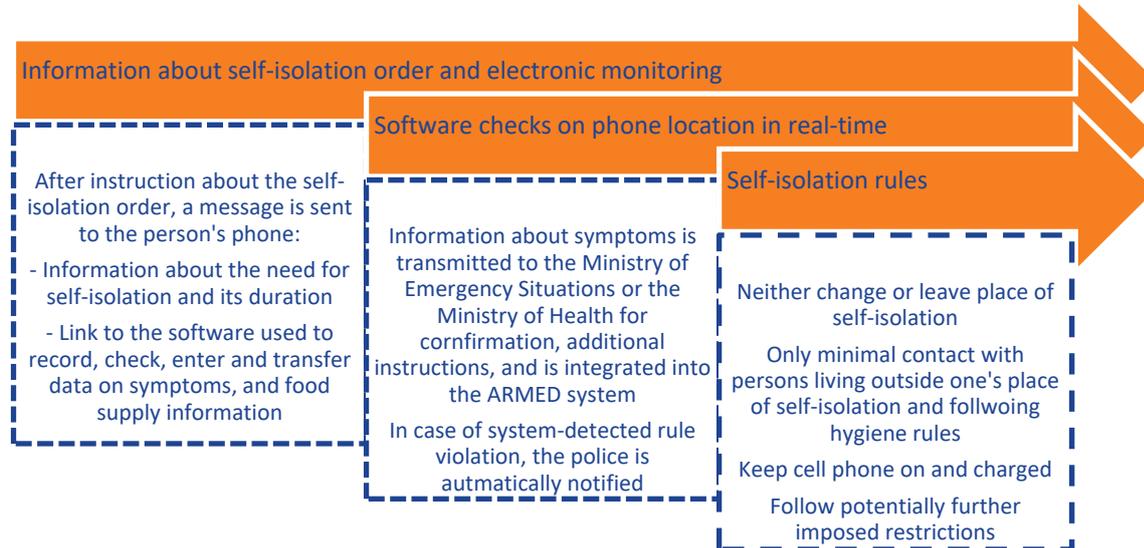
The Nagorno-Karabakh section of the International Crisis Group's report *The COVID-19 Challenge in Post-Soviet Breakaway Statelets* reads that the International Committee of the Red Cross is the only international body that can provide assistance to people living in Nagorno-Karabakh. However, even this assistance is very limited. The problems that have arisen as a result of the epidemic have once again shown that there is no clear set of tools to work with people living in the unrecognised areas or so-called "grey zones", especially for issues related to human rights. [...] The choice lies between protecting and promoting all human rights, regardless of the status of territories, or providing legitimacy to dictatorial regimes that enforce medieval sieges on human rights and democracy. COVID-19 brings an additional reason to reflect on the universality of human rights and to reconsider our position towards people living in unrecognised territories. (Hayrapetyan 2020)

During the war, the violation of human rights and international law was widely followed by the media, and the threat to Armenian democracy was also discussed (Bournazian 2020a). After the war, reports were published by the Human Rights Defender of Armenia and the Human Rights Ombudsman of the Republic of Artsakh on atrocities committed against armed forces as well as civilians (*Hetq* 2020q; *Hetq* 2020s). In the post-war societal turmoil, the European Union's lack of engagement during the war was strongly criticised (Verelq 2020j) and demands were raised for democratic capacity building and support (Setrakian 2020).

3.3.10 Restrictions of individual freedoms via quarantine and self-isolation measures

In the first few months of the pandemic, people who tested positive for COVID-19 were isolated in hotels and hospitals (*Hetq* 2020e) and the government advised self-isolation at home for those who did not meet the test requirements but showed symptoms of an infection (T. Khachatryan 2020). The Armenian Ombudsman Arman Tatoyan stated, in reference to the mobile data tracking bill, that "It is obvious that individuals who are isolated or self-isolated in certain situations will be deprived of their freedom. Therefore, the question will arise of guaranteeing their right to personal freedom" (*News.am* 2020a). He pointed out that it needed to be clear how contact to family members is ensured for those in isolation outside of their homes (*News.am* 2020a). The isolation strategy for positively-tested patients changed when the Armenian Minister of Health, Arsen Torosyan, announced a new policy in May 2020, according to which self-isolation of infected people with no or mild symptoms was to take place at home (*Hetq* 2020e). If feasible with the available technical means, self-isolation would be monitored and administered by a special software (*Decree 'On the State of Emergency' Issued by Prime Minister of the Republic of Armenia, Nikol Pashinyan 2020, Amendment of April 3rd 2020*):

Figure 17: Self-isolation regime



Source: Decree 'On the State of Emergency' Issued by Prime Minister of the Republic of Armenia, Nikol Pashinyan 2020, Amendment of April 3rd 2020, translated via Google Translate

In June, the Prime Minister asked his supporters to send pictures of people disregarding the hygiene rules and published a number of them in a call for adherence to the rules (Zargarian 2020). The opposition, civic activists, and social media users strongly criticised this “campaign of public oversight” which uses shaming via bad example and pointed to the need to protect the individual rights and respect ethical and privacy standards (Zargarian 2020).

3.3.11 Data protection versus pandemic management

For the monitoring of movement and potential contacts to infected people, the Armenian government suggested an amendment to the Law on Electronic Communication granting the authorities and state-established data processors the right to obtain cell personal phone data from network providers for the duration of an epidemic state of emergency (Ghazanchyan 2020a; Bell 2020). The bill entails the ability to track potential contact people of confirmed infected cases via metadata from the phone records of the past two weeks, including providers sharing with government location data, phone numbers, date and end of phone conversations without content information, date of text messages, and other private data (Paitjan 2020b; Ghukasyan 2020c; Saribekian and Aslanian 2020; Arakelyan 2020). Data processors may inquire from the health authorities on infected people, people with symptoms, those being treated, contact people, and confidential health information (Ghazanchyan 2020a). At the end of the state of emergency, personal data is to be deleted (Ghazanchyan 2020a).

On 31 March, the parliament at first rejected the bill, with 65 out of 67 necessary votes and some members of the ruling faction My Step being absent, and some voting against (Armen Grigoryan 2020, 9; Ghukasyan 2020c). In an extraordinary session on the same day, a second vote took place which eventually led to the bill's approval by 71 votes (Armen Grigoryan 2020, 9; Ghukasyan 2020c). The opposition parties Bright Armenia and Prosperous Armenia protested the bill by boycotting it (Paitjan 2020b). They argued that the bill entails “a politically dangerous violation of citizens' privacy rights”

and a “regression of democracy” (*Asbarez.com* 2020a). Articles hint that this may not have been solely due to the bill’s content, but also to political considerations, such as seizing an opportunity to criticise the government (Armen Grigoryan 2020; Elliott 2020b). But criticism also came from a number of civil society organisations (cf. below). On the 1st of April, the bill was signed into law via amendments to the Law on the Legal Regime of the State of Emergency (*The Law of the Republic of Armenia on Legal Regime of Emergency* 2012) and the Law on Electronic Communication (Armenpress 2020d). President Armen Sarkissian justified the bill, stating that „The temporary restrictions of individual fundamental liberties and rights of people stipulated in the Constitutional is unavoidable during emergencies. It stems from public interest, as well as the necessity of preserving human life and health – the highest human right of anyone” (Armenpress 2020d). In order to implement the bill, an automated system was set up to identify potential contact people of those being infected (Sayadyan 2020):

Based on their location, it is decided whether the patient and the person who called them were in the same place. Command staffers then call the people who are in contact with the patient, give instructions for self-isolation, after which they monitor the entrance and exit of the self-isolated people through the program downloaded on the phone of the latter. (Sayadyan 2020)

About two weeks after the bill’s adoption, data from 3,029 people had been collected and analysed (Ghukasyan 2020d). As of 15th June, the system has been applied to the analysis of 3319 infected cases and as a result, 30,814 phone calls were made, and 1,314 people were identified as close contacts and ordered to self-isolate (Karapetyan 2020).

From mid-June onwards, addresses of Covid outbreaks and an interactive map with current infection and self-isolation cases at 0-100 metres accuracy were published, along with age and gender from the end of July, in order to “warn neighbourhoods about risks of hanging out in the courtyards and visiting local shops without masks” (WHO 2020).

Figure 18: Data usage specifications in the Decree on the State of Emergency after amending the Law on the Legal Regime of State of Emergency

“28. The operators of the public electronic communication network operating in the Republic of Armenia (hereinafter referred to as the operator) shall each transfer the following data to the data center (hereinafter referred to as the data center) of the “Electronic Management Infrastructure Implementation Office” CJSC for each of its customers:

1) Information necessary to find out the place of service used by customers (customer location), including in real time;

2) Through the automated system, upon request, telephone numbers connected to the customer's phone number for a certain period of time; customer data, date of beginning of the telephone conversation, data necessary to find out the beginning, and in case of telephone call forwarding or transfer, data on the phone number to which the call was transferred.

29. Data is transmitted by operators exclusively through a closed protected channel (VPN). Transferring data in any other way is prohibited.

30. The bodies and organizations of the state management system in the field of healthcare medical care service providers (hereinafter referred to as healthcare organizations) transfer to the data center their known, tested, infected, sick, treated, contacted as well as the following information about self-isolated persons: name, surname, date of birth, month, year, address of registration, place of residence, address of place of self-isolation, date of initiation of self-isolation, address of place of treatment, telephone numbers, identification data, public service number:

31. Data is transmitted by healthcare organizations through the unified e-health information system ARMED (hereinafter referred to as ARMED system).

32. The data are received from the data center without human intervention are processed automatically by a special computer program (hereinafter referred to as a special computer program), the security of which is controlled the service is provided by the National Security Service of the Republic of Armenia without the right to process the data. The data may not be accessed, they may not be processed by the bodies not mentioned in this chapter persons.

33. The competent employees of the Ministry of Emergency Situations of the Republic of Armenia, the Ministry of Health of the Republic of Armenia, the Police of the Republic of Armenia, as well as the competent employees of the Ministry of Defense of the Republic of Armenia, receive the following from the data center:

1) Data on self-isolated persons subject to self-isolation defined in point 30 of this chapter to contact them, to find out the possible contacts with the persons who have been inspected, tested, infected, have symptoms of the disease, ill, treated, contacted (possible contacts), instruction for self-isolation, as well as control over the implementation of the self-isolation regime, including the place of self-isolation, conditions, health of the person, information on other persons in the place of self-isolation;

2) Data (checked), infected, infected with symptoms, sick, treated, contacted (possibly contacted) persons, contacted with the latter with a certain frequency, data generated by a special algorithm based on location data, including personal data generated by a special algorithm. Name, surname, telephone number, period of supposed contact as a result of location matching, which are necessary only to determine the scope of persons (hereinafter referred to as possible contact) with persons (infected) with a positive result (test).”

Source: Decree ‘On the State of Emergency’ Issued by Prime Minister of the Republic of Armenia, Nikol Pashinyan 2020, Amendment of April 3rd 2020, translated via Google Translate

The bill's adoption was accompanied by political controversy about privacy and data protection rights, surveillance and political control, as well as democratic erosion and disproportionality of extraordinary measures (Paitjan 2020b). Concern came also from within the ruling party (Paitjan 2020a). The effectiveness and usefulness of the data were also questioned, with reference to many using online communication services and over-technological imprecisions on determining exact locations (Saribekian and Aslanian 2020; Arakelyan 2020). The Armenian Ombudsman Arman Tatoyan recognised the need for effective pandemic management measures, but raised concern by saying that one should not “forget about fundamental and, especially, constitutional rights and freedoms” in a state of emergency, and that the Armenian Constitution and international standards such as the European Convention on Human Rights must be taken into account (*News.am* 2020a). The need for oversight and protective measures guarantees that the data is only used for pandemic containment, and the use of protocols to prevent data breaches was emphasised (Arakelyan 2020). Human Rights Watch further suggests informing citizens about their data being collected and destroying records earlier than with the lapse of the state of emergency, in case it is extended (*Human Rights Watch* 2020). Associate Europe and Central Asia director at Human Rights Watch, Giorgi Gogia, pointed out that while “Armenia’s authorities have been respecting COVID-19 patients’ privacy rights thus far”, there is a need to maintain public trust, transparent communication to the citizens, and the adherence to human rights safeguards (*Human Rights Watch* 2020). The Open Society Foundations-Armenia, Peace Dialogue NGO, and the Helsinki Citizens' Assembly Vanadzor office, voiced concern about “disproportionate and unnecessary restrictions”, among other issues, in the domain of personal data protection:

Emergency measures by the state should not depart from the principles of democracy, human rights and the rule of law. [...] The principle of proportionality requires that preference be given to less intrusive solutions, taking into account the specific pursued purpose. The introduction of additional oversight mechanisms could disrupt the entire human rights system and have irreversible consequences for the function of democratic institutions. [...] We consider the project to be a gross violation of personal data protection, privacy and family privacy, freedom of communication and privacy in a state of emergency and demand that it be removed. (Open Society Foundations-Armenia, Peace Dialogue NGO, and Helsinki Citizens' Assembly Vanadzor office 2020)

Furthermore, the Freedom of Information Center of Armenia, along with ten other non-governmental organisations, expressed concern that key issues had not been resolved in parliamentary debate and called for proportionality, maximum transparency, public oversight, adequate data protection, and the notification of citizens whose data is accessed (Yerevan Press Club et al. 2020). A longer journalistic article distinguishes between data mapping and mass surveillance while discussing the bill and the need for contact tracing but also the global threats and dangers of expanding executive control and surveillance especially in the longer-term (Elliott 2020b):

members of democratic societies still bear responsibility for keeping elected officials accountable to the constitutional limits of their authority. Yet fulfilling that obligation requires remaining alive for the duration of the pandemic. Thus, ironically, the first step in ensuring the survival of Armenian democracy is to comply with executive orders: stay home and practice regular hygiene. The second is to lobby authorities to adopt innovative data collection methods which boost social equality and public health without compromising individual rights. Ultimately, the real danger isn't the emergency situation itself, but when citizens come to accept mass surveillance as a new normal. (Elliott 2020b)

Only after voiced criticism, the developers of the data tracking system were revealed (Karapetyan 2020). Concerns were raised due to the lack of published results or information on external security audits (Karapetyan 2020; Sayadyan 2020). According to one article, an executive order was passed which forbids the National Security Service from data processing while at the same time granting the responsibility to manage the necessary computer infrastructure (Karapetyan 2020).

3.4 Conclusion

The media analysis identified a variety of debates surrounding democracy and the pandemic, as summarised in the following. It is important to note that, due to the war between Armenia and Azerbaijan, the focus of society's and media's attention shifted away from the pandemic towards the war during the last three months of 2020.

Restrictions under the state of emergency: In 2020, Armenia instituted three different emergency and crisis regimes, namely, initially the state of emergency and later the state of “quarantine” to address the pandemic, and the state of martial law in response to the war. The stipulation affected the educational sector (school closures, online learning), a planned referendum on reforming the constitutional court, the freedom of information and press, the freedom of assembly and protest, personal liberties and the freedom of movement, economic and business activities, trade and property rights, and data privacy. The government launched a number of assistance programs to address losses and vulnerabilities during the pandemic and under the state of emergency restrictions.

Limitations of the freedoms of information and press: Media reporting was restricted – under the state of emergency for a month by initially limiting Covid-related health information to official reporting, and under the state of martial law with respect to war reporting. Arguments for regulating Covid reporting were the potential provocation of panic and the spread of fake news. The police could impose significant fines on media outlets, as well as, for a shorter period of ten days, private individuals, and order the removal of content on news and social media sites. The restrictions of the freedom of press and of expression received criticism and were questioned in their proportionality by a number of journalistic, civil society and international institutions. Similarly, the vagueness of the media restrictions and the government's delayed response to press requests were seen as an impediment to journalistic work. The requests for content removal comprised, to name a few examples, articles and posts on the complaints about the ban of sending parcels to prison inmates, the non-disclosure of infection cases in Russia, an employer requiring employees to come to work despite showing infection symptoms such as fever, patient complaints about treatment, calls for tighter measures and the enforcement of social distancing, as well as death rates and night burials abroad. A draft law on non-disclosing environmental information was met with criticism and isolated instances of hindrance of media reporting were mentioned. Another challenge was the spreading of health and anti-government fake news.

Protest activities and bans under the emergency regime: Protests were prohibited for a total of roughly 6 months in Armenia – from mid-March to mid-August 2020 due to the pandemic and from the end of September to the beginning of December on account of the war. Smaller protests, some accompanied with police arrests of a number of protestors, were evoked by issues such as the demolition of a historic building, anti-racism (solidarity with US Black Lives Matter movement), the legal prosecution of opposition party leader Gagik Tsarukyan, the Amulsar Mine, university fees for the period of pandemic online learning, educational reform efforts, and the pandemic-related closure of

Russian borders for Armenian migrant workers. A larger and more persistent opposition-led protest movement developed early November, also under the martial law protest ban, against the Prime Minister's land concessions as part of a sudden agreement to end the war and for his resignation. The police responded with a number of arrests, among them prominent opposition politicians.

Penalties for the violation of pandemic measures: There were some reports on unnecessary use of police force against people violating hygiene and emergency stipulations, which were addressed by the Human Rights Defender. People were required to carry an ID and the police could conduct random checks, especially during the period with a general stay at home order in place. A package of fines was introduced, adjusted with time and enforced. By mid-June, the authorities had issued 35.000 fines and closed nearly 1.000 supermarkets and restaurants for the violation of measures (Elliott 2020g).

Constitutional Court transformation and judicial investigations: As part of the transitioning process to democracy, the democratic replacement of judges loyal to the former regime has been discussed. According to a pre-pandemic survey in 2020, the population's levels of trust in the judicial systems were at around only 22%. In order to resolve the constitutional court issue without executive overstep, a referendum was scheduled, which, however could not take place due to the pandemic state of emergency, under which no elections or referendums could be held. The government therefore sought advice from the Venice Commission, which was partially but not fully followed. Parliament, dominated by the Prime Minister's faction, decided under protest from the opposition to reduce a judicial terms to 12 years, and a new court president, along with three new judges, took office. The Prime Minister's role and power in this process were seen critically with respect to the balance of power between the executive, legislative and judicial branches of government. As a consequence of the pandemic emergency, a different procedural route was taken than was initially deemed to be best. Further issues of transition arose in legal prosecutions, including that of the current leader of the opposition party Prosperous Armenia, Gagik Tsarukyan, who is accused of having bought votes during the 2017 parliamentary election.

The constitutional referendum in Armenia and elections in Nagorno-Karabakh: With respect to the right to vote, the scheduled constitutional referendum was first postponed, then cancelled, in favour of a more government-led process to address the constitutional court reform crisis, which was seen as a pressing need that could not be postponed to a point where elections would be deemed feasible again with regard to the pandemic situation. Also, media widely reported on the parliamentary and presidential elections in autonomous Nagorno-Karabakh, which took place during the pandemic and were not subject to delay. Other topics concerning elections included a discussion on lowering the voter age and reforming Armenia's electoral code.

Democratic system transitioning and challenges: The publication of international reports which assess the state of Armenia's democracy and transitioning were reported by media. In addition, articles were published on various government-led reform efforts and pledges to strengthen democracy, as well as criticism by international actors such as European People's Party President, Donald Tusk, on pressuring the opposition. Whereas the Prime Minister and others argue that democratic transition should address strongholds of the former regime and system, others voice concern about the government's anti-democratic tendencies toward anti-democratic practices. The pandemic, and with it, the tight state of emergency stipulations, certainly complicated the already very challenging task of transitioning the Armenian system towards a stable democracy in a democratically acceptable procedural way, and cultivating a diverse culture of criticism and democratic opposition. Further, the war with Azerbaijan and post-war anti-government protests brought forth existential questions

concerning the Armenian nation which overshadowed other pressing subjects and triggered, among some, a great disappointment in the democratically elected government.

Accountability for pandemic management: Aside from also considerable support for the government and approval of its pandemic management, there was criticism of, for example, its crisis communication as well as management approach. A parliamentary inquiry commission was set up to investigate the prolonged suspension of human rights and civic freedoms as well as the government's performance and potential mistakes in the pandemic management.

International support and accountability for democracy: Media reported on international voices and pandemic management support with regard to strengthening democracy in Armenia. Democratic challenges during the pandemic, as well as democratic values to be upheld during this time, were also mentioned. One article pointed to particular challenges in receiving pandemic relief in internationally unrecognised countries, such as the Republic of Artsakh. During the war with Azerbaijan, the lack of international support for Armenia as a democratising country, in contrast to the Azerbaijani dictatorship, became an issue of frustration. Much attention was also put on war atrocities and crimes against civilians and prisoners. Democracy and human rights were thus not only seen as important values but also distinguishing and threatening factors from opposing countries, which is also revealed in the "National Security Strategy of the Republic of Armenia. A Resilient Armenia in a Changing World" from July 2020: "The decline of democracy and human rights in Turkey and Azerbaijan has a detrimental impact on their compliance with their international commitments, increasing the unpredictability of these countries for Armenia" (Republic of Armenia 2020).

Restrictions of individual freedoms via quarantine and self-isolation measures: In the first few months of the pandemic, isolation of positively tested people was to be carried out in hospitals or other closed facilities, whereas infected people had to isolate at home. A phone location-tracking software assists in monitoring the adherence to isolation orders. Strong criticism was voiced against a compliance campaign by the Prime Minister, in which he requested his supporters to publish photos of fellow citizens disregarding the hygiene rules. Individuals on social media, in civil society and of the opposition saw regarded this method of public shaming to be a severe breach of ethical standards and individual privacy rights.

Data protection versus pandemic containment: Due to an amendment of the Law on the Legal Regime of State of Emergency, data processors obtained the ability to track phones and request sensitive personal information from the phones of positively tested people for containment and tracing purposes, e.g. location and contact information for the past two weeks. Concern was raised about the protection of data privacy, surveillance and political control, as well as democratic erosion and disproportionality, but also of the suitability of the extraordinary measures. In addition, an interactive map with current infection and self-isolation cases at 0-100 metres' accuracy was published, including age and gender information (WHO 2020).

In conclusion, media addressed democracy and human rights issues to some degree, with respect to aspects of legitimacy, necessity, suitability, proportionality, reasonability, minimalism, temporality, gradualness, equity and non-discrimination, and legality. The broader areas for the protection of democracy and human rights to which some of the reporting and government action speak, comprise the rule of law, accountability mechanisms, democratic participation, freedoms of press, information, expression, protest and association, liberty and security rights, privacy and data protection, the right to life as well as socio-economic issues and norms, such as education, economic activity, and property rights.

4 Debates in Germany

Şermin Güven

Main question: Along which topics do media articles discuss civil rights and democracy in Germany related to the SARS-CoV-2 pandemic?

Key insights: Topics of media discussion and reporting on democracy-relevant aspects during the pandemic in Germany comprise, among others:

- Pandemic restrictions
- Debate on centralism vs. federalism
- Role of the parliament in pandemic management
- Infection Protection Act
- Acceptance of the measures
- Vaccination and rights for immunised
- Practice of religion
- Protest activities and bans of demonstrations
- Monitoring of the Querdenker movement by the intelligence service
- State authority and restrictions of individual freedom
- Data protection versus pandemic containment
- Competition of political systems

The following summarises societal debates and reporting in Germany concerned with pandemic-related restrictions and democracy. To do this, information on the methodological approach as well as on the pandemic developments in Germany is provided. The overall aim is to analyse which aspects of pandemic response are topics of discussion and reporting in a consolidated democracy.

4.1 Methodology, sources and press landscape in Germany

The aim of this chapter is to analyse topics of discussion and reporting in Germany related to the pandemic response. For this study, media discourses in German newspapers from February to December 2020 were analysed. German-language articles selected by the Press Review of the German Radio Station Deutschlandfunk (DLF 2020a) from 17 February to 31 December 2020 served as a data basis. The press review consults all major German newspapers and provides a summary of key issues of reporting. In principle, it may include comments from all (weekly) newspapers published in Germany. The more opinionated and informed the comments are, the more likely they were to be selected. DLF excludes left- and right-wing extremist papers or portals.

Table 7: Sources consulted by the press review Deutschlandfunk

Publisher	Link	Languages
Kölner Stadtanzeiger	https://www.ksta.de	ger
Frankfurter Allgemeine Zeitung (FAZ)	https://www.faz.net	ger

Tageszeitung (TAZ)	https://taz.de/	ger
Tagesspiegel	https://www.tagesspiegel.de/	ger
Neue Osnabrücker Zeitung (NOZ)	https://www.noz.de/	ger
Neues Deutschland	https://www.neues-deutschland.de/	ger
Neue Presse	https://www.pnp.de/	ger
Münchener Merkur	https://www.merkur.de/	ger
Reutlinger Generalanzeiger	https://www.gea.de/	ger
Sächsische Zeitung	https://www.saechsische.de/	ger
Nürnberger Nachrichten	http://www.nuernberger-nachrichten.de/	ger
Die Zeit	https://www.zeit.de/	ger
Hessisch-Niedersächsische Allgemeine	https://www.hna.de/	ger
Süddeutsche Zeitung (SZ)	https://www.sueddeutsche.de/	ger
Rhein-Neckar Zeitung	http://www.rnz.de/	ger
Braunschweiger Zeitung	http://www.braunschweiger-zeitung.de/	ger
Heilbronner Stimme	https://www.stimme.de/	ger
Frankfurter Rundschau	https://www.fr.de/	ger
Volksstimme	https://www.volksstimme.de/	ger
Die Rheinpfalz	http://www.rheinpfalz.de/	ger
Die Welt	https://www.welt.de/	ger
Badische Neuste Nachrichten	https://bnn.de/	ger
Rheinische Post	https://rp-online.de/	ger
Nordbayrischer Kurier	https://www.kurier.de/	ger
Pforzheimer Zeitung	https://www.pz-news.de/	ger
Rhein-Zeitung	https://www.rhein-zeitung.de/	ger
Hannoversche Allgemeine Zeitung	https://www.haz.de/	ger
Allgemeine Zeitung	https://www.allgemeine-zeitung.de/	ger
Ludwigsburger Kreiszeitung	https://www.lkz.de/	ger
Handelsblatt	https://www.handelsblatt.com/	ger
Mitteldeutsche Zeitung	https://www.mz-web.de/	ger
Frankenpost	https://www.frankenpost.de/	ger
Mannheimer Morgen	https://www.morgenweb.de/	ger
Südwest Presse	https://www.swp.de/	ger
Märkische Oderzeitung	https://www.moz.de/	ger
Reutlinger General-Anzeiger	https://www.gea.de/	ger
Badisches Tagblatt	https://www.badisches-tagblatt.de/	ger
Stuttgarter Zeitung	https://www.stuttgarter-zeitung.de/	ger
Nordwest Zeitung	https://www.nwzonline.de/	ger

Südkurier	https://www.suedkurier.de/	ger
Dithmarscher Landzeitung	https://www.boyens-medien.de/	ger
Kölnische Rundschau	https://www.rundschau-online.de/	ger
Berliner Zeitung	https://www.berliner-zeitung.de/	ger
Badische Zeitung	https://www.badische-zeitung.de/	ger
Wiesbadener Kurier	https://www.wiesbadener-kurier.de/	ger
Straubinger Tagblatt	https://epaper.straubinger-tagblatt.de/	ger
Augsburger Allgemeine	https://www.augsburger-allgemeine.de/	ger
Hessische Niedersächsische Allgemeine	https://www.hna.de/	ger
Leipziger Volkszeitung	https://www.lvz.de/	ger

Source: Author's compilation

On the 2020 World Press Freedom, Germany, with a score of 12.16 points (with 0-15 points being considered a “good situation”) ranks place 11 out of 180 countries (RSF 2020a). Nevertheless, threats and physical attacks against journalists occur in Germany as well (RSF 2020c). There were also repeated cases of journalists appearing on enemy lists of radical groups (Ginzel, Arndt and Laufer, Daniel 2019). On several occasions, journalists were prevented by German police from reporting on public events such as demonstrations; in some cases, they were forced to delete the photos they had taken from their devices (Freie Presse 2019).

In recent years, several legislative initiatives have been launched in Germany that provide extensive surveillance on the internet, ostensibly to prosecute crime and hate speech. Although these legislative projects do not in themselves pursue measures against the press or the protection of journalistic informants, according to *Reporters without Borders*, they would result in massive restrictions (RSF 2020c).

RSF also deplores a “declining diversity in the daily newspaper industry” (RSF 2020c). This applies in particular to regional and local newspapers. For instance, the traditional Cologne media house DuMont announced its overall exit from the newspaper business in 2019 and sold the Kölner Stadtanzeiger (also listed above).

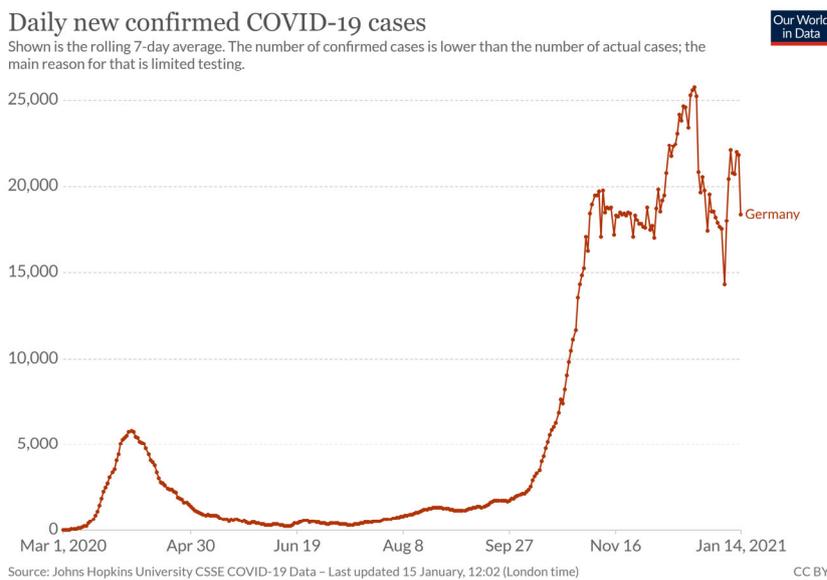
In addition to the newspaper landscape, public service broadcasting has an important role in Germany. These broadcasters are financed by public fees, similar to the British BBC (*Gesetz über die Errichtung von Rundfunkanstalten des Bundesrechts* 1960). One of them is *Deutschlandfunk*, on whose press review the present study is based. Public broadcasting is one of the main targets of the right-wing populist AfD's campaigns, which have it dubbed “system media” (RSF 2020c). In the course of the year 2020, the AfD had repeatedly expressed solidarity with the opposition to the anti-corona measures. Representatives of the AfD already sit on two-thirds of the supervisory bodies of the broadcasters (RSF 2020c), and recently the nominal increase of the broadcasting fee failed in the federal parliament of Saxony-Anhalt – also because of opposition by the AfD (DLF 2020b).

Journalism is additionally challenged by the pandemic crisis. Even if the authorities have not officially restricted the work of media representatives, the massive limitations on fundamental rights in Germany also impact the work of journalists. Contact bans and de facto curfews make interviews, research and filming on location difficult (RSF 2020c). Demands for the use of cell phone location data potentially endanger the protection of journalistic informants (RSF 2020c).

4.2 The pandemic in Germany

Until the end of December 2020, Germany has experienced two epidemiological waves, the first peaking beginning of April and the second reaching a plateau in November, only to pick up again in December (Ritchie et al. 2021). For Germany in the year 2020, a total of 1.76 million cumulative cases and 33,791 cumulative Covid-related deaths were reported (Ritchie et al. 2021).

Figure 19: Daily confirmed COVID-19 cases in Germany (7-day average)



Source: Ritchie et al. 2021

In the case of pandemics, federal competences are largely limited to providing recommendations and assuming coordination, communication and harmonization efforts because of Germany's federal set-up (BMI 2021) and the principle of subsidiarity: The Infection Protection Act from 2000 (*Gesetz zur Verhütung und Bekämpfung von Infektionskrankheiten beim Menschen*, IfSG), provides that the federal states and in line with the particular state legislation, more local administrative levels such as districts, are responsible for their respective legal framework for infection control and containment, whereas local health authorities as key entities in pandemic management issue e.g. quarantine orders (IfSG 2000, § 16, 17, 28a, 32, 54). However, the Federal Ministry of Health determines which diseases require reporting (IfSG 2000). Case reporting is conducted accordingly via the local health authorities to the Robert Koch Institute, which is responsible for data consolidation and the provision of expert advice and recommendations based on the National Pandemic Plan (IfSG 2000; RKI 2017).

As a response to and in the course of the pandemic, a number of legal revisions were decided upon in order to facilitate pandemic control as well as strengthen the federal harmonization efforts in some areas and under certain conditions. Amendments to the Infection Protection Act were issued, among others, in March, May and November 2020, as well as in April 2021 via four laws on the protection of the population in the event of an epidemic situation of national significance (*Gesetz zum Schutz der Bevölkerung bei einer epidemischen Lage von nationaler Tragweite*): According to the changes at the end of March (Bundesgesetzblatt 2020a), the Parliament of the Federal Republic of Germany (*Deutscher Bundestag*) may declare an 'epidemic situation of national significance', which it did on 27

March 2020 (IfSG 2000, § 5; Wissenschaftliche Dienste des Deutschen Bundestages 2020). For such an epidemic event, the Ministry of Health, in coordination with responsible other ministries, was granted the competence to issue legal directives concerning the provision of pharmaceuticals, medical equipment, diagnostics etc., health and nursing care, financial aid for the health sector, and occupational and educational laws (IfSG 2000, § 5). The changes from November 2020 (Bundesgesetzblatt 2020b) further specified, among others, reporting requirements and control measures for the SARS-CoV-2 pandemic that may interfere with basic rights. The Ministry of Health was granted the authority to commission assistance from civil protection emergency relief organisations against reimbursement (IfSG 2000, § 5). In April 2021, the federal harmonization was strengthened via the so-called emergency break mechanism for the SARS-CoV-2 pandemic (Bundesgesetzblatt 2021): If a district or municipality (*Landkreis, Bezirk, kreisfreie Stadt*) exceeds the 7-day-incidence threshold of 100 cases per 100,000 people for three consecutive days, a number of federally pre-defined (thus not locally defined) restrictions, including contact restrictions, curfews, certain business closures, stipulations for schools etc., enter into force (IfSG 2000, § 28b). In this sense, the amendment grants the federal government superordinate regulatory authority linked to infection hotspots. Furthermore, the federal government may decide upon exemption from restrictions for people with presumable immunity or negative test results (IfSG 2000, § 28c).

4.3 Media debates: Pandemic and democracy

After World War II, Germany built on the experience of the Weimar Republic and democratic structures and processes were able to take deep root in society. The experience of the peaceful revolution in the eastern German federal states of the former Soviet-occupied zone also contributed to a strong awareness of civil society. With reference to 2020, Freedom House rates Germany as 'free' (94 / 100 points) – also concerning political rights (39 / 40), civil liberties (55 / 60), and its Internet Freedom Score (80 / 100) (Freedom House 2020b).

According to the V-Dem Institute's pandemic democratic violations index, between March and December, no violations in the areas of discriminatory measures, derogation of non-derogable rights, abusive enforcement, time limit, limitations on legislature, official disinformation campaigns and restrictions of media freedoms have been found for Germany in the pandemic-related areas (V-Dem 2020).

The following analysis begins with an overview over major pandemic restrictions and summarises the findings from the media analysis on debates concerning democracy and civil rights during the pandemic in Germany. With the help of reference managing software Zotero, the contents of the press reviews were inductively coded for keywords (cf. Figure 20) based on the debates discussed. Additional research was conducted to provide background information on the particular issues.

Figure 20: German media discourses on the pandemic and democracy



Source: Author's compilation based on media analysis (cf. below)

4.3.1 Pandemic restrictions: The example of Berlin

Measures included among others restrictions on contact, bans on assembly, closure of schools, day-care centres, restaurants and stores. The measures began in March 2020, but were greatly relaxed again in June due to falling numbers. Individual rules were adjusted again and again, often every week. The corresponding regulations were also revised several times. Measures were reinforced again in October, ushering in a new phase of the lockdown that extended well into the new year.

As mentioned above, the responsibility for drafting, implementing, and enforcing pandemic measures lies in the competencies of the 16 federal state governments. Whereas the federal government made an effort of harmonising rules among the states in conferences among the chancellor and the state minister presidents, this was sometimes more and sometimes less successful. In the following, the pandemic policies of the state of Berlin are presented as an example of which restrictions applied in Germany's capital.

Table 8: Major regulations with restrictions on fundamental rights in Berlin

Introduction	Cumulative Covid cases for Germany	Area	Measures for the state of Berlin	Regulations	Lifting
14/03/2020	4585	Freedom of assembly	Prohibition of assemblies with more than 50 people	SARS-CoV-2-EindV , SARS-CoV-2-EindmaßnV	21/03/2020
14/03/2020	4585	Freedom of movement & personal liberty	Restriction of visiting regulations in hospitals, elderly and nursing homes	SARS-CoV-2-EindV , SARS-CoV-2-EindmaßnV , SARS-CoV-2-EindV , Ver-CoV-2-EindmaßnV (revision)	26/06/2020
14/03/2020	4585	Economy/Businesses/Freedom of occupation	Closing of restaurants, cafes, bars	SARS-CoV-2-EindV , Ver-CoV-2-EindmaßnV (revision)	15/05/2020; 02/06/2020 (Bars)
14/03/2020	4585	Freedom of movement & personal liberty; Economy/Businesses/Freedom of occupation	Closing of sports facilities, cinemas, theatres, concert halls and other entertainment venues	SARS-CoV-2-EindV , Ver-CoV-2-EindmaßnV (revision)	Different dates in June 2020
14/03/2020	4585	Right to education	Closing of day-care centres and schools	SARS-CoV-2-EindV , SARS-CoV-2-EindmaßnV	27/04/2020
18/03/2020	12327	Right to education	Closing of universities for public access	SARS-CoV-2-EindmaßnV	23/06/2020
18/03/2020	12327	Economy/Businesses/Freedom of occupation	Closing of most commercial enterprises and stores	SARS-CoV-2-EindmaßnV , Ver-CoV-2-EindmaßnV (revision)	21/04/2020
18/03/2020	12327	Economy/Businesses/Freedom of occupation	Prohibition of tourist accommodation	SARS-CoV-2-EindmaßnV , Ver-CoV-2-EindmaßnV (revision)	25/05/2020
22/03/2020	24873	Freedom of assembly	Prohibition of assemblies with more than 10 people	SARS-CoV-2-EindmaßnV	22/03/2020
23/03/2020	29056	Freedom of movement & personal liberty	People must stay in their homes unless there are compelling reasons to leave the house	Ver-CoV-2-EindmaßnV (revision)	05/04/2020
23/03/2020	29056	Freedom of movement & personal liberty	Staying in public space with not more than one other person not belonging to the household	Ver-CoV-2-EindmaßnV (revision)	08/05/2020
23/03/2020	29056	Freedom of assembly	Events, meetings, gatherings and assemblies are not permitted to take place. <u>Exceptions:</u> <ul style="list-style-type: none"> meetings in the family circle of up to 20 people. 	Ver-CoV-2-EindmaßnV (revision)	01/06/2020

			<ul style="list-style-type: none"> Religious events with up to 50 participants are permitted as of May 4, 2020 From 9 May, assemblies with up to 50 people are allowed outdoors <p>from 18 May 2020, assemblies of up to 50 are allowed in suitably large rooms</p>		
03/04/2020	91159	Freedom of movement & personal liberty	Persons entering the state of Berlin by land, sea or air from a state outside the Federal Republic of Germany must undergo a 14-day quarantine at home (from 07/11/2020 10-day quarantine, 5 days with a negative test result)	Ver-CoV-2-EindmaßnV (revision) , SARS-CoV-2-Infektionsschutzverordnung	Into 2021
21/04/2020	148291	Freedom of assembly	Prohibition of large events with more (with varying limits of persons from 100 to 1000)	GroßveranstVerbV , SARS-CoV-2-Infektionsschutzverordnung , InfSchMV	Into 2021
27/04/2020	158758	Personal liberty	Mandatory wearing of masks on public transport (from 23/06/2020 all indoor places; from 24/10/2020 in several streets)	Ver-CoV-2-EindmaßnV (revision) , SARS-CoV-2-Infektionsschutzverordnung , InfSchMV	Into 2021
09/05/2020	171324	Freedom of movement & personal liberty	Meetings in the public space are limited to persons from not more than <i>one</i> other household.	Ver-CoV-2-EindmaßnV (revision)	29/05/2020
30/05/2020	183189	Protection of data privacy	Documentation of attendance in restaurants etc.	Ver-CoV-2-EindmaßnV (revision) , SARS-CoV-2-Infektionsschutzverordnung , InfSchMV	Into 2021
30/05/2020	183189	Freedom of movement & personal liberty	Meetings of people from multiple households in public spaces are limited to 5 persons	Ver-CoV-2-EindmaßnV (revision)	23/06/2020
24/10/2020	427808	Freedom of movement & personal liberty	5-person limit in outdoor public spaces from 11 p.m. to 6 a.m.	SARS-CoV-2-Infektionsschutzverordnung	01/11/2020
24/10/2020	427808	Freedom of movement & personal liberty	Meetings in public spaces are limited to two additional persons from different households or one additional household (upper limit 10 persons; 5 persons from 16/12/2020)	SARS-CoV-2-Infektionsschutzverordnung , InfSchMV	Into 2021
27/10/2020	463419	Right to education	Renewed closing of universities for public access	SARS-CoV-2-Infektionsschutzverordnung	Into 2021

01/11/2020	544346	Economy/ Businesses/Freedom of occupation	Renewed closing of restaurants, cafes, bars	SARS-CoV-2- Infektionsschutzverordnung InfSchMV	Into 2021
01/11/2020	544346	Economy/ Businesses/Freedom of occupation	Renewed prohibition of tourist accommodation	SARS-CoV-2- Infektionsschutzverordnung	Into 2021
16/12/2020	1423830	Right to education	Renewed closing of day-care centres and schools	InfSchMV	Into 2021
16/12/2020	1423830	Economy/ Businesses/Freedom of occupation	Renewed closing of most commercial enterprises and stores	InfSchMV	Into 2021
16/12/2020	1423830	Economy/ Businesses/Freedom of occupation	Prohibition of overnight stays in hotels, hostels, vacation homes, etc., except for business trips or necessary private reasons	InfSchMV	Into 2021
16/12/2020	1423830	Economy/ Businesses/Freedom of occupation	Renewed closing of cinemas, theatres, opera houses, concert halls, museums, memorials	InfSchMV	Into 2021
16/12/2020	1423830	Freedom of assembly	Total prohibition of assemblies between December 31, 2020 and January 1.	InfSchMV	Into 2021

4.3.2 Debate on centralism vs. federalism

As described above, derived from the federal principles of the German *Grundgesetz (GG)*, decision-making authority during the pandemic rests largely with the federal states. The German government has a primarily supportive role, offering capacities for coordination and has been visible to the public primarily through the granting of financial aid and general recommendations. This resulted in a variety of regional regulations which were intensely discussed by the press.

The newspapers differed on the question of whether federalism was a hindrance or help in fighting the pandemic. In May, for example, the *Tageszeitung* wrote of a chaos of regional peculiarities:

The situation could become really chaotic if a new wave of infection were to sweep over the country because of the federal patchwork quilt. Unfortunately, the virus knows nothing about 'regional peculiarities', with which Saxony's Prime Minister Michael Kretschmer likes to argue. Or of Armin Laschet's 'graduated scheme'. Or of Markus Söder's 'Bavaria Plan'. Should there be a second wave, all eyes will again be turned expectantly towards the Chancellor's Office. (*DLF 2020a, Tageszeitung 07/05/2020, author's translation*)

The fact that the virus is the same everywhere was often used as an argument against federal unilateral action. The so-called 'national patchwork' ('Flickenteppich'), as the difference in pandemic response across states is often dubbed, was deplored time and time again during the pandemic year by several newspapers (*DLF 2020a, Pforzheimer Zeitung 30/09/2020, Frankfurter Allgemeine Zeitung 20/10/2020, Ludwigsburger Kreiszeitung 11/12/2020, Handelsblatt 14/12/2020*). Some recognised a lack of coordinated action regarding the support of digital learning at home. They saw federal differences diminishing equal opportunities in education (*DLF 2020a, Neues Deutschland 29/04/2020*).

The confusion caused by the different approaches was seen as a main problem during the pandemic (*DLF 2020a, Ludwigsburger Kreiszeitung 01/10/2020*). The impression of federal chaos was reinforced by the intervention of the courts, which had repeatedly rejected specific regulations (*DLF 2020a, Tagesspiegel 17/10/2020*). It was also seen negatively that some regulations are taken apart just the following day by unilateral declarations of the heads of the federal states (*DLF 2020a, Mitteldeutsche Zeitung 09/10/2020*). Some newspapers feared that the perceived federal chaos would have a negative impact on the acceptance of the measures (*DLF 2020a, Rhein-Zeitung 12/10/2020*).

In particular, Chancellor Merkel's repeated appeals for a unified approach are seen as an expression of the German federal government's weakness in confronting the pandemic (*DLF 2020a, Süddeutsche Zeitung 19/10/2020, Frankenpost 10/12/2020*). However, a large part of German newspapers considered federalism helpful in getting the pandemic under control, and some warned against efforts of centralisation (*DLF 2020a, Mannheimer Morgen 20/10/2020*). Several media outlets claimed the decentralised health service was one reason Germany was in a better position than some other countries (*DLF 2020a, Neue Osnabrücker Zeitung 09/09/2020*). Additional freedom and greater efficiency of a more differentiated approach were compared to a "rigid centralism" (*DLF 2020a, Tagesspiegel 16/04/2020*). It was claimed that the crisis was "best fought locally," while concrete means could differ (*DLF 2020a, Frankfurter Allgemeine Zeitung 20/04/2020*). A main reason for this approach were the large differences in case numbers between states (*DLF 2020a, Ludwigsburger Kreiszeitung 30/09/2020, Südwest Presse 07/12/2020, Neue Osnabrücker Zeitung 07/12/2020*). The *Kölner Stadtanzeiger* spoke of a "competitive federalism" in this context (*DLF 2020a, Kölner Stadtanzeiger 18/07/2020*).

Federalism was associated with an “appropriateness of the measures” possibly ensuring greater acceptance within the public (*DLF 2020a, Kölner Stadtanzeiger 28/08/2020*).

This insistence on federalism contrasted with the federal government, which strived for a more uniform approach since the beginning of the pandemic (*DLF 2020a, Frankfurter Allgemeine Zeitung 20/04/2020*). Some newspapers, in defending federalism, lamented the “prayer-mill-like call for nationwide uniformity” (*DLF 2020a, Tagesspiegel 16/04/2020, author’s translation*) and noted that uniformity was “not a value in itself” while seeing federal structures as checks on centrally prescribed measures (*DLF 2020a Kölner Stadtanzeiger 28/08/2020, author’s translation*).

As a possible middle ground some called for the bundling of competences at the federal level but at the same time for a stronger involvement of the parliament (*DLF 2020a, Frankfurter Rundschau 21/10/2020, Märkische Oderzeitung 04/12/2020*).

4.3.3 Role of Parliament

When Chancellor Merkel came to answering questions from the Bundestag in mid-May, some newspapers criticized the low level of debate during the parliamentary questioning. The *Frankfurter Rundschau* underlined the importance of a functioning opposition “at a time when an alarming number of citizens believe that they live in a system that is brought into line [*gleichgeschaltet*]” (*DLF 2020a, Frankfurter Rundschau 14/05/2020, author’s translation; similarly Die Welt 14/05/2020*).

Several newspapers criticised the decisions made solely by the federal government and heads of federal states, arguing that parliament should be more involved in the decisions. In April, the *Volksstimme* stated: “When the Corona crisis hit Germany full force, the Bundestag also seemed paralyzed. Almost reverently, the members of parliament nodded their approval of the cabinet's emergency measures in rare unity” (*DLF 2020a, Volksstimme 23/04/2020*). Similarly, some had the impression that the executive branch was able to operate undisturbed for weeks without serious scrutiny by the political system (*DLF 2020a, Süddeutsche Zeitung 11/05/2020, Augsburger Allgemeine 19/10/2020, Frankenpost 20/10/2020*). Many newspapers came to the conclusion that it was time for parliament to take back the initiative; according to them, members of parliament had a duty to review the legality of regulations (*DLF 2020a Pforzheimer Zeitung 20/10/2020, Reutlinger General-Anzeiger 20/10/2020, Süddeutsche Zeitung 21/10/2020, Rhein-Neckar-Zeitung 29/10/2020, Handelsblatt 17/11/2020, Märkische Oderzeitung 04/12/2020, Südwest-Presse 18/12/2020*).

Other newspapers pointed to the need for the federal government to be able to react quickly, and also stressed that these were exemptions that would automatically expire if not extended (*DLF 2020a, Volksstimme 21/10/2020*) and that parliament may decide at any time to put an end to the measures (*DLF 2020a, Badisches Tagblatt 20/10/2020*). Some warned, however, that this should not become a permanent solution (*DLF 2020a, Neue Osnabrücker Zeitung 20/10/2020, Badische Neueste Nachrichten 30/10/2020*).

4.3.4 Infection Protection Act

As described above, the federal government aimed to put the pandemic control measures in Germany on a more solid legal footing with a revision of the Infection Protection Act (*Infektionsschutzgesetz*) (Bundesregierung 2020).

But critics of the pandemic measures, vaccination opponents and conspiracy theorists accused the Chancellor and her ministers of securing far-reaching rights for the executive branch while bypassing parliament. Some even compared the amended law with the Enabling Act (*Ermächtigungsgesetz*), which paved the way for Adolf Hitler to seize power. This was sharply condemned by a number of newspapers, pointing out that the law was very limited to the situation of a pandemic and could be repealed by parliament at any time (*DLF 2020a, Die Tageszeitung 19/11/2020, Stuttgarter Zeitung 19/11/2020*). It was stressed that a framework for action and criteria for declaring an epidemic had finally been defined for the executive branch and possible measures were listed (*DLF 2020a, Südwest Presse 18/11/2020*).

Again, newspapers criticised the fact that there was no real involvement of parliament (*DLF 2020a, Die Tageszeitung 18/11/2020, Südwest Presse 18/11/2020*) and with its approval of the law, the parliament had in fact weakened itself (*DLF 2020a, Frankfurter Rundschau 19/11/2020, Nordwest-Zeitung 19/11/2020*). This would provide arguments for corona deniers and the opponents of the pandemic measures (*DLF 2020a, Münchener Merkur 19/11/2020*).

4.3.5 Acceptance of the measures

The debate on federalism (see above) was linked to the discussion about popular acceptance of pandemic policies. Many newspapers cautioned that the perceived ‘chaos’ of responsibilities and the lack of parliamentary debate could strengthen the camp of critics of pandemic measures because the people's concerns and anger would almost inevitably be unleashed outside of parliament (*DLF 2020a Rhein-Zeitung 12/10/2020, Handelsblatt 17/11/2020*).

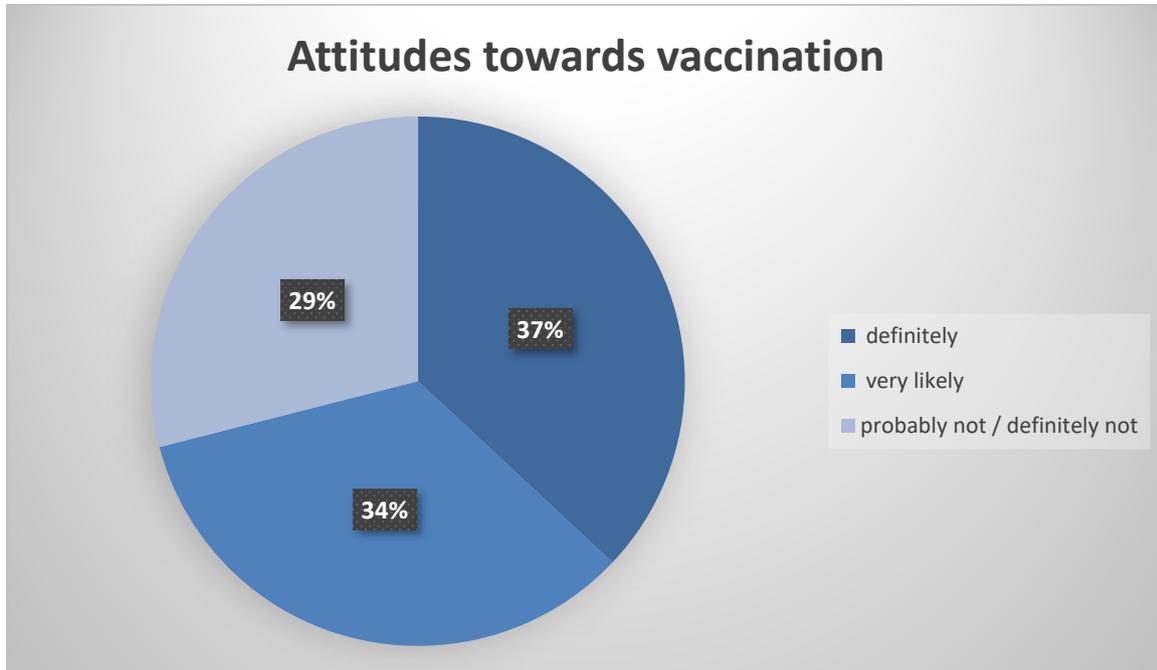
In addition, however, there was also the issue of credible communication and comprehensibility of the measures. Regulations such as the ban on accommodation (‘Beherbergungsverbot’) were perceived as incomprehensible and had been reversed by the courts shortly after they were passed by the 16 heads of federal states (*DLF 2020a, Südkurier 16/10/2020*). Some newspapers noted that regulations, which many people rightly perceived as absurd or unjust, could lead them to stop taking even reasonable rules seriously (*DLF 2020a, Die Tageszeitung 08/10/2020, Dithmarscher Landzeitung 12/10/2020*).

Some newspapers regarded regulations to potentially be the wrong approach and called to mind the responsibility of the individual (*DLF 2020a Die Welt 22/09/2020, Frankfurter Allgemeine Zeitung 10/10/2020*) - a “nanny state” could not be the solution to the pandemic problem (*DLF 2020a, Süddeutsche Zeitung 16/10/2020*). It was emphasised that the virus couldn't be contained without broad acceptance of the measures and individual responsibility (*DLF 2020a, Kölnische Rundschau 12/10/2020, Rhein-Zeitung 25/11/2020*). This sense of personal responsibility could be weakened by a guardian state that regulates its citizens like ‘children’ (*DLF 2020a, Rhein-Zeitung 30/10/2020*).

4.3.6 Vaccination

Vaccination was one area where acceptance and trust were expressed most, although it also seems clear that vaccination is the only real exit strategy from the crisis (*DLF 2020a, Stuttgarter Zeitung 18/12/2020*).

Figure 21: Attitudes toward vaccination in Germany

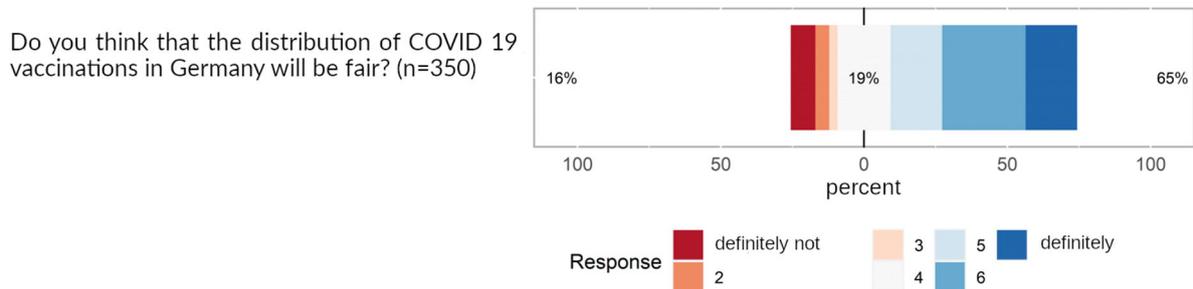


Data source: Tagesschau.de 2020

According to polls from November 2020, 50 to 60 per cent of the population expressed their willingness to be vaccinated against COVID-19 (Tagesschau.de 2020). In a non-representative survey conducted by the Disaster Research Unit in December 2020 and January 2021, even 78% of respondents said they would get vaccinated against COVID-19 (KFS 2021). Experts say at least 70 per cent is needed to overcome the pandemic (Tagesschau.de 2020). Some newspapers thus stressed the importance of transparent information and the dangers of poor government communication (DLF 2020a, Berliner Zeitung 10/11/2020). They saw confidence in the vaccine as essential for the necessary immunisation; accordingly, speed is considered important, but not as the only priority (DLF 2020a, Rheinzeitung 03/12/2020).

In order to prioritise certain groups in the allocation of vaccines, Health Minister Jens Spahn issued a regulation affecting access to immunisation for millions of people (Coronavirus-Impfverordnung 2020). Some voices criticised the fact that the regulation was not discussed in the Bundestag, even though it was likely to have far-reaching consequences (DLF 2020a, Reutlinger General-Anzeiger 19/12/2020). However, in the above-mentioned non-representative survey by the Disaster Research Unit (KFS 2021) almost two-thirds (65%) of respondents said they believed that the distribution of COVID-19 vaccinations in Germany would be fair.

Figure 22: Confidence in the fair distribution of COVID-19 vaccinations



Data source: KFS 2021

Related to this was the debate about preferential treatment for vaccinated persons or a relaxation of measures for these parts of the population. This discussion had a precursor in the question of immunity certificates for those who had already recovered from a COVID-19 infection. In May, Minister of Health Jens Spahn discussed the possibility of introducing immunity certificates for convalescents. This was denounced by some newspapers. The main point made in these cases was the injustice but also the false incentives that such a system would bring should, for example, attending “corona parties” to infect oneself lead to privileges due to immunisation (DLF 2020a, Frankfurter Rundschau 02/05/2020). Then, in September, Minister Spahn brought the proposal of immunity certificates back into play, but this time in connection with the foreseeable vaccination against COVID-19. Here, again, voices claim that such a decision must be the responsibility of parliament (DLF 2020a, Badische Zeitung 23/09/2020).

Some newspapers stressed that the renewed push still wouldn’t solve the problem of false incentives and thus may provoke people to avoid hygiene measures (DLF 2020a, Neue Osnabrücker Zeitung 23/09/2020). There were voices demanding that such proof of immunity should be voluntary (DLF 2020a, Reutlinger General-Anzeiger 23/09/2020), while others raised the question of whether such certificates may automatically build up pressure similar to coercion (DLF 2020a, Volksstimme 28/12/2020, Die Tageszeitung 28/12/2020, Heilbronner Stimme 28/12/2020, Stuttgarter Nachrichten 29/12/2020, Wiesbadener Kurier 29/12/2020). Some media outlets also noted that the situation would shift again dramatically, when everyone, as opposed to a minority, had access to a vaccine – it would then be difficult to impose further restrictions on the immunised (DLF 2020a, Ludwigsburger Kreiszeitung 24/11/2020, Münchener Merkur 29/12/2020, Frankfurter Rundschau 28/12/2020).

Still others, however, warned against a schism in society (DLF 2020a Frankfurter Allgemeine Zeitung 18/12/2020, Volksstimme 28/12/2020) and called for a continuation of the measures for all, based on the principle of solidarity (DLF 2020a, Neue Osnabrücker Zeitung 29/12/2020) – and also in order to not provide arguments to opponents of vaccination (DLF 2020a, Nürnberger Nachrichten 29/12/2020). However, it was also noted that immunity certificates could simplify visiting arrangements in old people’s and nursing homes (DLF 2020a, Badische Neuste Nachrichten 23/09/2020). Other newspapers considered the debate futile, because it was not yet clear whether vaccinated people could still transmit the virus (DLF 2020a, Berliner Zeitung 04/12/2020, Süddeutsche Zeitung 29/12/2020).

4.3.7 Practice of religion

Church services

In April, the topic of permission for church services was discussed by some newspapers. The Passau *Neue Presse* stated that video church services could not replace the gathering of believers in the long run (*DLF 2020a, Neue Presse 17/04/2020*). The houses of worship was critically contrasted with the opening of hardware stores and boutiques (*DLF 2020a, Münchener Merkur 25/04/2020, Kölner Stadtanzeiger 17/04/2020*), and it was emphasised that the congregations had behaved cooperatively during Easter and Ramadan times (*DLF 2020a, Münchener Merkur 25/04/2020*).

Some voices considered it unfair to continue to allow church services with dozens of participants when cultural events and restaurant visits were prohibited. It was even claimed that organ concerts were framed as church services in order to circumvent the restrictions (*DLF 2020a, Die Tageszeitung 31/10/2020*). It was also argued that church gatherings had proven to be superspreader events (*DLF 2020a, Die Tageszeitung 31/10/2020*).

Christmas holidays

Towards the end of 2020, the debate on religious services mixed with the question of relaxations during the Christmas and New Year's Eve holidays. Some newspapers questioned why Christmas services could be allowed if case numbers were so high (*DLF 2020a, Rhein-Zeitung 21/12/2020*). Many demanded that the number of contacts should be restricted with no exemption for the churches (*DLF 2020a, Süddeutsche Zeitung 09/12/2020*) since, on the other hand, celebrations in the family were to be limited so drastically (*DLF 2020a, Rhein-Neckar-Zeitung 23/12/2020*).

Some newspapers promoted that services should take place in adapted forms (*DLF 2020a, Mitteldeutsche Zeitung 30/11/2020*). They may be moved to the internet and television (*DLF 2020a, Rhein-Neckar-Zeitung 23/12/2020*) or held outdoors without singing (*DLF 2020a, Stuttgarter Nachrichten 23/12/2020, Reutlinger General-Anzeiger 23/12/2020*) in order to make Christmas as contact-free as possible.

Opinions differed on the question of how far Christmas celebrations at home should be restricted. Many argued the virus would 'not take a break at Christmas' (*DLF 2020a, Rhein-Zeitung 25/11/2020*) and pointed out the high number of cases and deaths (*DLF 2020a, Heilbronner Stimme 26/11/2020*) as well as limits in intensive care unit beds (*DLF 2020a, Straubinger Tagblatt 23/11/2020*). But others put forth that while the easing of restrictions came with a high existential price, in all areas of society risks to life were constantly weighed against other goods – therefore, the interests of retailers and the needs of the healthy, who at least wanted some normality over the holidays, also had to be taken into account (*DLF 2020a, Die Tageszeitung 28/11/2020*). Other newspapers similarly noted that the point being made was also about the morale of the population, and that not everything that seemed appropriate from a medical perspective was also appropriate from a social point of view (*DLF 2020a, Augsburger Allgemeine 23/11/2020*).

4.3.8 Protest activities and bans of demonstrations

In the press debates regarding the right to demonstrate and its restriction during the pandemic, three main lines of argumentation can be identified:

Demonstrations against the corona measures should be prohibited/are unacceptable

In August, when large demonstrations were held by opponents of the anti-pandemic measures (some initiated by radical right-wing groups), many of the demonstrators did not comply with hygiene and distance rules. In this situation, some newspapers supported the attempt bans of such demonstrations by the courts. The main reason given for this was the health threat for others, as a ban would imply “not a decision against freedom of assembly, but a decision for infection control” (DLF 2020a, *Neue Presse* 27/08/2020, author’s translation). Some claimed a credibility problem for politics if these excesses were tolerated: “For who should continue to comply with corona regulations when such an event is possible - even a second time - right on the doorstep of parliament with the approval of politics?” (DLF 2020a, *Die Zeit* 27/08/2020, author’s translation). Similarly, the demonstrations were described as a “slap in the face for the tirelessly toiling medical staff in the clinics, but also for the people in everyday life who have practiced renunciation for weeks” (DLF 2020a, *Münchener Merkur* 11/05/2020).

Table 9: Summary of some major protests against the pandemic measures (Berlin)

Date in 2020	Protest details	City	Sources
28/03 -	“Hygienedemos” against restrictions on fundamental rights in the pandemic response: Beginning in March and taking place regularly on Saturdays near Volksbühne Berlin	Berlin	(tip-berlin 2020)
09/05	„Freiheitsdemo für das deutsche Volk“: Demonstration in front of the Reichstag building, organised by the conspiracy theorist Attila Hildmann, ca. 150 participants. Additional demonstrations at Berlin Alexanderplatz, ca. 1200 participants.	Berlin	(NTV 2020; focus.de 2020)
01/08	„Das Ende der Pandemie – Tag der Freiheit“: Demonstration supported by groups like <i>Querdenken 711</i> who see Covid-19 as a conspiracy, ca. 30,000 participants	Berlin	(Tagesspiegel.de 2020a)
29/08	Several demonstrations registered by the Stuttgart initiative <i>Querdenken 711</i> were initially banned by the city, but this decision was overturned by the administrative court, some demonstrators stormed the security zone of the Reichstag building, ca. 38,000 participants	Berlin	(RBB24 2020)
25/10	Organised by the <i>Querdenken</i> movement: 2,000 people marched through Berlin-Mitte in protest against the pandemic measures, most of the participants observed neither the mask nor the distance requirements, at the same time counter-demonstration with 150 participants	Berlin	(Tagesspiegel.de 2020b)
18/11	More than 10,000 people demonstrated in the immediate vicinity of the Reichstag on the day of the vote on the <i>Third Law for the Protection of the Population in the Event of an Epidemic Situation of National Significance</i>	Berlin	(Spiegel Online 2020)

Source: Author’s compilation (exemplary, not exhaustive), cf. column sources for references

Others noted the demonstrators' demand for freedom, but highlighted their responsibility while asserting that the freedom of the individual would end where it limits that of others (DLF 2020a, *Reutlinger Generalanzeiger* 04/08/2020). The *Passau Neue Presse* wrote about “unscrupulous selfishness” and used the metaphor of “political well poisoners from the far left and far right, who cooked their poisonous soup on the stove of irrational ideas” (DLF 2020a, *Neue Presse* 04/08/2020, author’s translation). The newspaper demanded that both groups had to be “put out of business” (DLF 2020a, *Neue Presse* 04/08/2020, author’s translation).

In the context of the incidents where demonstrators stormed the security zone and outside stairs of parliament, the debate took another direction: The *Neue Osnabrücker Zeitung* apparently saw the demonstrations as a danger to democracy, since in its perspective “something started slipping” as an attempt was being made to weaken trust in democracy (DLF 2020a, *Neue Osnabrücker Zeitung*

01/09/2020). This expression of shock drew an inexplicit comparison to the Reichstag fire that accompanied the Nazi seizure of power in Germany.

In this regard, other newspapers criticised the complaints about a lack of freedom and basic rights and contrasted the situation in Germany with the demonstrations of opposition groups in Belarus, where opposition supporters were in fact arrested almost daily (DLF 2020a, Rheinische Zeitung 17/08/2020, Rhein-Neckar-Zeitung 31/08/2020).

Demonstrations should not be prohibited

The *Sächsische Zeitung* and the *Nürnberger Nachrichten* were part of only a few newspapers that spoke out against a ban on demonstrations early on. The *Sächsische Zeitung* emphasised the basic right to freedom of opinion and assembly (DLF 2020a, *Sächsische Zeitung* 04/08/2020), and *Nürnberger Nachrichten* stated that demonstrations, also of right-wing extremists, must be tolerated and the newspaper even called for additional counter-demonstrations (DLF 2020a, *Nürnberger Nachrichten* 04/08/2020).

The *Sächsische Zeitung* considered it wrong to describe the demonstrators “in a sweeping manner as Covidiot” (DLF 2020a, *Sächsische Zeitung* 04/08/2020). Likewise, *Die Welt* (DLF 2020a, *Die Welt* 05/04/2020) and *Süddeutsche Zeitung* criticised the use of this term by the Social Democrats’ (SPD) leader Saskia Esken and others: “Would you still value a conversation with someone who has publicly called you an ‘idiot’? [...] Insults would only lead to a further division of society - and the sceptics, the unstable, the frustrated would become even more inclined to look for their certainties on Facebook, Google and YouTube” (DLF 2020a, *Süddeutsche Zeitung* 03/08/2020, author’s translation).

In mid-August, the *Neue Osnabrücker Zeitung* called for more composure on the part of the security authorities in the context of protests of a few thousand participants. Like the *Sächsische Zeitung*, it demanded a more differentiated attitude towards the demonstrators and their concerns: “The extent to which the curtailment of basic rights for corona containment is sensible, proportionate and lawful is not only a legitimate question, but the most important question at present” (DLF 2020a, *Neue Osnabrücker Zeitung* 18/05/2020, author’s translation). Others saw the demonstrations as a “good sign” and mentioned a “prophylaxis paradox”: as the measures against the corona virus would take effect, they seemed all the less necessary (DLF 2020a, *Hessische Niedersächsische Allgemeine* 16/05/2020, author’s translation; *Nürnberger Nachrichten* 11/05/2020).

Some regarded the demonstrations against the restrictions as the beginning of a movement, arguing that there was a lack of explanations and perspectives on the part of the government: “the longer this answer is missing, the faster the resistance grows” (DLF 2020a, *Braunschweiger Zeitung* 04/05/2020 (DLF 2020a, *Hessische Niedersächsische Allgemeine* 16/05/2020, author’s translation).

When the Berlin Administrative Court (Verwaltungsgericht) overturned the ban on demonstrations at the end of August, the newspapers consistently respected this decision. One newspaper noted that the rejection of the political sentiments of the mask objectors couldn’t be the yardstick for a demonstration ban (DLF 2020a, *Frankfurter Allgemeine Zeitung* 29/08/2020). Another stated that the possibility that the demonstrations might break the law was not sufficient grounds for a ban in advance (DLF 2020a, *Heilbronner Stimme* 29/08/2020). The *Frankfurter Rundschau* stated that “anyone who sees freedom not only as a carte blanche for himself, but as the building principle of the constitutional state” could never be happy about a ban on demonstrations (DLF 2020a, *Frankfurter Rundschau* 27/08/2020).

However, many newspapers demanded that moderate and peaceful demonstrators should distance themselves from the radical rest: “A mere shrug of the shoulders and emphasis on one’s own harmlessness” is not enough (DLF 2020a, Nürnberger Nachrichten 01/09/2020). One emphasised that it was important to identify the “enemies of democracy” among the demonstrators and demanded not to demonstrate together with them (DLF 2020a, Süddeutsche Zeitung 18/05/2020). The *Frankfurter Allgemeine Zeitung* asked how one could put a stop to this “inflammatory craft” without affecting critical citizens (DLF 2020a, Frankfurter Allgemeine Zeitung 16/05/2020). Regarding the fanatical demonstrators, it wrote that these were “only freedom fighters in their own cause” and “no dissenters” and demanded that “all citizens and politicians [...] must keep a distance of more than 1.5 meters” (DLF 2020a, Frankfurter Allgemeine Zeitung 18/05/2020, author’s translation).

Demonstrations should be made possible, but with no tolerance for violations of hygiene measures

Various newspapers emphasised the value of freedom of assembly and that it was completely irrelevant which demands and backgrounds the demonstrators had (DLF 2020a, Volksstimme 29/08/2020, Sächsische Zeitung 31/08/2020). However, most of the newspapers agreed that there should be no tolerance for the violation of hygiene rules:

Even roaring strays, intellectual bullies and sweaty metaphysicists have a right to protest marches and knees-up. But they do not have a right to violence and violations of the currently prevailing rules of hygiene. (DLF 2020a, Die Welt 29/08/2020, author’s translation)

Another newspaper demanded, instead of opening “an even bigger stage” for the corona sceptics, to give the demonstrators strict conditions, to intervene consistently in the case of any violation and to let the courts clarify only afterwards whether this action on the part of the authorities was illegal (DLF 2020a, Der Tagesspiegel 29/08/2020).

The *Frankfurter Rundschau* demanded a timely and tough crackdown by the police and compared the disregard for infection control with a demonstration march that throws stones at bystanders and fatally injures them: “Would the police stand idly by in this case? Probably not. Anyone who does not follow the rules for protection against corona is comparable to a stone thrower” (DLF 2020a, Frankfurter Rundschau 04/08/2020, author’s translation). Another demanded that in the case of hygiene offences “the state puts an end to the bustle” (DLF 2020a, Rheinpfalz 03/08/2020, author’s translation).

4.3.9 Monitoring of the Querdenker movement by the intelligence service

In December, the *Landesamt für Verfassungsschutz* (State Office for the Protection of the Constitution) in the federal state Baden-Württemberg decided to officially observe the so-called *Querdenker* movement. The *Querdenkers* had been demonstrating against the state’s pandemic restrictions for months. According to the *Landesamt für Verfassungsschutz*, the group was radicalising and had been infiltrated by extremists (Landesamts für Verfassungsschutz Baden Württemberg 2020; 2021).

A number of newspapers welcomed the increased monitoring of the movement. One argument put forth was that the movement would not see the cause of the pandemic in biological processes but instead blame a conspiracy of elites, Jews and foreigners (DLF 2020a, Süddeutsche Zeitung 11/12/2020). It was also argued as a justification for the observation that the *Querdenker* would try to

brand Germany as a dictatorship and would portray the chancellor, the federal government and leading scientists as criminals (DLF 2020a, Märkische Oderzeitung 10/12/2020).

Nevertheless, it was pointed out that the state had a responsibility to address sceptics more strongly. One article noted that, according to a study by the Konrad Adenauer Foundation (Roose 2020), about one third of Germans had a tendency toward conspiracy theories. This third would pin its inclination on a different topic after the pandemic crisis - a development which cannot be countered by the intelligence services (DLF 2020a, Leipziger Volkszeitung 10/12/2020).

4.3.10 State authority and restrictions of individual freedom

State control of the measures

Especially in light of illegal parties, some newspapers called for harder and more consistent action of the authorities. One demanded “more controls in bus and train” and an “increased police presence in public space” because appeals to reason would not reach the persons concerned (DLF 2020a, Heilbronner Stimme 13/08/2020).

At the beginning of the crisis, even newspapers like *Süddeutsche Zeitung* were convinced that the state was authorised to take far-reaching measures: “The democratic state is authorized to make massive interventions when the common good is at stake” (DLF 2020a, Süddeutsche Zeitung 26/02/2020). However, they were confident that these restrictions would be lifted again “in better times” because of healthy democratic structures (DLF 2020a, Der Tagesspiegel 21/05/2020).

A main argument for the restrictions was that current negligence would lead to harder decisions and less freedom in the future. One newspaper pleaded for strict adherence to the rules of distance and caution, as there would otherwise no longer be a debate about “facts and wishes, but about life and death” (DLF 2020a Rhein-Zeitung 25/05/2020). The *Neue Osnabrücker Zeitung* saw the significant interventions in civil rights as necessary, since increasing numbers would endanger not only the economy but also social cohesion (DLF 2020a, Neue Osnabrücker Zeitung 05/07/2020). The *Badische Zeitung* believed that the government deserved fundamental trust during the crisis. This should not be confused with a “blank cheque” (DLF 2020a, Badische Zeitung 07/04/2020).

Lockdown and civil liberties

In March, many newspapers already began worrying about civil liberties (Reutlinger Generalanzeiger 17/03/2020). In reversal of the above statement by the *Badische Zeitung*, one newspaper demanded: “Politicians must trust the citizens' maturity to change their behaviour through knowledge” (Neue Osnabrücker Zeitung 23/03/2020).

Many newspapers stressed that the curfews and contact restrictions of the “lockdown” were indeed considerable interferences into fundamental rights - under different circumstances, many politicians would rightfully hesitate, however they resolved to “bite the bullet” in the interest of the public (DLF 2020a, Nordbayrischer Kurier 31/03/2020). The *Rhein-Neckar-Zeitung* dampened expectations of an imminent end to the lockdown while opposing the claim that virologists and epidemiologists had undermined the rule of law (DLF 2020a, Rhein-Neckar-Zeitung 28/03/2020).

The *Frankfurter Rundschau* stated that, in the fight against the pandemic, everything justifiable must be done, but admitted that this was a delicate matter (DLF 2020a, *Frankfurter Rundschau* 27/02/2020). A number of newspapers warned that the various pandemic measures must be proportionate, emphasising that contact restrictions, bans on assembly and store closures must “remain the absolute, strictly limited exception” (DLF 2020a, *Süddeutsche Zeitung* 28/03/2020, author’s translation; *Allgemeine Zeitung* 22/03/2020, *Neue Osnabrücker Zeitung* 23/03/2020).

This also included the federal government providing comprehensible criteria for future action, because, according to other newspapers, it was high time for a clear catalogue of criteria for an exit strategy about “when the restrictions will be gradually lifted” (DLF 2020a, *Rheinpfalz* 30/03/2020). Several demanded that governments should make more effort to explain and justify their policies and their proportionality while arguing that transparency and meaningfulness of the measures would make the sensible immune to malicious simplifications of events (DLF 2020a, *Hessische Niedersächsische Allgemeine* 18/05/2020, *Die Welt* 04/08/2020).

Altogether many newspapers welcomed it, when at the beginning of April, the German Ethics Council commented on the federal government's Covid policy, emphasizing, among other things, the importance of debate (Deutscher Ethikrat 2020). The *Nordbayrischer Kurier* wrote: “Democracy must not be kept in shock. Responsible citizens are not governed by the Robert Koch Institute and not by the Charité” (DLF 2020a, *Nordbayrischer Kurier* 08/04/2020). In its opinion it is time for a discussion about different possible ways out of the pandemic.

There were also calls for “maximum transparency” and more scrutiny of the government by the media, the public and politicians (DLF 2020a, *Der Tagesspiegel* 24/03/2020). In May, the *Allgemeine Zeitung* also criticised the dominance of virologists in the debate “[...] at present it seems as if the voices of virologists are being listened to exclusively in the search for answers. A dangerous monotone” (DLF 2020a, *Allgemeine Zeitung* 02/05/2020, author’s translation).

Others ask critically: “Does the way in which far-reaching measures are decided in conference calls correspond to democratic demands?” and it is noted that a movement was missing “which combines the No to certain measures with a positive concept of the constitutional state” (DLF 2020a, *Frankfurter Rundschau* 31/08/2020, author’s translation).

In many newspapers, the attitude gained ground that the opposition to the measures could no longer be universally demonised and that the legitimate worries of the groups concerned must be heard, which includes addressing their motives. In August, the *Tageszeitung* writes:

The fact that thousands of people get on a bus for a day to go to a protest shows we must take it seriously, even if it may be difficult for logically thinking and arguing people [...] probably it is not so difficult to slip into this group even as an enlightened person. To be annoyed about the mouth-nose protection; in addition, a healthy distrust of the state or frustration about a tax back payment, and then maybe a good friend who is a bit esoteric and who you accompany to such a demo. In any case, it has become impossible to classify the protest - like large parts of the debate on how to deal with corona - on a right-left schema. (DLF 2020a, *Die Tageszeitung* 03/08/2020, author’s translation)

Another newspaper stated “it is not about Corona deniers on the one hand and Corona acknowledgers on the other. The situation is not that simple,” because those who question the corona measures were

not the same as the virus deniers and a social consensus could only be reached by exchanging arguments (DLF 2020a, Die Welt 05/04/2020, author's translation).

Some newspapers criticised the alleged lack of alternatives to the pandemic policies as propagated by the federal government. In particular, a derogatory remark by Chancellor Angela Merkel was criticised by many:

At the CDU presidium meeting, Chancellor Angela Merkel showed a problematic attitude to the discussions on measures to contain the corona pandemic. She calls the struggle for the right path 'opening discussion orgies'. As with the opening of the borders in 2015, discussions are not desired. Even scientists discuss highly controversial strategies. Every measure is crucial to the existence of many companies and the people they employ. Reason enough to weigh up very exactly. (DLF 2020a, Volksstimme 21/04/2020, author's translation)

It was noted that only a debate on pandemic control could give it legitimacy (DLF 2020a, Die Welt 21/04/2020). The *Tagesspiegel* wrote: "Everything is not all right just because it comes from the government or from 'Mama' Merkel. The attitude of the authorities is neither a civic duty nor helpful" (DLF 2020a, Der Tagesspiegel 21/04/2020, author's translation).

Compulsory testing

The newspapers were surprisingly unanimous in their assessment of a possible test obligation for returnees from holidays abroad. Regarding the right to physical integrity, which may thereby be endangered, one newspaper states: "what about the integrity of those who are endangered by the returnees and who are threatened with more trouble than a cotton swab in their nose?" (DLF 2020a, Süddeutsche Zeitung 25/07/2020, author's translation). Another wrote: "The obligation of nicely tanned travellers to have some spit taken from their mouth at the airport is a ridiculously small restriction" (DLF 2020a, Pforzheimer Zeitung 28/07/2020, author's translation).

Several saw the test obligation for travel returnees as a good alternative to a 14-day domestic quarantine (DLF 2020a, Badische Neuste Nachrichten 25/07/2020, as well as the Rheinische Post 27/07/2020, Frankfurter Allgemeine Zeitung 27/07/2020).

Isolation of risk groups

The *Neue Osnabrücker Zeitung* warned with regard to bans on visits to nursing homes in Niedersachsen that the forced isolation of risk groups would incapacitate people. The isolation turns "sprightly seniors almost into underage citizens" and considerably restricts their freedom of decision and movement (DLF 2020a, Neue Osnabrücker Zeitung 01/04/2020, author's translation).

4.3.11 Data protection versus pandemic containment

When it came to collecting data for contact tracing, the newspapers' positions diverged. As early as March, one lamented: "Weeks have passed and the German corona fight has still not reached the standard of South Korea. We absolutely need cell phone data to quickly identify contact persons of the infected" (DLF 2020a, Volksstimme 28/03/2020). In April, the *Volkstimme* demanded that priorities be set correctly and data protection not be put before "human protection" (DLF 2020a, Volksstimme 01/04/2020). Another considered permitting "electronic tracking without the consent of the person

concerned,” as this would ensure general freedom of movement (*DLF 2020a*, Frankfurter Allgemeine Zeitung 01/04/2020). Both contrasted modern digital tools with a medieval-like situation.

Contrary to these views, the *Süddeutsche Zeitung* claimed the time was just right to “have the long smoldering debate on digital civil rights,” because the digital space already needed checks and balances (*DLF 2020a*, *Süddeutsche Zeitung* 01/04/2020, author’s translation). It feared that at the moment of need, freedoms would be abandoned without control and that these would not automatically return (*DLF 2020a*, *Süddeutsche Zeitung* 01/04/2020). Others were irritated by the health minister’s initiative to grant health authorities the right to cell phone tracking: “A few days were enough to override elementary elements of the constitution” (*DLF 2020a*, Frankfurter Rundschau 24/03/2020), fearing that legal issues would be pushed aside in this context and that these measures would become a habit (*DLF 2020a*, Stuttgarter Zeitung 02/04/2020).

When the federal government’s corona app was launched in June, most newspapers agreed that it was exemplary in terms of data protection, while some doubted its effectiveness. The *Frankfurter Allgemeine Zeitung* ridiculed the app by referring to it in the diminutive form ‘Äppchen,’ implying it would hardly make it easier for the health authorities to track infection chains (*DLF 2020a*, Frankfurter Allgemeine Zeitung 15/06/2020). Although the efficacy of the app was yet to be proven, the newspaper labelled it a true “data hero.” The app “only reveals its secret beneath multiple layers, and only if the user really wants it” (*DLF 2020a*, Frankfurter Allgemeine Zeitung 17/06/2020, author’s translation).

The *Neue Osnabrücker Zeitung* called for everyone to install the app, but argued that voluntary participation is integral to a liberal democracy (*DLF 2020a*, *Neue Osnabrücker Zeitung* 15/06/2020). However, there were warnings against attempts to make the app more attractive with additional incentives: “App users must not have any advantages and non-users must not have any disadvantages” (*DLF 2020a*, Tagesspiegel 16/06/2020, author’s translation).

Some newspapers also focused on discriminating aspects of the app, claiming it was not a success because it excluded those whom it should protect: The elderly and low-income earners who could not afford a state-of-the-art smart phone (*DLF 2020a*, Frankfurter Rundschau 18/07/2020). The *Rhein-Zeitung* voiced the same criticism, adding it was a mistake that the federal government had not analysed the reach of its app in advance (*DLF 2020a*, Rhein-Zeitung 17/06/2020).

4.3.12 Competition of political systems

Chapter 2 of this report addressed the strengths authoritarian political systems may have in the face of major crises such as the SARS-CoV-2 pandemic. The question of how well prepared democracies are for the pandemic was also taken up by the German press.

Since the beginning of the SARS-CoV-2 pandemic in Germany, China had been a point of comparison for crisis management. In reminiscence of the Cold War some newspapers like *Die Welt* perceived a competition between the systems:

As in the Cold War, we are witnessing a world conflict that is fought out not only in terms of power politics but also as a competition between systems. In contrast to the majority of those in power here, the Chinese have recognised this. They seek to combine power politics with new forms of soft power. They have one weakness. No matter how comprehensive the control

over their own people, they do not silence their desire for dignity. (DLF 2020a, Die Welt 04/04/2020, author's translation)

This statement also seemed to contain an implicit appeal for the liberal system to take this opportunity to prove itself for a greater good. The *Hannoversche Allgemeine Zeitung* extended the comparison to states with “passive and unrealistic” presidents, such as Brazil and the US. While such authority figures may not hesitate in faking normality, Germany would not deceive its citizens; instead, the government and the governed would act together in a “tentative, cooperative mode” (DLF 2020a, *Hannoversche Allgemeine Zeitung* 17/06/2020, author's translation).

This idea was not only taken up by newspapers. In an article by the *Bundeszentrale für politische Bildung* (Federal Agency for Civic Education), it was stated that pandemic handling has mutated into a global competition of systems (Ther 2020). The author drew comparisons between two poles: at one end was China, which would seal off entire regions in the style of Mao and erect an Orwellian surveillance state; and at the other was the US, which focused on individualism and maintained a privatised health care system, unable to guarantee even basic health care. The article described Germany's and the EU's performance during the pandemic as exemplary, while noting growing tensions as a result of social inequality and the danger of an erosion of the liberal constitutional state (Ther 2020).

4.4 Conclusion

In Germany, reporting focused on the question of whether federal structures could efficiently deal with the crisis, the lack of parliamentary legitimacy of the measures, the handling of “corona deniers,” the prohibition of demonstrations if conditions are ignored, the importance of data protection in the pandemic crisis, a possible vaccination obligation, and potential special rights for immunised persons.

Newspapers expressed differing opinions on the advantages of **federalism** in fighting pandemics. The main point of criticism was confusion associated with the numerous and often asynchronous regulations in the individual states and counties. There was also criticism that joint agreements between the states and the government often did not last longer than a day. However, some newspapers also warned against greater centralisation, arguing that federal solutions were much more appropriate and could be tailored to local situations. The large differences in the number of cases in COVID-19 would therefore justify a nuanced approach with checks on centrally prescribed measures. As a possible middle ground, some called for the bundling of competences at the federal level, but at the same time, for a stronger involvement of parliament. Even if newspapers were not unanimous on the subject of federalism, a large number of them called for stronger control of federal-state decisions by the German parliament. They saw a danger that, on the one hand, the emergency laws could become a permanent solution, and on the other, that some citizens may perceive the parliamentary system as being brought into line. Only a few expressed the opinion that the federal government needed to be able to react quickly, and stressed that these exemptions would automatically expire – and that in any case, parliament could decide at any time to put an end to the measures.

Regarding the discussion about **public acceptance of pandemic policies**, many newspapers expressed concern that the chaos of responsibilities and the lack of parliamentary debate could provoke critics of the pandemic policies because the citizens' anger would almost inevitably be unleashed outside of the parliamentary realm. It was also noted that a handful of absurd or unjust measures could lead to

sections of the public rejecting even the most reasonable rules. Other newspapers pondered whether regulations might be the wrong approach and appealed to the responsibility of the individual.

The newspapers generally agreed that a **vaccination** campaign was the only possible exit strategy from the pandemic, yet were equally unanimous that vaccination must remain voluntary. Some criticised that the prioritisation of certain groups in the allocation of vaccines was not discussed in the Bundestag. This also relates to the question of whether immunised individuals should be given special rights. Here, too, the newspapers were not in agreement. Some warned of a schism in society, while others pointed out the difficulty in further restricting the rights of the immunised without good reason - especially as they would soon make up the majority.

Regarding the **practice of religious services**, the majority of newspapers agreed that religious services were of value, but there were also differences on how this should be weighed against cultural events. All in all, however, there seemed to be an understanding that containment of the pandemic was a top priority. With regard to the Christmas celebrations, several newspapers also promoted the view that services should take place in adapted form, e.g. via TV, radio or the internet.

Regarding a **ban on demonstrations**, especially those against the pandemic measures, a slight shift in opinion could be observed. Initially, a majority was in favour of a ban, but when courts overturned the bans, newspapers were unanimously behind this decision by the judiciary. Tolerance for demonstrations by the majority of newspapers stopped only at the disregard of hygiene rules, on the grounds that others would thereby be endangered.

For the most part, the newspapers agreed with an **observation of the so-called *Querdenker* movement**, which had been promoting conspiracy theories and demonstrating against the state's Covid restrictions for months. It was, however, remarked that the state should not abandon these groups and has a responsibility to address sceptics more directly.

Although they repeatedly expressed **concern for fundamental rights**, most newspapers supported the pandemic measures, with the main argument to protect life, but also to prevent harsher measures and stronger encroachments on basic rights in the future. Nevertheless, in the course of the year the attitude gained ground that opposition to the measures can no longer be universally demonised and that the legitimate worries of the groups concerned must be heard.

An interesting aspect is that a **competition of political systems** was propagated from several sources. In this context, Germany and Europe were contrasted with two poles, namely a totalitarian control of the pandemic and a liberal, governmental reluctance to adequately address the pandemic. Some argued that the current crisis presented an opportunity for Europe to prove the value of its 'own system' over others through its approach to the pandemic. On the other hand, latent fears about the fragility of the European political order also surfaced in media reporting.

5 Discussion and conclusion

Main question: Comparing media debates in a young, transitioning versus a consolidated democracy, in which ways do they address similar and different issues concerning democracy during the pandemic?

Key insights: Issues of media interest in both countries comprise pandemic restrictions, protest activities and the question of bans but also the acceptance of measures, accountability for crisis management and the participation/role of parliament, data protection, and restrictions of individual freedoms.

Debates in the Armenian context also focused on the limitation of the freedoms of information and press, the so-called constitutional court crisis and the cancellation of the constitutional referendum, the elections held in Nagorno-Karabakh, democratic challenges as well as international perspectives on Armenian democracy, and penalties for violating pandemic measures.

Debates in Germany revolved, among other topics, around the efficacy of the federal system versus a more centralised approach, as well as a comparative perspective on pandemic management in other regime types, the alterations of the Infection Protection Act, vaccination and special rights for immunised people, the observation of the anti-pandemic policy and conspiracy influenced movement “Querdenker”, and the practice of religion during the pandemic.

The analysis of the media debates in Armenia and Germany reveals a diversity of topics and differences in public discourse, pandemic reporting, and perception. While Armenia is a country transitioning towards democracy, Germany looks back on a longer democratic history and has consolidated democratic institutions and procedures. In this sense, the case comparison is methodologically based on two rather different and extreme cases (cf. Gerring 2018). The two countries also differ, for example, in their economic development, their size and population size, societal diversity, corruption levels, and in their political culture.

Figure 23: Case selection for comparison

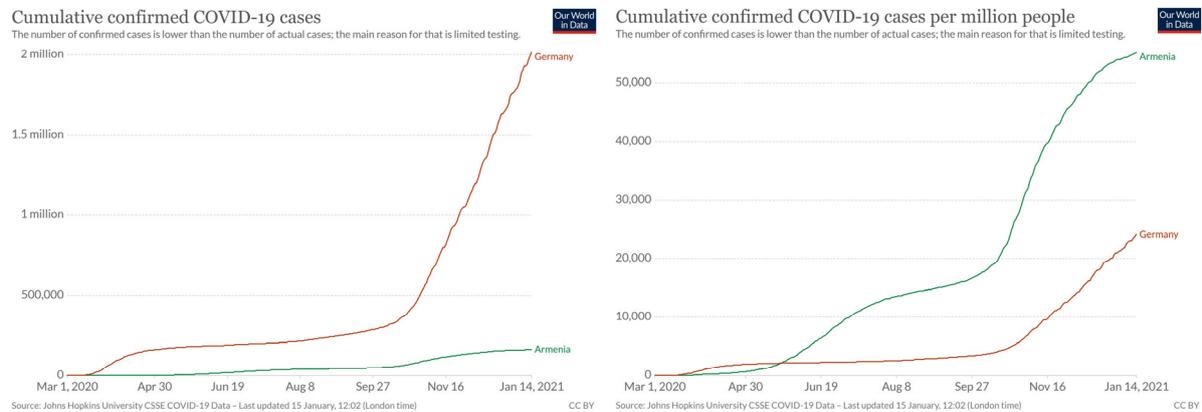
Contrasting two diverse cases		
Area	The Republic of Armenia	The Federal Republic of Germany
Country size	29.7 thousand km ²	357.6 thousand km ²
Population size and density, 2018	2.95 million, 237.3 people per km ²	82.91 million, 103.7 people per km ²
Urbanisation of total population, 2020	63.3%	77.5%
Societal diversity / Ethnic groups, 2011	98.1% Armenian, 1.2% Yezidi (Kurd), 0.7% other (2011 est.)	87.2% German, 1.8% Turkish, 1% Polish, 1% Syrian, 9% other (2017 est.)
GDP, 2018	12.46 billion USD	3,963.77 billion USD
Corruption Perceptions Index, 2019	Score: 42/100, ranking: 77 / 180	Score: 80 / 100, ranking: 9 / 180
Individuals using the Internet (% of population), 2018	64.7%	89.7 %

World Press Freedom, 2020	Score: 28.6 points (with 25-35 points considered a “problematic situation”), ranking: 61 / 180	Score: 12.16 points (with 0-15 points considered a “good situation”), ranking 11 / 180
Democratic history	Since the Velvet Revolution of 2018, Armenia is transitioning into a more democratic system and undertaking a variety of reforms.	Germany’s authoritarian past is considerably less recent, with West Germany democratising after World War II and East Germany after the German re-unification in 1990.
Freedom House ranking, 2019	<ul style="list-style-type: none"> • Semi-consolidated authoritarian regime (33 / 100 points) • Partly free political and civil rights (53 / 100 points) • Free in terms of the Internet Freedom Score (75 / 100 points) 	<ul style="list-style-type: none"> • Representative democracy • Free in terms of political and civil rights (94 / 100 points) • Free in terms of the Internet Freedom Score (80 / 100 points)
V-Dem Liberal Democracy Index, 2019	Score: 0.641, ranking: 34 / 144	Score: 0.779, ranking: 18 / 144
V-Dem Pandemic violations of Democratic Standards Index, 2020	Score: 0.15, ranking: 98 / 144 <ul style="list-style-type: none"> • Major violations in the area of media restrictions • No violations in the areas of discriminatory measures, derogation of non-derogable rights, abusive enforcement, time limit, limitations on legislature and official disinformation campaigns 	Score: 0, ranking: 138 / 144 <ul style="list-style-type: none"> • No violations in the areas of media restrictions, discriminatory measures, derogation of non-derogable rights, abusive enforcement, time limit, limitations on legislature and official disinformation campaigns
V-Dem Democracy Backsliding Index	Low	Low

Source: CIA 2021; Freedom House 2020a; 2020c; 2020d; 2020b; RSF 2020c; Transparency International 2021; V-Dem 2020; WB 2021

Looking at the epidemic development, Germany experienced in absolute terms much higher officially reported infection counts, with 1.76 million cumulative cases and 33,791 cumulative Covid-related deaths until 31 December 2020, compared to Armenia with 159,738 cumulative cases and 2,823 cumulative Covid-related deaths (Ritchie et al. 2021). However, in terms of the epidemiological development relative to the population size, the Armenian population was, in relative terms, more heavily affected, with 53,795 reported cases and 952 Covid-related deaths per 1 million people compared to Germany, with 21,012 reported cases and 403 Covid-related deaths per million people (Ritchie et al. 2021).

Figure 24: Comparison of absolute and relative cumulative cases in Germany and Armenia, 2020



Source: Ritchie et al. (2021)

Topics reported on my media outlets in both countries include pandemic restrictions, protest activities and the question of bans, the acceptance of measures, accountability for crisis management and the participation/role of parliament, data protection, and restrictions of individual freedoms.

Both countries implemented **lockdown and containment measures** which also affected fundamental rights and individual freedoms for the sake of public health and pandemic control. They were regularly prolonged, adjusted and also lifted. Whereas the Armenian government initially chose the legal system of state of emergency, Germany did not declare a country-wide state of emergency or disaster, resorting instead to state-issued pandemic policies. Both countries made numerous legal adjustments in order to address such an unprecedented public health crisis as the SARS-CoV-2 pandemic. To mention only two major changes, the Armenian government changed legal and administrative competencies through the introduction of a quarantine regime after the lapsing of five months of state of emergency stipulations whereas the German government altered the Infection Protection Act in order to clarify measures and their legal certainty.

Protests and protest bans became an issue of media reporting in both countries. In the Armenian context, however, they related much more to the war-related martial law stipulations and major protests concerning the Prime Minister's signing of a truce agreement, which implicated the hand-over of several territories. In contrast to Germany, there were no large or persisting protest activities in Armenia concerning pandemic policies and politics. In Germany, the respect of hygiene rules during such protests and the questions on the right to protest versus public health threats were raised. Support was expressed for the decision to observe the "Querdenker" protest movement, while it was stressed that concerns and criticism must be addressed by the government. Aside from protests, media in both Germany and Armenia also addressed questions of acceptance of pandemic measures among the general public.

Another point was the **accountability for and democratic participation in pandemic management** decision-making and the at times rather weakened position of parliaments, while also recognising the need for quick action. This topic became exceedingly more relevant with the progression of the pandemic over many months, and as the reality of this situation began to sink in for politicians as well as the public. Other issues included **data protection** and **individual freedoms** in light of a public health crisis. Phone tracking and data, as well as the use of apps, were seen as attractive solutions in the fight

against infections, while concerns were raised about privacy rights. In Germany, this resulted in the comparatively slow development of a voluntary Covid application with high data protection standards. In Armenia, a compliance campaign that used public-shaming tactics against those neglecting hygiene rules was met with strong criticism.

Reports on the **Armenian context** also focused on the **limitation of the freedoms of information and press** as part of the emergency stipulations and, in particular, with regard to reporting on the virus and potentially panic-provoking content. While the initial press restrictions were lifted again relatively quickly, journalists continued to face multiple obstacles and challenges. The so-called **constitutional court crisis** and the cancellation of the constitutional referendum received continuous coverage over months. Initially, the referendum had been scheduled to solve the issue of the court's reform as part of Armenia's democratic transitioning. However, as state of emergency stipulations do not allow for the conduction of elections, and the pandemic situation was considered too risky, the executive ended this deadlock in favour of solving a rather urgent crisis. This, however, also raised concern about executive overreach and balance of power between the three branches of government. Generally, **democratic challenges** and objectives, as well as **international perspectives on Armenian democracy**, received coverage. These were, for the most part, not directly related to the pandemic as such, but the pandemic state of emergency and martial law stipulations considerably impacted the space for the development of civil society, public participation and democratic procedures. The media also took interest in the presidential and parliamentary elections held in Nagorno-Karabakh during the early months of the pandemic, and penalties for violating pandemic measures.

Further debates in **Germany** included those on the efficacy of the **federal system versus a more centralised approach**, and in addition, a comparative perspective on **pandemic management in other regime types**. The media extensively discussed the pros and cons of a more locally empowered system while considering issues of public confusion, difficulties of harmonisation of measures, but also local ability to respond to hot spots and relax restrictions in less affected areas. Also, **vaccination** issues and potential privileges (or rather a relaxation of fundamental rights restrictions) for immunised people became contentious topics of public debate. Furthermore, the ban of religious gatherings at the beginning of the pandemic and health threats versus the **right to religious practice** were discussed, in particular, but not only, around the major religious holidays in 2020.

The following provides some examples of media debates surrounding issues of democracy during the pandemic in both countries. We find that key criteria of democratic risk and disaster management as identified above (cf. [Figure 3: Criteria for democratic risk and disaster management](#)Figure 3) were discussed to varying degrees with reference to a number of topics. It should be noted that the table neither assesses the countries' performance in the particular areas nor provides a comparative or exhaustive overview; it is intended solely to provide some examples of issues raised with regard to democratic disaster and risk management during the SARS-CoV-2 pandemic.

Table 10: Reporting on pandemic-related democracy and human rights issues in Armenia and Germany

Democracy and human rights issue in pandemic	Examples from reporting on Armenia*	Examples from reporting on Germany*
Legitimacy In the objective	Armenian Human Rights Defender as prominent voice in criticising illegitimate action and keeping the executive branch accountable to human rights standards	Criticism on lack of parliamentary involvement in decision-making process

Necessity	Unnecessary instances of excessive police forces	Some restrictions such as the ban on accommodations did not stand their ground in several courts and were lifted by court orders
Suitability	Questions raised about effectiveness of government's pandemic management and the suitability of phone tracking policies	
Proportionality	Arguments on disproportional penalties for the violation of pandemic rules, freedom of press restrictions, and invasion of data privacy	Discussions on the importance of data protection
Reasonability	Criticism on protest bans under state of martial law after the fighting had been suspended	Confusion about different regional regulations and their at times weekly changes
Minimalism The minimal restrictiveness and intrusiveness as possible	Opposition criticising over-extensive state of "quarantine" measures	Issue of state versus citizen responsibility raised
Temporality State of emergency, restrictions	Monthly renewal of state of emergency, six months renewal of "quarantine" regime	Regular reconsideration of time-phased restrictions
Gradualness	Adjustment of catalogue of fines for various offences of pandemic rules, criticism on speedy law changes without diligent parliamentary debate	Regular adjustments of restrictions, criticism on decisions without consultation of parliaments while acknowledging the need for timely action
Equity and non-discrimination Protection of vulnerable	Government assistance programs to address losses and vulnerabilities	Discrimination against elderly people regarding digital tools
Legality Compliance with national and international law e.g. European Convention on Human Rights	Establishment of parliamentary inquiry commission concerning the legality of measures, derogations reporting to the Council of Europe	Legal adjustments to clarify the legality of measures, some non-compliant regulations were terminated by courts
Rule of law Judiciary, opportunity for reversal	Constitutional Court reform without referendum, ongoing judicial investigations but also Covid-related judicial delays	Some restrictions lifted based on court decisions
Accountability Checks and balances, opportunity for reversal, anti-corruption measures	Criticism on at times too hasty Covid-related law changes and parliament's limited veto of restrictions during quarantine regime Parliamentary commission of inquiry investigating into the pandemic management and the legality of restrictions of human rights and fundamental freedoms for an extended time	Lack of criticism during a question and answer session of the Chancellor in Parliament Lack of parliamentary participation concerning decisions on anti-pandemic regulations
Democratic participation Elections	Cancellation of scheduled constitutional referendum	Some local elections held, some postponed (cf. IDEA 2021)

Freedoms of press and information Criticism, access to information, responsible reporting	Initial limitations (incl. fines, police removal orders) on publishing Covid-related health information, challenges with anti-government and pandemic fake news	Protestors against pandemic measures attacking journalists
Freedoms of protest and association	Ban of protests under the emergency regime and first phase of martial law regime, arrests of protestors, restrictions on gatherings including religious ones	Legitimacy of bans on demonstrations, debate on hygiene rules
Rights to liberty, security, and fair trial Protection from inhuman treatment, state violence, abusive enforcement, arbitrary detention, protection from crime and of victims	Restrictions of individual freedoms via quarantine and self-isolation measures, isolated excessive police force against violators of hygiene rules	Vulnerable groups, e.g. victims of domestic violence
Privacy and data protection Oversight, anonymity	Phone tracking of infected people, Covid tracing app, open map informing about location of infected people, public shaming campaign of offenders of hygiene rules	The question of whether the contact tracking app puts too much emphasis on privacy, criticism of planned cell phone data analysis
Right to life Access of health care	Covid health care free of charge (most Armenians are without health insurance)	Debates on triage, lockdown measures to prevent overburdening of the health system
Education	Closure of educational facilities, online learning	Differences in access to digital teaching, lack of digitisation
Economic activity and property rights	Export restrictions, suspension of non-essential economic activities, private property may be confiscated in return for adequate compensation	Restriction of business activities due to infection risks, compensation / governmental support for those affected by occupational ban

Source: Authors' compilation

*Please note that this table is not to assess the performance within the particular categories but to give some example of issues of public interest and media discourse; this table is to be understood as exemplary, not exhaustive, and not comparative in nature.

As Table 10 reveals, most issues and questions can be discussed in terms of several key aspects of democratic disaster risk and pandemic management. In fact, different measures may be judged against the various criteria in order to assess critical points for consideration. The SARS-CoV-2 pandemic – also due to its long duration and its extent – posed numerous challenges to transitioning as well as consolidated democracies and raised new questions about how to address long-term situations in democratic and effective ways. This report aimed to contribute to the debate by examining the state of research on that issues, extracting a number of literature-based criteria for democratic disaster risk management, and assessing points of contention in media reporting and public debate at the example of a rather young democratically transitioning country such as Armenia, and a consolidated democracy such as Germany. While both countries faced some similar issues, they each also dealt with unique points related to their particular socio-political contexts.

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Impressum

Title

Democratic Disaster Risk Management and Pandemic Control: Socio-Political Debates on Civil Liberties during the SARS-CoV-2 Pandemic with Examples from Armenia and Germany

Publisher

Akademie der Katastrophenforschungsstelle (AKFS)
c/o Katastrophenforschungsstelle
Carl-Heinrich-Becker-Weg 6-10
12165 Berlin
www.a-kfs.de

Cover

Photo by on Unsplash
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Project funding

This report is part of the project 'CoronaSys: Addressing the corona pandemic in Armenia through systemic risk management', funded by the German Federal Ministry of Research and Education.

SPONSORED BY THE



Federal Ministry
of Education
and Research

The authors

Sara T. Merkes works as research associate at the Academy of the Disaster Research Unit (ADRU) and the Disaster Research Unit (DRU) at Freie Universität Berlin.

Şermin Güven is a research associate at the Academy of the Disaster Research Unit (ADRU).

Prof. Dr. Martin Voss is managing director of the Academy of the Disaster Research Unit (gGmbH) and university professor in the field of social science disaster research at Freie Universität Berlin and head of the Disaster Research Unit (DRU).

Acknowledgements

We would like to thank Janina Schäfer for conducting valuable background research and providing support for this report.



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Disaster Research Unit