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The restrictions of the freedom of information during the Covid-19 pandemic

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Abstract

The article is devoted to the study of the issues of restrictions on the freedom of information that has arisen under the impact of the novel coronavirus outbreak. Another goal of the paper is identifying ways to protect such rights or to indicate which amendments to the law might be of use. The research methodology is based on general and special scientific methods, in particular: analytical, comparative-legal, systemic, and structural. The structure of the work includes: the review of international and Ukrainian legislation related to the freedom of information; the possibilities of its restriction; possible ways to enabling safe and secure management of the freedom of information during the coronacrisis. An analysis of international experience was carried out, as well as aspects of the protection of civil liberties such as freedom of speech, the right of peaceful assembly, etc. Several problematic issues were identified. Although, the general results of the study can be interpreted as alarming trends in the field of human rights and civil liberties. Particularly, it is multiple violations of the freedom of information all around the world under quarantine restrictions.

Keywords: freedom of Information; freedom of Speech; Covid-19; Restrictions; Human Rights.

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Restricciones a la libertad de información durante la pandemia COVID-19

Resumen

El artículo está dedicado al estudio de los problemas de las restricciones a la libertad de información que han surgido bajo el impacto del brote del nuevo coronavirus. Otro objetivo del documento es identificar formas de proteger tales derechos o indicar qué enmiendas a la ley podrían ser útiles. La metodología de investigación se basa en métodos científicos generales y especiales, en particular: analítico, comparativo-legal, sistémico y estructural. La estructura del trabajo incluye: la revisión de la legislación internacional y ucraniana relacionada con la libertad de información; las posibilidades de su restricción; posibles formas de permitir una gestión segura de la libertad de información durante la coronacrisis. Se realizó un análisis de la experiencia internacional, así como aspectos de la protección de las libertades civiles como la libertad de expresión, el derecho de reunión pacífica, etc. Se identificaron varios temas problemáticos. Todo permite concluir que, sin embargo, los resultados generales del estudio pueden interpretarse como tendencias alarmantes en el campo de los derechos humanos y las libertades civiles. En particular, se trata de múltiples violaciones de la libertad de información en todo el mundo bajo restricciones de cuarentena.

Palabras clave: libertad de información; libertad de expresión; COVID-19; Restricciones; Derechos Humanos.

Introduction

The year 2020 has become a kind of litmus test for many humanistic concepts that have long been part of the national legislation of developed countries. One of them is the concept of human rights, which is rightly recognized as fundamental and the starting point for the formation of the legal order at both national and international levels.

Thus, during the pandemic in many areas of social life, there is a departure from the principle of inviolability of human rights. In some cases, such a deviation is dictated by the public interest, and in others, the public interest is only a cover for numerous violations. As an example, there are indicators according to which states with recent experience of authoritarian regime reign or which were moving towards the suppression of civil and human rights at the beginning of the pandemic have only intensified those trends of suppression under the influence of quarantine (Trein, 2020).

There is another side of a problem which occupies the cyberspace, the internet, and information/digital technologies. The studies completed by several scholars (Flaxman *et al*., 2020), show that temporal restrictions may be of use to hold the spread of the virus, but it forces us to question oneself: how to balance human rights and the public demand for safety and health in such a situation? In this context, one particular study (Degeling *et al*., 2020) shows that individuals begin to tend to neglect some of their own rights and civil liberties for the benefit of the public good, which manifests itself in the protection of public health. At the same time, with such a donation in the form of the fulfillment of a civil duty, albeit an indirectly beneficial one, the demand for strengthening the protection of personal data is increasing. However, the results of the study show that such an interpretation of the findings is relevant only in extreme situations such as the Covid-19 pandemic. In turn, it raises a question of confidentiality, privacy, and the right to secure personal data which are all human rights and civil liberties.

Additionally, there is a problem of the use of personal data during a pandemic (Ting *et al.,* 2020). Specifically, it is related to the ethical dimension of this issue (Taddeo, 2020). After all, it is about the balance of interests: how much of our personal freedoms are we willing to sacrifice in the name of protecting public health? Thus, studies show that under the influence of the coronavirus pandemics, trends in tracking and surveillance have only intensified and become even more sophisticated (Taddeo, 2020; Woodhams, 2021). In this regard, it is necessary to note four key aspects in the direction of which the situation is developing and which in one way or another pose a threat to the freedom of information, namely:

1. applications for Covid-19 Digital Health Certificates, 82% of which, as follows from the report (Woodhams, 2021), are services with an undeveloped privacy policy, and 41% of which can track the exact location of the user.
2. contact tracing apps, 19% of which have no privacy policy at all.
3. digital tracking measures.
4. physical (optical) tracking initiatives: 22 countries have used drones for that purpose, and Europe has introduced the most of such measures compared to other regions.

On the one hand, there is significant technological progress, but on the contrary and in the situation of panic and uncertainty these innovations entail new challenges for the freedom of information and related civil liberties, which is not only a legal but also an ethical dilemma (Morley *et al.,* 2020; Servick, 2020).

We can now see from this perspective that the freedom of information is significantly disturbed by the pandemics of Covid-19. Therefore, it is vital for us to investigate domestic and foreign legislation in order to find answers whether some restrictions to this kind of civil liberty are appropriate or not.

1. Methodology

Concerning the study, a certain methodology was used to carry out a thorough analysis of topical issues of restriction and protection of the freedom of information under quarantine.

To find the positive and negative aspects of the international experience, to compare them with the Ukrainian legislation, a comparative legal method was used. We used it in order to highlight what are the common and different characteristics of the legal norms of various countries, starting from Ukraine. The main international laws were also taken into account. Particular attention was paid to the norms regarding the freedom of information, hence the freedom of speech, the right to freely express oneself, as well as the components of the right to information such as the right to obtain, create and distribute it.

What is more, the dialectical method was used to analyze the causes of restrictions on civil liberties on the Internet. It is essential to note that in this aspect the development and trends before the pandemic were considered since they had their impact on the current situation serving as preconditions for what we can observe now, for example, when it comes to the strengthening of authoritarian regimes since such trends existed before the pandemic. This also applies to surveillance issues and problems with personal data storage and sharing. We considered these problems in their unity in time, and therefore in their development and change over time.

Further, the system-structural method was used to consider the whole set of international and national regulations and the relationship between them. The main point here was not to look at particular legal norm, problem, or category as separated, or isolated from others, hence seeking the interconnections between them.

Finally, it should be noted that the formal-legal method was used to find purely legal reasons for the above restrictions and the existing legal grounds for them.

2. Review of International and National Legislation in the Field of the Freedom of Information

One of the most important guarantees of the right to access the Internet is to ensure the freedom of information. The basic act that guarantees its observance is the Universal Declaration of Human Rights (1948). Article 19 proclaims the right of everyone to freedom of opinion and expression, which includes the freedom to seek, receive, and impart information and ideas by any means and regardless of frontiers. The need for and importance of respect of these civil liberties are further underlined by the fact that it is enshrined in the Preamble to the Human Rights Declaration as one of the core values to which humanity should strive. International Covenant on Civil and Political Rights (1967) in Art. 19 continues the idea of the previous international law and guarantees everyone the right to freely express their views. In addition to the general principles set out in the Universal Declaration, the International Covenant establishes how this freedom can be exercised – orally, in writing, through the press or artistic forms of expression, or in any other way of one's choice. No less significant is also Art. 10 of the Convention of Human Rights and Fundamental Freedoms (1950), which enshrines the right of everyone to freedom of expression. Unlike the previous two documents, the European Convention establishes an extremely important guarantee of freedom of information – non-interference by public authorities.

In regard of the Internet, special regional legislation of the Council of Europe has been developed, including the Declaration on Human Rights and the Rule of Law in the Information Society (2005), the Declaration on Internet Governance Principles (2011), the Declaration on Freedom of Communication on the Internet (2003) etc. Particularly, the Declaration of the Committee of Ministers of the Council of Europe "On Freedom of Communication on the Internet" adopted on May 28, 2003, establishes the obligation of the member states of the Council of Europe not to impose restrictions on the content of information posted on the Internet and to refrain from state control over information posted on the Internet, except for harmful data, for example, for children.

Ukrainian legislation has absorbed the key provisions of the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and the European Convention on Human Rights. The Constitution of Ukraine (1996) in Art. 34 guarantees everyone the right to freedom of thought and speech, and the free expression of their views and beliefs, which can be considered as parts of the freedom of information as we can see that to impose certain restrictions censorship, on information posted on the Internet is almost excluded under this Article.

To specify the provisions set out in the Constitution in Art. 302 of the Civil Code of Ukraine (Verkhovna Rada of Ukraine, 2003) enshrines the right to information, which includes the right to free collection, storage, use, and dissemination of information. In addition, to achieve an optimal balance between the rights of this article, restrictions were also set, which will be discussed in the following sections.

Specific laws, such as the Law of Ukraine "On Access to Public Information" (Verkhovna Rada of Ukraine, 2011), the Law "On Telecommunications" (Verkhovna Rada of Ukraine, 2004) and the Law "On Information" (Verkhovna Rada of Ukraine, 1992) define the basic principles and principles of using the Internet, including in the aspect of receiving and disseminating information. Also, the Law on Telecommunications defines the concept of the Internet, according to which the Internet is a global information system of public access, which is logically connected to the global address space and is based on the Internet protocol defined by international standards.

To ensure the implementation of these provisions, a large number of bylaws are also set out. Thus, the Resolution of the Cabinet of Ministers of Ukraine "On Approval of the Rules for Information Protection in Information, Telecommunication and Information-Telecommunication Systems" of March 29, 2006, No. 373 approved the basic principles of information protection, the need for protection of which is provided by law.

3. Possibilities of Restricting the Freedom of Information

The freedom of information is not absolute as it may be limited in particular cases provided by law and international standards. Most of all, they are about great dangers to national security, risks to public health, or the situation when the rights of other individuals may be violated by the publication of particular information. For example, International Covenant on Civil and Political Rights in Part 3 of Art. 19 determines the possibility of imposing restrictions on the right to free expression of one's views if this is necessary to respect the rights and reputation of others or to protect state security, public order, health, or morals of the population. Accordingly, Art. 15 of the European Convention of Human Rights provides the possibility for States parties to derogate from the provisions of the Convention in the event of war or an emergency within the limits of the "urgency of the situation". It is also provided that such measures do not conflict with other obligations of the State under international law.

An important condition for compliance with this Article is also to inform the Secretary-General of the Council of Europe of the restrictions taken and the reasons for such measures. At the same time, it is the prerogative of

the European Court of Human Rights to identify the criteria according to which all conditions are confirmed and, accordingly, the withdrawal of the state from its obligations under the Convention can be recognized as lawful. For example, in Denmark, Norway, Sweden, and the Netherlands v. Greece (1969), the European Court stated that, in order to comply with a condition of the public danger threatening the life of a nation (emergency) such a threat must be exceptional in the sense that ordinary measures permitted by the Convention to ensure public safety, health, and order are recognized as clearly insufficient. European Court for Human Rights developed following criteria to decide whether restrictive measures deployed by the State go beyond reasonable cause. Consequently, the following questions need answers (Handbook of Article 15 of the European Convention on Human Rights, 2016):

1. Was the existing national legislation sufficient to deal with the threat posed by the public danger (in our case, COVID-19 pandemics)?
2. Can the implemented measures be considered as a legitimate response to an emergency (COVID-19 pandemics)?
3. Is the need for the assignment being reconsidered?
4. Are the measures used for the purpose for which they were authorized?

Therefore, the court will need to filter the appeal through these criteria in order to determine if the restrictions imposed by the jurisdictional State were lawful and legitimate, that is, justified from the point of view of the European Convention on Human Rights.

As for the Constitution of Ukraine, Art. 34 stipulates that the right of everyone to freedom of thought and speech, to freely express their views and beliefs, the right to freely collect, store, use and disseminate information may be limited by law in certain cases. Such cases are in the interests of national security, territorial integrity, or public order to prevent riots or crimes, to protect the reputation or rights of others, to prevent the disclosure of information obtained in confidence, or to maintain the authority and impartiality of justice.

All the above conditions for the restriction of this right indicate that it is not absolute, and many scholars emphasize this in their work. Politansky (2016) speaks of the relativity of the right to information due to the existence of statutory possibilities for its restriction, necessary in a democratic society.

The Constitutional Court of Ukraine (2020) has the same opinion in the decision on the constitutional complaint of Pleskach (concerning the compliance of the Constitution of Ukraine (constitutionality) with the provisions of the second sentence of part four of Article 42 of the Law of Ukraine “On the Constitutional Court of Ukraine” (Verkhovna Rada of

Ukraine, 2017). The court that the legislator is obliged to introduce legal regulation that will optimally achieve a legitimate goal with minimal interference in the exercise of the right to information. Moreover, the court agreed that it is essential not to violate the substrate of such a right. It means that governmental response which is out of hand in comparison to the measures of minimal interference is unconstitutional or will be proclaimed as such by Constitutional Court of Ukraine in the future. For example, it can be internet blackouts, coronavirus cases stats manipulation, banning peaceful Covid-19 restrictions-compliant protests, banning freedom of speech, censorship, personal health information mismanagement, etc.

4. Restriction and Protection of Civil Rights on the Internet during the COVID-19 Pandemic

It is necessary to take into account how the concept of false information is regulated at the legislative level and what is the responsibility for its dissemination. As an example, we prefer to start from domestic legislation in Ukraine.

Ukraine's Law "On Information" in Art. 28 names as one of the offenses the abuse of the right to information, Art. 302 of the Civil Code of Ukraine indicates such an offense as the use and dissemination of information about the personal life of an individual without their consent. Numerous offenses in the field of violation of the right to information are contained in Art. 212-3 of the Code of Ukraine on Administrative Offenses (Verkhovna Rada of Ukraine, 1984). For example, restriction of access to information, if it is expressly prohibited by law. Art. 302 of the Civil Code of Ukraine establishes the obligation of a natural person who disseminates information to make sure of its authenticity unless such person disseminates information obtained from an official source with reference to it. Besides, in Art. 277 indicates the possibility of a natural person whose personal non-property rights have been violated as a result of the dissemination of unreliable information about him or his family members to demand refutation of this information. Accordingly, there is a provision in Ukraine's legislation for only civil liability for the dissemination of inaccurate information, and only if it violated the personal intangible rights of individuals (Judgment of the Civil Court of Cassation of the Supreme Court of 17 June 2020 in case No. 346/5700/17).

To clarify the concept of "unreliable information" we should refer to the Resolution of the Plenum of the Supreme Court of Ukraine "On judicial practice in cases of protection of dignity and honor of individuals, as well as the business reputation of individuals and legal entities" of February 27, 2009, No. 1. In particular, following paragraph 15, unreliable information

is considered unreliable or false, i.e., contains information about events and phenomena that did not exist at all or that existed, but information about them does not correspond to reality (incomplete or distorted). Kucheryavenko (2019) referred to the definition of "unreliable information" regarding the possibility to divide it onto fictional (information about events, phenomena, or facts that did not take place at all) and false information (the course of events is distorted).

According to Ishchenko (2020), currently, in Ukraine, the most acute problem is not censorship, but the dissemination of unreliable information. Citing many examples, the researcher points to the high level of misinformation and disorientation (intimidation along with reassurance) of the population about the coronavirus situation.

An example is insufficient information of the people in Novi Sanzhary, Ukraine, during the procedure of observation of Ukrainian and foreign passengers from Wuhan, China – the original epicenter of the Covid-19 pandemics (Shirokova, 2021). The scandal occurred on February 20th, 2020. Then, locals reacted violently and inadequately to the arrival of passengers from China for observation at the sanatorium with throwing stones at buses with evacuees, which, in addition to psychological trauma, could lead to severe physical injuries and other adverse consequences (Goncharova, 2020). The fact is that not enough has been done by the authorities, if not the opposite, in the situation in Novi Sanzhary (Zaichik, 2021; Shirokova, 2021).

On the contrary, it can be debated that at that time they did not have enough information about the ways of coronavirus spreading, and all media attention was focused on passengers arriving from Wuhan. It can be understood that is was pointless in some sense and in such a situation to communicate against the media and to assure villagers and the rest of the country of the complete safety and formal character of the observation measures. But the authorities had to do it properly anyways as it is their duty to communicate with the public in full effect in order to prevent panic (Isaacs *et al*., 2020; Lawrence *et al.,* 2020). The question that should arise here is: how does this relate to the violation of a person's civil rights on the internet? The fact is that at that time of disturbance in Novi Sanzhary some fakes such as conspiracy theories of unknown origin were spreading on the local Viber network, which only increased the panic and tension among the locals (Zaichik, 2021; Shirokova, 2021).

While we still do not have confirmed data on who was dispersing the protest mood among the villagers at that time, the head of the Ukrainian Ministry of Culture and Information Policy made a statement with a hint that it could be Russian bot farms (Ukrinform, 2021). He also pointed out that his Ministry plans to open the platform for fact-checking the information from various sources to help citizens upgrade their digital well-being.

However, we do not currently have reliable data, which provides evidence and investigates on who were spreading panic among the locals. This shows that a thorough check of the information and proper communication with the public is needed in order to help to avoid any negative consequences and significantly reduce the wave of disinformation about Covid-19.

Besides, certain measures are needed to prevent restrictions on the right to freedom of expression and to protect the right to receive reliable information on the Internet at the state level. First, the existence of a large number of regulations related to information relations and information offenses causes certain difficulties for both ordinary people and lawyers. The way out of this situation may be to codify the legislation by creating an appropriate Code of Law, which would include the provisions of regulations, or by issuing certain information or recommendation letter by the Ministry of Information Policy of Ukraine, the Supreme Court, or another state body of certain information or recommendation letter indicating the procedure for applying existing regulations.

Secondly, if we turn to the experience of foreign countries in the fight against fakes, then, as an example, we can cite the Network Enforcement Act, adopted in Germany in 2017. It provides for the material responsibility of social networks for not removing inaccurate information or aggressive messages to which users complain. However, it is also obvious that such laws enshrine the idea of censoring the Internet, which is desirable to prevent in Ukraine in the future.

Additionally, it is vital to provide access to official information on the situation with Covid-19 on the internet to the entire population (Lawrence *et al*., 2020). During a coronavirus pandemic, it is significant to inform the public about all possible measures to combat Covid-19, changes in legislation, and official statistics. At the same time, it is necessary to ensure that a person can choose the source from which he wants to obtain relevant information. In this regard, there is a necessity to protect the right of access to public information, which, for example, is a component of the personal right defined in Art. 34 of the Constitution of Ukraine.

Public information is information that is obtained as a result of the exercise of their functions by the subjects of power, or which is in the possession of such subjects or other administrators. Access to such information, following Art. 5 of the Law of Ukraine "On Access to Public Information" is provided either by systematic and prompt disclosure of information, including on official websites and a single state web portal of open data or by providing information at the request of the population (Nekit et al., 2021).

Under Part 4 of Art. 15 of the above-mentioned Law, information on facts threatening the life, health and / or property of individuals, and on the

measures taken in this regard (directly related to information on Covid-19) is subject to immediate disclosure by administrators. However, according to the monitoring of the Office of the Commissioner for Human Rights, only 76% of public information managers publish on their official website's information on the administrative documents they have adopted to combat the spread of coronavirus disease. Action plans to combat the spread of coronavirus are properly published by only 50% of administrators, while information on contacts through which the public can obtain official information on the state of combating the spread of coronavirus is posted on official websites by 44% of administrators (Parliament Commissioner for Human Rights, 2020).

Such disappointing statistics indicate a direct restriction of the right of citizens to access public information, guaranteed by the Constitution and other legal acts. Currently, for non-disclosure of information, the mandatory disclosure of which is provided by the Law "On Access to Public Information", administrators are administratively liable under Art. 212-3 of the Code of Ukraine on Administrative Offenses.

However, given that the untimely disclosure of such information, especially during the implementation of new quarantine measures in connection with the coronavirus pandemic, can have serious consequences for human health and well-being, and cause non-compliance by the population, it is necessary to establish more strict administrative or disciplinary liability for official administrators, in particular for the systematic non-disclosure of such information. To accomplish this, it is recommended to create a special law, which prescribes persons to whom liability may be applied, and the mechanism and algorithms for holding accountability for concealing publicly important information about Covid-19 disease or for manipulating available information that is of public significance in the context of Covid-19.

An example is information related to state's medical purchases, the volume of available medicines, manipulations in the pharmaceutical market, artificial underestimation of the number of cases of Covid-19 infections, manipulation of statistics, etc. Accordingly, it may be helpful to raise fines and strengthen responsibility for manipulating the data, which in this special time should exceed the one under normal conditions. An alternative way to solve the problem is to amend the existing legislation on access to public information with tougher responsibility for concealing and manipulating information on Covid-19, which should be separately emphasized in amendments to the particular law. To accomplish this goal, these amendments can be temporary. For example, they can last until the expiration of the quarantine restrictions or have a prolonged duration. We recommend making such edits permanent, given the scale and historical significance of the Covid-19 challenges and the number of people affected

by the disease. In case of temporal effect of such amendments, their duration should be scripted in the final and transitional provisions of the law to which they are introduced.

Another problem is the compliance of quarantine measures with a right to peaceful assembly, which is scripted, for example, in Art. 315 of the Civil Code of Ukraine and prominent sources of international law such as Art. 20 of the Universal Declaration of Human Rights, Art. 21 of the International Covenant on Civil and Political Rights, and Art. 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. Negligent and brutal actions of policing structures in this case only shows that it became common for authoritarian regimes like those in the Republic of Belarus and Russian Federation to use repressive law enforcement like as it were about punishing the protesters for not keeping the social distance as a Covid-19 precaution (Wesolowsky, 2021). Consequently, unlawful police brutality was used as an instrument of pressure on peaceful protesters, which also includes violation of the right to information when disabling internet access (so-called "blackouts") before or during the protest (Auseyushkin and Roth, 2020; Bush, 2020). This issue should still be kept as a concern for other countries.

Such a personal non-property right, as the right to education, perhaps the largest among other rights, began to be exercised on the Internet precisely because of the quarantine measures imposed. In particular, the Letter of the Ministry of Education and Science of Ukraine "On the organization of the educational process in general secondary education during quarantine" of March 23, 2020, recommended that all general secondary education institutions organize distance learning using distance learning technologies.

The right to work as a personal non-property labor right also needed to be implemented on the Internet. Many workers have been transferred to telecommuting to minimize the risk of Covid-19 infection. According to Gallup, 62% of Americans now work from home, when before the pandemic the percentage of such workers was only 7% (Zojceska, 2020).

Ukraine is no exception. According to the Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine Aimed at Providing Additional Social and Economic Guarantees in Connection with the Spread of Coronavirus Disease (Covid-19)" (2020), the spread of a pandemic in the order of the owner or his authorized body may be a condition of remote (home) work without the mandatory conclusion of an employment contract for such work.

The right to freedom of movement is guaranteed by Art. 33 of the Constitution of Ukraine and Art. 313 of the Civil Code of Ukraine. In many countries, including Ukraine, special mobile applications have been

introduced to monitor compliance with the self-isolation regime. The official state application "Action at home" was created to monitor compliance with the regime of self-isolation of persons crossing the state border of Ukraine at the time of the introduction of quarantine measures and chose the option of self-isolation at the place of residence (Cabinet of Ministers of Ukraine, 2020). During use, the system at various times sends a message confirming the location of the person by uploading a photo with the face. In addition, the system receives geolocation data of the person for verification with the geolocation of the place of residence. In case of non-compliance with the application requirement, the system sends a message to the National Police. Thus, we can talk about the restriction of the right to freedom of movement through official government online applications (Krusian *et al.*, 2021).

However, in this situation, this is not the main problem that arises when using such an application. Among other problems, there are:

- the presence of only one language – Ukrainian, which makes it impossible for people who do not speak Ukrainian to use it.
- a large number of bugs, due to which users simply could not upload photos in time, after which, even if the citizens observed self-isolation, the National Police officers issued fines.

Besides, for early termination of self-isolation, it is necessary to pass a coronavirus test. However, the Ministry of Health of Ukraine has independently selected laboratories that have the right to enter the relevant information into the system after the test, although the tests are done for money. Also, to these inconveniences, excessive bureaucracy and artificial barriers create the basis for corruption (Romanenko, 2020).

Thus, in addition to the restriction of the right to freedom of movement, the existence of other problems described above makes such a right quite unprotected in the online space. Therefore, it is debatable that the introduced measures were fully effective and compliant with the observance of civil liberties since their "side effects" in the form of shortcomings directly or indirectly encroached on a persons' right to privacy and the convenience to dispose of personal time freely, without interruptions, and inconveniences, which are not of their responsibility. We are convinced that all of this will be the subject of judicial review in the future. Perhaps, some complex cases will reach the European Court of Human Rights (1969). However, we do not yet have enough scientific data on this matter, since the cases are under consideration at the moment and taking into account the current development of events. Consequently, the court practice on these issues has not yet been finally formed.

It should also be noted that on June 27, 2016, the UN Human Rights Council adopted a Resolution "On the promotion, protection, and realization of rights on the Internet", which stressed that all rights that belong to people

offline should be protected online. Additionally, the leading role of the state in promoting this was taken into account, in particular through cooperation with civil society, the private sector, the technical and scientific community.

However, to fully protect all human rights that he has offline on the Internet, it is necessary to amend the existing legislation on the equalization of the rights of person's offline and online rights. Undoubtedly, there is also a need to refine the existing application "Action at home" for more comfortable use and the development of such a mechanism by which a person can independently choose any officially registered laboratory to test for coronavirus at a negotiated price.

Conclusions

The Covid-19 pandemic and the implemented quarantine measures have revealed the problems of restriction and protection of civil liberties, which have long hung over our societies.

The emergence of a large number of fake news about the coronavirus on the internet has led to two key problems. First, the problem is the very existence of so many fakes and, in most cases, the inability to prosecute those who intentionally distribute them, even in the presence of negative consequences. The solution to this problem can be the codification of existing legislation on information and information offenses into a single law or code, giving social networks the status of the media and establishing legal liability for disseminating inaccurate information, in case such actions cause harm.

Given the serious consequences that may result from the untimely disclosure of vital information about coronavirus, it is necessary to establish stricter administrative or disciplinary liability of public information managers, in particular, for systematic misrepresentation or non-disclosure of public information of high importance.

The development and implementation of the mobile application "Action at Home" not only limited the right of individuals to freedom of movement but also caused several related problems. Moreover, the use of the application is complicated by a large number of bugs and the lack of languages other than Ukrainian. The solution is to constantly improve the application, eliminate all bugs, and introduce a mechanism by which a person can independently choose a laboratory to test for coronavirus to prematurely end the self-isolation regime.

In addition, tracking and surveillance trends become alarming. Under the influence of the pandemic, authoritarian regimes do not hesitate to introduce more sophisticated restrictions under the pretext of observing

quarantine measures, which poses a threat to human rights all around the world as it can serve as a bad example even for developed democracies.

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