

JOURNALISTIC CENSORSHIP DURING COVID-19 BY USING THE EGYPTIAN COMMUNICABLE DISEASES LAW



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ABSTRACT – This study investigated the effectiveness of the Egyptian Law on Communicable Diseases No. Law 152 of 2021, which sought to regulate procedures and measures necessary to fight the spread of epidemics and pandemics, as well as its implications for journalistic practice and press freedom in Egypt. The study was underpinned by the “Theory of State Censorship”. The study used in-depth interviews, which were done with 30 Egyptian journalists. The finding of the study indicated that the government placed restrictions on journalists by using Law 152 of 2021 to control the news relating to pandemics. The reason was to allow the government to exercise greater information control through digital policy.

Key words: Communicable Disease Law. Media legislation. Freedom of information. Egyptian constitution. Censorship.

CENSURA JORNALÍSTICA DURANTE A COVID-19 USANDO A LEI EGÍPCIA DE DOENÇAS TRANSMISSÍVEIS

RESUMO – Este estudo investigou a eficácia da Lei Egípcia de Doenças Transmissíveis – Lei 152 de 2021 –, que buscou regular procedimentos e medidas necessárias para combater a propagação de epidemias e pandemias, bem como suas implicações para

a prática jornalística e a liberdade de imprensa no Egito. O estudo foi sustentado pela "Teoria da Censura do Estado". O estudo utilizou entrevistas em profundidade, que foram feitas com 30 jornalistas egípcios. Os resultados do estudo indicam que o governo impôs restrições aos jornalistas usando a Lei 152 de 2021 para controlar as notícias relacionadas à pandemia. O motivo era permitir que o governo exercesse maior controle das informações por meio da política digital.

Palavras-chave: Lei de Doenças Transmissíveis. Legislação de mídia. Liberdade de informação. Constituição egípcia. Censura.

CENSURA PERIODÍSTICA DURANTE EL COVID-19 UTILIZANDO LA LEY DE ENFERMEDADES TRANSMISIBLES DE EGIPTO

RESUMEN – Este estudio investigó la efectividad de la Ley Egipcia sobre Enfermedades Transmisibles – Ley 152 de 2021 –, que busca regular los procedimientos y medidas necesarias para combatir la propagación de epidemias y pandemias, así como sus implicaciones para la práctica periodística y la libertad de prensa en Egipto. El estudio se basó en la "Teoría de la Censura del Estado". El estudio utilizó entrevistas en profundidad, que se realizaron con 30 periodistas egipcios. El hallazgo del estudio indicó que el gobierno impuso restricciones a las restricciones al usar la Ley 152 de 2021 para controlar las noticias relacionadas con pandemias. La razón fue permitir que el gobierno ejerciera un mayor control de la información a través de la política digital.

Palabras clave: Ley de Enfermedades Transmisibles. Legislación sobre medios de comunicación. Libertad de información. Constitución egipcia. Censura.

1 Introduction

While most scholars trace the origin of international law to the Treaty of Westphalia of 1648, until the mid-nineteenth century, which ended the Thirty Years War, and led to the evolution of the nation-state concept, communicable diseases did not come within the normative confines of international law until the mid-nineteenth century (Yach & Bettcher, 1998). During the period from 1830 to 1847, the rapid transmission of the cholera outbreak within Europe facilitated the formation of the first multilateral surveillance of communicable diseases, which was called "transnationalization" (Lee & Dodgson, 2017).

The first international law and communicable diseases were formed at the first international conference on health in 1851 in France. Notwithstanding more than 150 years of subsequent multilateral linkage of law and communicable diseases, contemporary multilateral/global health governance continues to evoke debate in public health discourses. So, what, if any, the role does international law play in global health governance today? Nevertheless, contemporary

multilateral/global health governance continues to evoke debate in public health discourses after 150 years of subsequent multilateral linkage of law and communicable diseases (Kheirkhah et al., 2017).

While the World Health Organization (WHO) and the International Health Regulations (IHR) have been the focus of global attention, the Global Preparedness Monitoring Board, convened by the WHO and the World Bank, recommended a pandemic treaty under United Nations (UN) auspices and the ability to raise pandemic preparedness to the highest levels of government (Universal Declaration of Human Rights, UDHR, 1948).

The coronavirus pandemic that began in March 2020 has caused unprecedented challenges to societies everywhere. In March 2020, the President of the Republic declared a state of emergency in Egypt over the coronavirus outbreak and decided to adopt the powers under the Emergency Powers Act for the first time. The state of emergency lasted approximately three months, during which fundamental rights were restricted by several regulations issued by the government under the Emergency Powers Act (AlAshry, 2021).

Egypt realized that a special law must be applied to confront epidemics and health pandemics to protect citizens, but Parliament put in place Article 5 of the Penalty of Imprisonment for Journalists before the council announced the final approval of the draught law, and the plenary session in Parliament witnessed widespread controversy, and a large number of deputies objected to Article 5 of the law, which allows the imprisonment of journalists in case of publishing incorrect news (Al Jazeera, 2021).

This study analyzed journalists' perspectives on the restrictions of journalists when they report on infectious diseases and the challenges that they face when they publish news and the penalties for imprisonment against journalists through legal part number 5 in the law which restricts journalists, as well as its implications for journalistic practice and press freedom in Egypt¹. However, this law has many legal provisions to impede journalistic work in obtaining data by using some phrases. It condemns journalists to imprisonment and works to reduce the index of freedom of the press. In this view, the study aims to answer the following research questions:

RQ1: Do emergency and health pandemic laws give rise to coercive powers, and how does the Egyptian government justify it?

RQ2: What are the obstacles faced by journalists when they report on diseases?

2 Literature review

2.1 Diseases and health regulations

International health regulations are a legally binding set of regulations adopted under the auspices of WHO in 1951 (Agrawal, 2007). International health regulations were legally binding on all WHO Member States in 1997, except Australia, to control and respond to the global outbreak and spread of infectious diseases and to provide rules applicable to international traffic and travel (Dute, 2004). One of the earliest multilateral regulations strictly focused on global surveillance for communicable diseases, in addition to the control and sharing of epidemiological information in the past about the transboundary spread of cholera, plague, and yellow fever; the fundamental principle is to ensure “maximum security against the international spread of diseases with minimum interference with world traffic” Tan et al (2009).

The International Health Regulations (IHR) list the maximum public health measures applicable during outbreaks and provide rules applicable to international traffic and travel. These measures cover the requirements for health and vaccination certificates for travelers (Weeramantry, 2005), as well as detailed health measures at airports and seaports in WHO Member States’ territories, which include four main criteria: the event has a serious public health impact; the event is unusual or unexpected; there is a significant risk of international spread, and there is a significant risk of international travel or trade restrictions. At least two of the criteria must be satisfied for an event to be notifiable (Edelstein et al., 2012; Aginam, 2002).

The covid-19 pandemic has raised many intriguing questions about the critical task of safeguarding lives through legal issues regarding competencies to regulate health (Herlin-Karnell, 2021). As the boundaries of emergency laws and the IHR’s overall orientation is firmly against the imposition of border restrictions (Ferhani & Rushton, 2020).

The reason for an emergency law is that governments want to keep outbreaks secret, for fear of the economic consequences. While the new IHR sought to prevent this by instituting a reciprocal “deal” on openness and exchange with other countries, promising not to implement unnecessarily punitive travel and restrictions, which are dangerous for human rights and civil liberties (Burci, 2020). This crisis has seen a transcription of nationalistic responses, which is raising doubts about the sustainability of collective notions of global

health security during a global crisis (Ferhani & Rushton, 2020).

Egypt issued the first health precautions law for the prevention of infectious diseases, No. 137 of 1958, and after the spread of the covid-19 pandemic, President Abdel Fattah El-Sisi issued Law No. 142 of 2020, amending some provisions of Law No. 137 of 1958 regarding health precautions to prevent infectious diseases (Napoleon, 2020).

The penalties section of Law No. 137 of 1958 regarding health precautions to prevent infectious diseases through articles 26 and 25 violates any of the provisions of the articles related to the necessity of vaccination against infectious diseases (Ibrahim, 2020). In article 26, a fine of not less than one thousand pounds and not more than twenty thousand pounds² shall be imposed on anyone who violates any of the provisions of the articles relating to the obligation of the family of a person with contagious diseases to inform the health doctor about his condition within 24 hours, without prejudice to any more severe penalty stipulated in another law (AlAshry, 2022a).

2.2 Egyptian political and media context

The Egyptian Revolution of 2011 toppled many presidents and not only captured worldwide attention but also urged national and international media to follow the events. After that, Egyptian regimes used a cyclical process characterized by recurring sequences of narrowing content and the threat the new media posed to their legitimacy and resilience. The regimes took action to subjugate the press to adapt to the system with narrow content (Lavie & Yefet, 2022).

The censorship phase began when the regime started the emergency rule in Egypt in 1958, after that, President Gamal Abdel Nasser amended emergency Law No. 162 Article 3 of the emergency law specifically gives the president the power to monitor newspapers, booklets, and other publications, which allows him to gradually add constitutional amendments to new legislation that allows the state to legally control the media (Shishkina & Issaev, 2018).

The emergency law moved from the narrow conception of anti-terrorism legislation to one of repressing freedom of thought and expression as well as freedom of information and a variety of political activities, such as press unions, which could result in unacceptable restrictions on freedom of expression (AlAshry, 2022b).

In 2005, the government rewrote the constitution to include an

act of anti-terrorism legislation that gave the security forces sweeping powers to detain suspects and restrict them. After that, in 2015, the government amended the law to add words about “harming national unity”, a term that could be, and has been, used to arrest and jail journalists. As a result, journalists who criticize the regime may now be detained legally under terrorism law (El Issawi & Cammaerts, 2015).

In 2018, the government ratified Law No. 180 of 2018, the Law Regulating the Press, Media, and the Supreme Council for Media Regulation, and passed the Cybercrime Law. The law has been used to restrict, fine, monitor, and repress media outlets, which gives it broad authority over online space, including the ability to ban sites it deems inappropriate (AlAshry 2022a).

After that law, Egypt's ruling generals are cracking down on blocking social media sites and cutting off the internet to inhibit journalists' movements (Hatina & Kupferschmidt, 2019). The regime has powered the security services to exercise outright repression and, enacted numerous undemocratic laws with little resistance from a submissive legislature (AlAshry 2022b).

Also, when the global pandemic spread, blocking became the norm, whereby citizens experienced the electronic blocking of websites and a lack of information circulation. The Egyptian authorities, represented by the Supreme State Security Prosecution, the Supreme Council for Media Regulation, the National Press Authority, and the General Authority, continued The Information Service, which banned the work of journalists and blocked websites for allegedly publishing information about infection rates or criticizing the policies of the government and the Ministry of Health. However, misinformation from the government poses a serious risk to public health as well as public action (AlAshry, 2018).

The authorities also continued the absence of transparency without real and free circulation of information and did not support the role of the media as an actor in the strategy of confronting the crisis and not suppressing it. This was confirmed by the Egyptian Constitution of 2014 in Article 68 of the right to provide and make information available to citizens. Despite the approval of the Supreme Council for Media Regulation on the draught law on information circulation in 2017, the Egyptian parliament has continued to postpone the discussion and issuance of this law, which clearly affects the right to provide and make information available, that is also one of the main pillars of maintaining public health during the pandemic (AlAshry, 2022a). The absence of legislation that protects the rights of

citizens in general and journalists, in particular, to access information from official sources, circulate and transmit it, allows the authorities to arrest and punish journalists for allegations of spreading false news, spreading rumors, and harming the public interest, if they address any of the issues or information related to the pandemic in Egypt.

The pandemic law has been used by different players from the government, and at all stages of the regulatory process to restrict journalists, but the pandemic has also led to quite an intricate interplay of hard law sources that has transformed and reshaped hard law from the inside to process information, together with law processes and the system of law sources (AlAshry, 2020). The law has issued several measures, more specifically, technical guidance, statements, releases, press conferences, communications, guidance, roadmaps, situation reports, resolutions, and plans. Through approved the introduction of fundamental amendments to Emergency Law No. 162 of 1958, to declare a state of emergency throughout the country, starting from April 28, 2020, for three months to face the dangerous security and health conditions that the country is going through (Hamzawy, 2019).

The Law on Confronting Epidemics was implemented on February 29, 2021, and the authorities added a paragraph to the first paragraph of Article 5 of the draught law, prohibiting any freedom-depriving punishment for crimes committed by way of publication or publicity to journalists, “if anyone intentionally broadcasts, publishes, or promotes false or malicious news, statements, or rumours related to the epidemiological situation, and that would stir panic among citizens or harm the public interest.” (Alashry, 2022c).

This article contradicts the constitution and press laws, with Article 29 of the Law Regulating the Press and Media and the Supreme Council for Media Regulation No. 180 of 2018, Article 5 of this law to prevent fears of imprisoning journalists, which states: “It is not permissible to impose a freedom-depriving penalty on crimes committed by way of publication or in public, except for crimes related to incitement to violence, discrimination among citizens, or insulting the honor of individuals”. This means imprisonment in this article is intended for anyone who publishes false news and deliberately creates lies and rumors through social networking sites in the field of epidemics. Article 188 of the Egyptian Penal Code prohibits rumors and lies through social media (Hamzawy, 2017; Abdulmajeed & El-Ibiary, 2020).

The Egyptian regime took advantage of the pandemic to pass new amendments to the emergency law by adding new articles

that allow the expansion of the jurisdiction of the military judiciary in trying civilians under the pretext of maintaining security and confronting the outbreak of the pandemic (AlAshry, 2022a).

The law gives the Military Prosecution the right to conduct investigations into facts and crimes that are caught with their knowledge and committed by civilians or journalists. All of these measures come within the framework of the systematic policy to achieve more incursions by the armed forces inside the country and to expand the powers of the military judiciary to try journalists. Through Article 204, “A civilian may not be tried before military justice, except in crimes that constitute a direct attack on military installations or armed forces camps” (AlAshry, 2021).

3 Theoretical Framework

A distillation of the literature leads one to come up with the following theoretical frameworks: one approach would be to use Shadmehr and Bernhardt’s (2012) “A Theory of State Censorship”, which is mainly concerned with restrictions on freedom of the media, and censor media reports that convey information to citizens who decide whether to revolt.

The recent Arab Spring (2011) has highlighted the complicated political calculus of revolution that citizens and unpopular rulers face. Information control through censorship in Egypt, which is the first line of action against an imminent threat to governmental power, The ruler tries to implement an authoritarian regime’s information transmission to citizens to mitigate the likelihood of a coup against the government (AlAshry, 2022b; Hamzawy, 2017). By censoring news stories, initial regimes may benefit, as there is no possibility of rebellion, and through it all, a legal framework must be established that protects governments, not journalists (AlAshry, 2022c).

The Theory of State Censorship highlights some of the main debates on Egyptian law, while there is a disagreement within the press about the relationship between freedom and domination due to the strict laws that limit press freedom (Karnell, 2021).

The theory incorporates the media’s basic rights of censorship governance, which Egypt seeks to implement, and checks and balances under the rule of law through arbitrary domination (Whitten, 2021).

The censorship ideal of non-domination is generally considered the foremost yardstick for testing the level of freedom in a society,

where the authority of power deprived of reason is an unbound form of domination. While the apparatus of the state may often have the effect of reducing violations of freedom by nongovernmental agents and the standard rationale of government (Dowding, 2011).

In the context of Egypt, AlAshry (2022a) recently distinguished between a dictatorship state and a democracy state, the latter of which must include mechanisms for accountability. Moreover, Egypt is designed to be a dominating state, while the Theory of State Censorship represents a modified version of statism, that emphasizes the importance of government (Karnell, 2021).

Furthermore, the legislators who can make laws without being subject to them, for example, the Egyptian Parliament, which made laws against epidemics and pandemics that apply, as the bill of attainder, to individuals or journalists.

4 Methodology

The study sought to investigate how journalists perceived Law 152 of 2021 regarding procedures to confront epidemics and health pandemics by the government during covid-19.

4.1 The sample

In Egypt, there are 9800 Egyptian journalists under the Egyptian Journalists' Syndicate (EJS) (2021). Based on that list of names provided by the Syndicate, the sample consisted of 30 journalists who were invited to participate in this study (table 1).

This study uses in-depth interviews. They participated in this study and were interviewed by phone and face-to-face to ensure the confidentiality of journalists' names. The discussions were conducted in Arabic and then translated into English.

The rationale for using purposive sampling was to make sure the journalists' representation covered the developments of the law in Parliament, who have been interviewed in this study, are full-time employees.

Table 1

Journalists' background

Number	Gender	Current roles	Name of organization	Dates of the interviews	Interview length
1	Male	Chief editor	Egyptian Parliament website	February 2, 2022	2:12:21
2	Male	journalist	Al-Dustour	February 25, 2022	1:21:31
3	Male	journalist	Al-Dustour	February 23, 2022	2:20:05
4	Female	Chief editor	Al-Dustour	March 1, 2022	1:27:06
5	Male	journalist	Al-Dustour	January 1, 2022	1:26:08
6	Male	journalist	Al-Dustour	January 5, 2022	1:25:49
7	Female	Chief editor	Al-Dustour	January 6, 2022	2:10:21
8	Male	journalist	Al-Dustour	January 8, 2022	1:05:30
9	Female	journalist	Al Youm El Sabea.	January 20, 2022	2:01:02
10	Male	Chief editor	Al Youm El Sabea.	January 23, 2022	1:10:08
11	Female	journalist	Al Youm El Sabea.	January 5, 2022	1:04:09
12	Male	journalist	Al Youm El Sabea.	January 8, 2022	1:12:22
13	Male	Chief editor	Al Youm El Sabea.	January 9, 2022	2:16:30
14	Male	journalist	Al Youm El Sabea.	January 13, 2022	1:10:31
15	Male	journalist	Shorouknews	January 14, 2022	2:25:25
16	Male	Chief editor	Shorouknews	January 15, 2022	1:30:26
17	Female	journalist	Shorouknews	January 16, 2022	1:45:27
18	Male	journalist	Shorouknews	January 20, 2022	1:12:08
19	Female	Chief editor	Shorouknews	January 2, 2022	1:12:12
20	Male	journalist	Al-Ahram	February 2, 2022	2:20:05
21	Male	journalist	Al-Ahram	February 3, 2022	1:12:35
22	Female	Chief editor	Al-Ahram	March 3, 2022	2:25:12
23	Male	journalist	Al-Ahram	February 3, 2022	1:30:26
24	Female	journalist	Al-Ahram	January 21, 2022	1:21:12
25	Male	Chief editor	Al-Ahram	January 19, 2022	2:10:12
26	Male	journalist	Al-Ahram	January 20, 2022	1:30:21
27	Male	journalist	Al-Ahram	January 5, 2022	1:35:31
28	Female	journalist	Al-Ahram	January 6, 2022	1:23:22
29	Male	Chief editor	Al-Ahram	January 7, 2022	2:12:15
30	Male	journalist	Al-Ahram	February 3, 2022	1:23:20

5 Presentation and analysis of findings

5.1 Emergency and health pandemic laws give rise to coercive powers

Journalists discursively articulated themselves during covid-19. Journalists saw the pandemic as laying bare the endangered nature of journalism and limiting the information that caused infection surges, which was a result of pressure from access to sources as well as the government. This jeopardized journalists' ability to fulfill their responsibility to Egypt. The Egyptian authorities implemented several exceptional measures to maintain public health after covid-19 and restrict journalists. The situation became more dangerous after the curfew was not imposed in Egypt and law enforcement, which resulted in an increased number of injury cases that went unreported because media houses were not allowed to operate.

The journalist talked about his personal concerns when the government implemented the communicable diseases law he had for the community and how those concerns affected his reporting of the issues:

In light of the exceptional circumstances facing Egypt, the Egyptian Parliament resumed reconvening as a necessary step to approve a package of legislation necessary and amendment of some provisions of Emergency Situations Law No. 156 of 1985, which included the inclusion of a number of new measures that allow the President of the Republic to confront a state of health emergency. (Journalist 3, personal communication, February 2, 2022).

The state of emergency has already been declared and has been considered an integral part of the Egyptian legal reality for the past forty years to suppress any form of opposition that the ruling political regime in Egypt might face. (Journalist 5, personal communication, January 1, 2022).

After the approval of the House of Representatives by a majority of its members on the proposed amendments to give more powers to the President of the Republic during states of emergency. (journalist 1, personal communication, February 2, 2022).

According to Hamzawy and Brown (2020), Egyptian journalists working under authoritarian systems, and the Egyptian regime has reacted in an unexpected way to the global pandemic — with civilian, technocratic, and expert bodies leading the way and even some (admittedly officially patrolled) political debate being allowed to emerge.

This is clearly demonstrated in the text of Article 3 of the law, which gives the President of the Republic a number of broad powers during a state of emergency, such as putting restrictions on the freedom of people to meet and move, arresting suspects or threatening public security and order, monitoring letters and newspapers, and withdrawing licenses for weapons or ammunition. Another journalist mentioned, “we find that the powers that focus mainly on achieving security and controlling any internal disturbances without paying attention to the dangers resulting from the spread of an epidemic”. (Journalist 2, personal communication, February 25, 2022).

Aginam (2002) argues that international law has played a significant role in communicable disease surveillance at international sanitary conferences. Communicable diseases are no more complicated than a variety of other issues that have been effectively politicized in recent years. The continued exclusion of such diseases from international law and global governance suggests that either law is too political to play any significant role in global communicable disease surveillance or that the utility of legal interventions in global communicable disease surveillance is negligible.

One editor argued that “the main objective of these amendments is to fill the legislative void that was revealed by the emerging reality regarding dealing with this type of health emergency” (Journalist 21, personal communication, February 3, 2022). While Journalist 5 says: “These powers granted to the President of the Republic include some points that raise a number of questions about how they are implemented or the real purpose behind them” (Journalist 5, personal communication, January 1, 2022).

According to the Egyptian Law on Communicable Diseases, No. Law 152 of 2021, Act 3, “The deadlines for pre-trial detention and appeals against criminal judgments issued against people imprisoned in execution of those judgments.”

This is consistent with AlAshry (2022a), who noted that the new law presented a global health challenge that would leave Egypt affected, and the Egyptian regime would deny or obscure the severity of the problem, shifting blame to media houses because they didn't get the information from the government.

On the other hand, many interviewees believed that the government put journalists in prison:

There is a paragraph that did not refer to how to achieve the safety of journalists or ensure that they are held on time, especially since the practical reality showed the reluctance of the Public Prosecution to consider several

pretrial detention sessions, which led to the presence of a number of defendants in detention without any legal basis. (Journalist 9, personal communication, January 20, 2022).

At the same time, paragraph (13) was created to ban public and private meetings, processions, demonstrations, celebrations, and other forms of gathering, to restrict the right to assembly and the right to movement during states of emergency, which the authorities have always resorted to tightening its grip on political life in Egypt. (Journalist 11, personal communication, January 1, 2022).

The interviews with journalists for this study discussed these challenges facing journalists when they cover information freedom of expression in Egypt as well as augmented pressures to provide legitimate information from the Ministry of Health.

AlAshry (2021) argues that Egypt continues censorship to affect freedom of expression through pre-trial detentions of several journalists and activists during the covid-19 pandemic. As a result of this, serious consequences occur, for example, the increase in the rate of injuries, the failure to announce the real percentages and the poverty rates around vaccination rates, the absence of the vaccine in Egypt, and the statistics during the first, second, and three waves of infections with the emerging covid-19 pandemic. The highest death rate in Egypt is 21.500 million, and the number of coronavirus cases is 377.960 million infections, and they often have chronic diseases (Worldometer, 2021).

The increasing number of infected people and the deaths resulting from the outbreak of the epidemic poses challenges that require respecting the right of individuals to access information and enabling the digital press to be provided with knowledge from its various sources, as well as in the context of combating the emerging coronavirus with the right to life. (Journalist 25, personal communication, January 19, 2022).

The appearance of new media in Egypt, platforms, and control systems derived from the Ministry of Communications and Information Technology make a challenge to monopoly online information online, and media indicators should reflect this. However, any analysis of the media's contribution to democratic development must be contextualized and should be under the Theory of State Censorship (Khamis, 2015).

Many laws restrict rights and freedoms, for example, the Law on Combating Information Technology Crimes and the Law on Regulating the Media and the Press, where the articles contained in the two laws give powers to judicial authorities, police agencies, and the Supreme Media Council that allow blocking news websites for national security (Journalist 26, personal communication, January 20, 2022).

Restricting freedom of information has traditionally been considered a bastion of dictatorial systems (Avle & Adunbi, 2015). The organizations that produce the indexes display a commitment to democratization and even to modernization under the censorship theory (Daly & Hickey, 2015).

Moreover, the democratic state has a positive attitude towards rich information and is not backed by a clear definition of the model of democracy (Schneider, 2019) that the organizations promote. However, assessing information freedom and its contributions to no democracy necessitates the use of the Theory of State Censorship, because different conceptions of democracy assign different functions to media freedom (Alashry, 2021).

In this theme, the issue of processing the Egyptian Penal Code and Emergency Law was discussed, and the following question was posed. How do laws restrict information?

During the epidemic, journalists built their relationship with information as intrinsically problematic. The pandemic's obstacles, the spread of misinformation³ because the government did not verify the information, and the need to carefully filter through the information necessitated the same level of discernment as other types of disasters. It was often more difficult for journalists to verify the legitimacy of information that might be trusted. Later interviews with participants in the study revealed that journalists did not trust the information provided by the Ministry of Health:

Egyptian Penal Code, the Emergency Law, and the Anti-Terrorism Law, as the authorities used them to bring charges against Internet activists, bloggers, journalists, and media professionals are related to spreading false news, joining, or promoting a terrorist group, and misusing the means of communication. (Journalist 21, personal communication, February 2, 2022).

The findings indicate that journalists are suffering from the difficulty of combating their information constraints, as well as

their duty to report on the pandemic in the broader public interest. The journalist talked about how his reporting of the issues affected political, social, and human rights conditions.

The internet is the last remaining space for Egyptians to express their opinions in light of the deteriorating political, social, and human rights conditions, and in many cases, they express the insistence of the Egyptian security and judicial authorities to use the freedom to use the Internet and freedom of digital expression, as they did with the right to demonstrate freedom of the press, and other freedoms. (Journalist 25, personal communication, January 19, 2022).

This result agrees with Karnell (2021), which suggests that the pervasiveness of disinformation in the Pakistani news media is primarily due to poor fact-checking by journalists at an individual level and a lack of effective organizational policies to ensure fact-checking and journalists' abidance with ethical codes when reporting on the covid-19 pandemic. It is important to note that the Theory of State Censorship idea of non-domination is generally considered the foremost yardstick for testing the level of freedom in a society, but the situation in Egypt, not that the authority has the power of reason, is a bound form of domination, and the Theory of State Censorship theory then is an overall framework for how to tackle arbitrary measures through a constitutionalism lens to restrict journalists (Herlin-Karnell, 2021).

5.2 The obstacles to information that journalists face when reporting diseases

The study presents some journalists' examples of legal issues affecting measuring work. As to the aspect of what role these laws assign to the state in regulating the media system and how they are evaluated per se as freer and more independent than the state's controlled or regulated media.

In interviews, the journalists described their responsibility to share information and the limitations of how it might help readers save their lives from pandemics. The challenges of reporting centered on not providing adequate coverage for the community and a lack of information when the journalists reported the crisis.

Correlating the replies, there was broad agreement that facilitating with no access to information was a major part of the role

of FOI practitioners and the obstacles to information that journalists face when they report diseases. This is illustrated by the following quotes from the interviews:

In Egypt, we have complex legislation, without any role in educating your journalists in what freedom of information is and how it works. (Journalist 3, personal communication, February 23, 2022).

My role as the editor is to make sure all of the information facilitates access, but during the pandemic, we don't have the system in which information can be released without an information request. (Journalist 4, personal communication, March 1, 2022).

According to Pomeranz and Schwid (2021), the government's distribution of misinformation and suppression of information are severe problems because international law protects political freedom, and leaders play an important role in combating disease disinformation. It is hard to put a halt to this activity in practice. The press plays a critical role in exposing government corruption and delivering information to the public, as well as serving as a conduit between citizens and elected officials. Journalists can draw attention to government operations in this way, and the administration might respond by criticizing the media.

About the reactions journalists get from government sections when they release information without an information request:

When it comes to government authorities and stakeholders, they do not have an information disclosure policy, so all information must be restricted, however, there are still leaders in the government who don't believe in information at all. The information has to be basically closed so that it does not appear to the public in diseases. (Journalist 6, personal communication, January 5, 2022).

Freedom of information is crucial for the functioning of a democratic society and will continue to be so in times of crisis. According to Article 10 of the European Convention on Human Rights: "Everyone has the right to freedom of expression". The EU's approach to fighting disinformation is based on respect for fundamental rights. In times of crisis, the media play a key role, also coupled with increased responsibility not to control the information but to prevent panic and foster people's understanding (Stefanova & Tasev, 2020).

Journalist 10 observed that:

As a junior journalist, I have the same challenge about how I get the information from the government and if I publish false information, I will be arrested like my friend, the security forces arrested him from his home, when he posted on his personal page on the social media site, all of the number of people infected and published from the Ministry of Health is not right. Another journalist was subjected to illegal detention for 9 hours before her release after she was arrested while covering a crowd of citizens wishing to conduct an analysis to detect the emerging coronavirus in front of the central laboratories of the Ministry of Health. (Journalist 10, personal communication January 23, 2022).

Most journalists argue that the interference of these laws reflects the Theory of State Censorship, which applies in dictatorial societies such as Egypt. AlAshry (2022a) points out that the government draws on the provisions of the Penal Code, Article 9 of Law 260 of 1960 in the matter of Civil Affairs, as amended by Law Number 11 of 1965. For example, Law Number 158 of 1980 stipulated that the data contained in civil status records are considered confidential.

The Supreme Council for Media Regulation played a prominent role in besieging the data. The council's added statement included the directive to "prevent the broadcast of any news except through the official statements of the Ministry of Health", and the council decided to "draw the attention" of 16 websites and pages on social media.

This means more censorship, restrictions on the free press, and extensive state surveillance that may lead to self-censorship.

6 Discussion

The analysis of the role of diseases in Egyptian law's control of the media in reporting on diseases demonstrates that the laws play a strong and important role among journalists in a country that claims to be gradually adopting democratic laws. In reality, journalistic practice is still under siege. The government does not allow journalists to freely operate in a professional media environment due to the application of that communicable diseases law.

As indicated earlier, the results of the study show that journalists disagree with the law. Communicable disease principles Article 15, which controls the data and the source of information, needs the data when they write their news stories about diseases and health law only controls the data and the source of information. This means that the

media information on public matters is controlled by the State.

Although this study is the first conducted among such journalists in Egypt, in particular after the implementation of the law, its findings are in line with some earlier studies (e.g. Badr, (2021); Gentzkow & Shapiro J (2010), which found that there were no articles for privacy or freedom of information rights, they were just mentioned in the Constitution of 1971, Article 47 and 210, without being implemented.

While Karnell (2021) argues that the European Union Communicable Diseases law aims to issue an action plan concerning how to manage the crisis and how to achieve public health measures, and the management of EU borders has the legal authority to regulate public health, meaning that the law focuses on risk monitoring. Based on the findings, Law No. 152 of 2021 regarding procedures for confronting epidemics and health pandemics, the law stipulated in the second article the formation of a higher committee called the “Higher Committee for the Management of the Epidemic and Health Pandemic Crisis”, headed by the Prime Minister, and the membership of ministers specialized in health and population affairs to monitor the law’s implementation.

At the beginning of the law’s development, there was an article of imprisonment in publishing cases and penalties if any journalist violated the provisions of Article 29 of Law No. 180 of 2018 regulating the press and media. The article has been abolished and a published news story has been developed. The penalty for violating one of the procedures or measures issued by the committee is imprisonment. In addition, facing anyone who violates one of the procedures issued by the committee with imprisonment for a period not exceeding one year.

The study found the most significant barriers faced by journalists were a lack of information sources and the credibility of news sources. Although the analysis was based on interviews with 30 journalists, it nonetheless sheds light on the pressures and general challenges faced by journalists when covering covid-19. Egyptian state-controlled and privately-owned media present journalists with constrained work environments. Independent investigative journalism was next to impossible. The government closed that section in many newspapers and has not allowed journalists to do any investigative reporting since 2014.

These results support previous studies such as those by

Serag Eldin (2009), Mohamed (2010), Mano (2005) that suggest journalists need to be more aware of these constraints and develop more effective ways of managing conflict between their professional norms and government-driven pressures.

Governments put journalism ethics at the top of regulations and the media systems at the bottom, which reflects the power of the regime as a driving force in journalism through the Controlling Communicable Diseases law. Badr (2021) found that there is a real structural and political system in Egypt, barriers that hinder journalism's ability to produce information, and the ability of journalists to claim their right to information for public services. However, during the interviews, the respondents noted that the authorities placed restrictions on journalists and limited media freedom, which is supported by the Theory of State Censorship.

Well, given the huge number of challenges faced by Egyptian journalists (particularly suspension, imprisonment, pretrial detention, and abuse), it is very difficult for them and the media to find a free media environment under the dictatorial and democratic regime that President Abdel Fattah el-Sisi focused on. In his official speech, he referred to the new republic and the development of a human rights strategy to protect journalists, but there is a set of arbitrary legal measures from a constitutional standpoint, which is incompatible with the Theory of State Censorship.

Ironically, Al-Ali (2016) argues that the government is responsible for the information and has created an environment where violence and fear dominate the political process, and Article 86 of the Constitution talks about freedom of information, but it does not apply. Article 5 of the Controlling Communicable Diseases Act promotes excessive government control over both types of media houses, as well as intimidation of media personnel through direct legal harassment, negatively impacting journalistic work when they cover the news.

Previous research (AlAshry, 2022a) revealed that these legislative law developments have a significant impact on the journalists' violations, in terms of digital rights and media freedom issues. By using the Supreme Council for media regulation, they have the authority to impose those restrictions in the monitoring and documentation unit.

7 Conclusion

The Egyptian controlling communicable diseases law lacked a balance between the need to adequately protect data subjects' rights and the need to provide journalists with more flexibility, including access to sensitive data. While the International Health Regulations see exclusionary bordering practices as undermining global cooperation during the covid-19 pandemic to send all of the information globally to save lives, the same countries use health regulatory competencies and emergency laws to limit the information.

Furthermore, Egyptian legislation contains many inconsistencies, including special laws for data control, and the field is still heavily controlled at the national level, which is still quite limited. The findings show that in the absence of a democratic political culture, Egypt's political institutions are vulnerable.

This fragility is exacerbated by the lack of a consensus model of democracy and political intolerance. The presence of unfriendly politics, media controls, and legislation affecting the application of journalists' rights have an impact on media freedom.

Significant changes without political consensus elicited a lot of skepticism from respondents. While the Theory of State Censorship has recently had a resurgence in both journalism and political studies, it remains a largely unexplored theory in the legal context.

The Egyptian Journalists Syndicate must help build an enabling climate to protect professional journalism and press freedom through international syndicates trying to provide a secure and stable environment that fosters the development of professional journalism.

NOTES

- 1 The concept of press freedom or media freedom in the Middle East has revealed that, while the constitutions of most Middle Eastern countries provide the right to publish and disseminate information, media houses continue to operate in a restricted and intimidating legal, political, and security environment.
- 2 In comparison, Egypt came in last place out of 14 Arab countries on the last list of poor income, with a per capita income of

\$219. Egypt find that economic activity has been affected by the multiple shocks that the world has witnessed, and the general inflation rate in urban areas increased to 13.1% and the core inflation rate to 13.7% on average during the period from March to August 2022, which is higher than the central bank's target inflation rate of 7% (+/- 2%). Due to global price dynamics, the central bank raised key interest rates in March and April 2022 by a cumulative 300 basis points, allowing room for exchange rate depreciation. Official reserves and other foreign exchange assets have declined sharply; Egypt amounted to \$37.4 billion at the end of August 2022 (from \$54.5 billion at the end of February 2022), despite the financial support provided by the Gulf Cooperation Council countries, as well as the successful issuance of the first samurai bond in Egypt (The World Bank In Egypt, 2022). The simultaneous shocks are expected to weaken the overall macroeconomic environment in Egypt during FY2022–2023 before it begins to improve over the medium term. Hence, the Egyptian state denies itself any resource it has by imposing fines on journalists.

- 3 Misinformation concept: the majority of journalists in the Middle East get information from leaders, and that information is presented fact regardless of intent to deceive, which has an impact on society's ability to receive information and then influences our communities, politics. While disinformation is a type of misinformation that is intentionally false and intended to deceive or mislead.

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