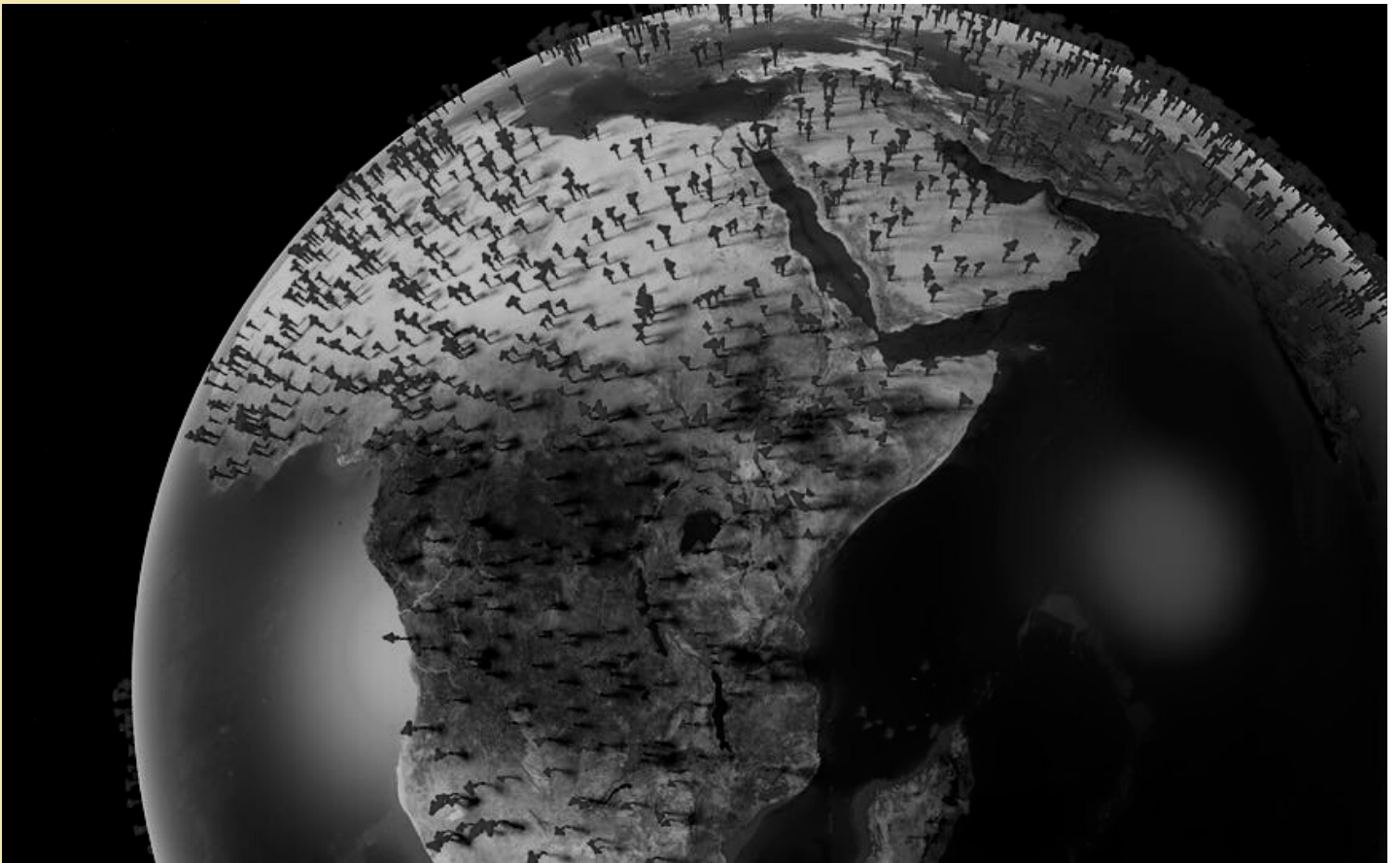COVID WATCH AFRICA

JEUNES VERTS TOGO

COVID-19 AND THE SHRINKING CIVIC SPACE IN AFRICA

PREPARED BY

PATRICIA AINEMBABAZI / VICTOR KPANGBANOU / JULIEN RETENO

www.covidwatch.africa

SUMMARY

The coronavirus Pandemic is spreading rapidly, destroying economies, compelling countries of the world to make tough decisions and to roll out measures aimed at controlling the spread and mitigating impacts of infection. As a way of combating the COVID-19 Pandemic, a rising number of governments in Africa have since started implementing extreme limits on fundamental democratic freedoms. Indeed, from March 2020, most countries across the continent placed severe limitations on freedom of speech,
if not complete lockdowns, sometimes complemented by restrictions on additional democratic and political rights. However, while it is acknowledged that such extreme human rights limitations may be valid responses to the spread of coronavirus, there is a risk that policymakers might exploit the very acute situation for political purposes.

The COVID-19 Pandemic is currently magnifying challenges to public space in Africa. It is widely accepted to be a public health problem that affects countries, prompting the implementation of derogative measures, with mounting evidence pointing to a concerted manipulation of the Pandemic in order to speed up other non-health goals by governments. Across the continent, the virus containment policies are dramatically overstretched beyond meaning and applied in ways that damage civil liberties.

Following the rise in human rights violations and civic space violations, a Citizen Watch tool was developed and launched on COVID Watch Africa's platform to enable civil society organizations and individuals across the continent to report on the cases.

The data and information we have gathered through the platform indicate that COVID-19 has provoked an ongoing surge of civic space restrictions. Some of the regulatory laws and policies enforced to combat the Pandemic also reduce the freedom of speech and access to information as registered in most regimes. Our reviews indicate ambivalent trends with a sight to the future mid-term implications. On the one side, COVID-19 appears to intensify these trends in countries that have already been flagged as authoritarian regimes. The prevailing types of restrictions introduced in reaction to the Pandemic should not lend themselves to policies that actively threaten particular populations (e.g., CSOs). Instead, the general public is influenced by COVID-19-related restrictions and is thus more prone to trigger broad-based resistance.

ABOUT
COVID WATCH AFRICA PLATFORM

COVID Watch Africa platform is a hub for credible information on the Pandemic, analysis, and global response to COVID-19's impact in Africa. The platform provides actors with access to updates on national reports, policy monitoring, and global responses.
The Citizen Watch tool developed on the platform allows timely reports from citizens across the African continent on events related to civic space restrictions, human rights violations, and citizen engagement.

The platform also regularly publishes information on the latest developments & global responses to COVID-19's impact on Africa.

The COVID Watch Africa platform was initially formulated under Jeunes Verts Togo in April 2020, primarily to address the growing concerns of misinformation and "fake news" about the Pandemic upon the increasing numbers of the virus spread on the African continent.

OUR GOALS AND OBJECTIVES

Upon its inception, its main goals, activities, objectives, and intended outcomes are not limited to those listed below

- Policy advocacy and communications on the protection and promotion of civic space on the African continent in the wake of the COVID-19 Pandemic.
- Policy monitoring and responses in Africa such as the public institution closures and openings, restrictions, guidelines, and policies on travel and in-state political environment.
- Monthly webinars on latest developments regarding rights abuses and violations, civic space restrictions in Africa during COVID-19, and innovations that are re-shaping the African Narrative to a selected listserv with stakeholders of interest e.g. NGO's that promote human rights and CSO's that advise governments on how to approach matters with a human rights-based approach.
- A dedicated space on the platform to publish reported cases in each African country "Citizen Watch".
- Engage legal organs that solely work on Human rights cases through formal email exchanges, newsletters and communiques these organisations are not limited to AfCHPR, EACJ, PALU, RFK, Network of National Human Rights Institutions & other Law human rights organs that seek to uphold the rule of law on the continent.

COVID Watch Africa provides a platform that offers a public space for Freedom of Expression and allows Civil Society organisations to take advantage of an open, safe, and secure online platform. The intended outcome of the entire initiative is not limited to credible statistics and guidelines in place about the Pandemic but also covers the promotion & protection of civic space in Africa and further advocates for adopting the successful innovations by the citizens during this Pandemic.

COVID WATCH AFRICA

Covid Watch Africa is supported by

OVERVIEW

CIVIC SPACE RESTRICTIONS IN AFRICA IN THE TIMES OF COVID-19

For the African civic space landscape, the coronavirus pandemic poses new threats and worsens others; limits on public hearings, for example, make inevitable consultations with authorities and societies hard to convene. Strict limits on movement and activities, as well as office closures, are also undermining existing civil society initiatives.

The ongoing global Pandemic has not only disrupted the status quo, it has also fueled the brutalities and escalated the shrinking civic space margin that African states had formerly been grappling with. Policies, laws, institutions and practices that are well known to create an enabling environment for citizen participation have been infringed on, in the guise of protecting states against COVID 19 as witnessed from the reports curated from the public since April 2020.

The reports gathered from the citizen watch tool of Covid Watch Africa platform show that most African countries have been subject to civic space restrictions.

These reports indicate the fast speed at which policymakers have reacted with draconian policies to the Pandemic. During the last two weeks of March 2020, several prohibitions were applied. In addition, it is apparent that the scale of constraints on public space has reached alarming heights. There have been limitations in all areas, concentrating mainly on assembly privileges (e.g. by banning mass gatherings of citizens) with over 60 reports on countries' limitations on freedom of assembly for the period from February to July 2020. The data reveal, on the other side, that few countries have enforced controls targeted at freedom of association and countries who, as part of emergency legislation to respond to the Pandemic, imposed restrictions for CSOs. Restrictions on freedom of speech have arisen more regularly over 30 nations. Most of these limitations either constrained press freedom or enforced legislation against the dissemination of misinformation connected with COVID-19.

It should be remembered that limitations always arrive in a bundle with governments issuing emergency restriction bill to expand their authority, and at the same time, often restricts democratic freedoms.

Noteworthy developments have emerged based on the collected reports, documenting the misuse of COVID-19 health emergency forces to close public space. The first pattern noticed is the disproportionate usage of violence to execute the lockdown by government officials. Torture, abuse, extortion, and deadly shootings have culminated in multiple fatalities attributable to the overzealous actions of law enforcement operatives and other task force officials implementing lockdowns. Not just that, eyewitness accounts and video evidence have circulated, revealing the blatant usage of horsewhips and weapons by security forces to impose restrictions.

Reports show across the continent that governments declared emergency measures right from March 2020 by imposing transport curfews and internal travel restrictions on account of the coronavirus. General prohibitions included all demonstrations and public gatherings for at least one month and renewable. Businesses, religious institutions, and schools were closed, and gatherings over 10 to 20 people were banned.

Other curated reports suggest that most authorities across the continent continue to use the Pandemic as a cover to breach fundamental human rights regulations.

This is seen right from Sierra Leone in west Africa, to Central African Republic and to Uganda and Tanzania in the east African region. In the given countries, reports show that the restrictions on public gatherings only applies to the opposition parties. For the case of Uganda, this was most evident during the presidential election's campaigns, where the opposition rallies were fought against by the army, using live bullets and teargas.
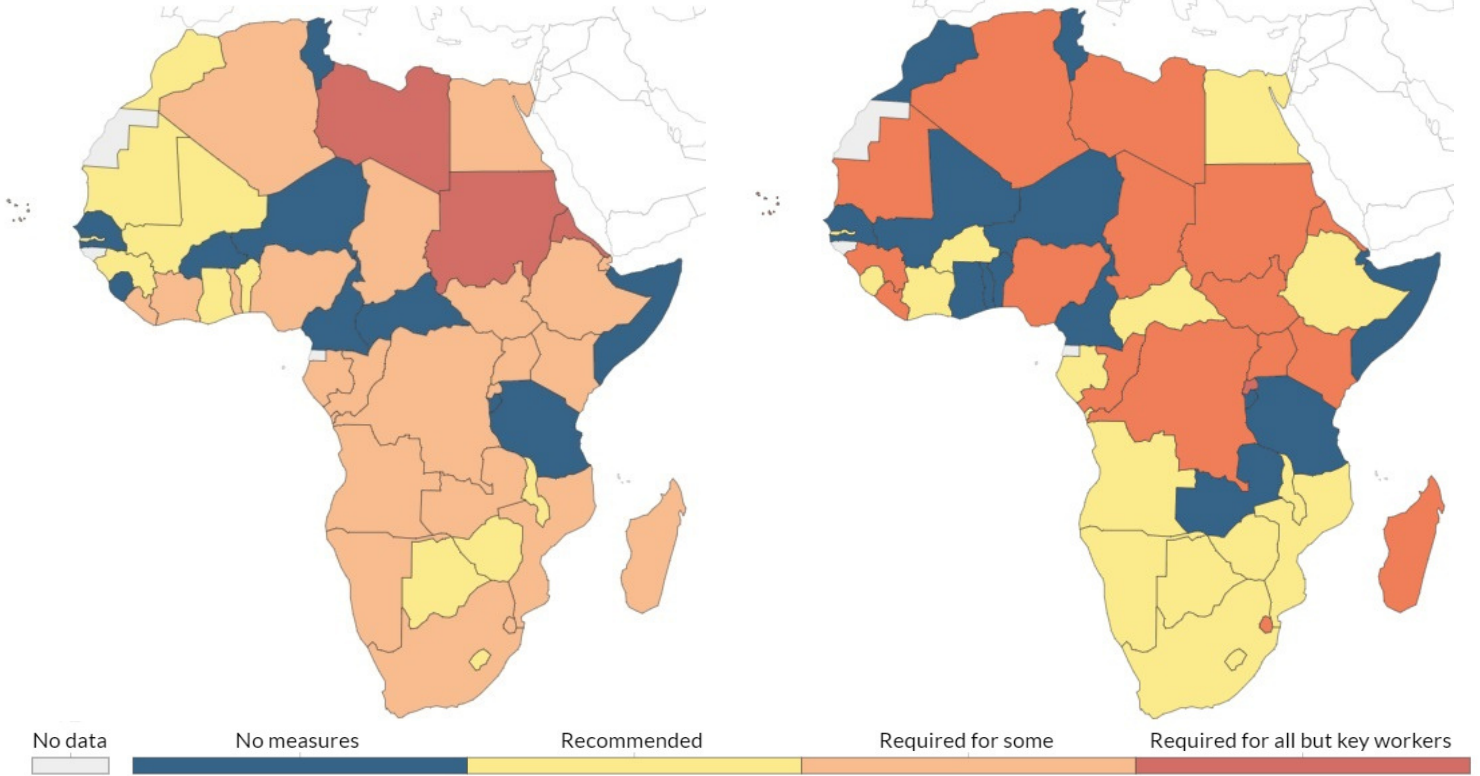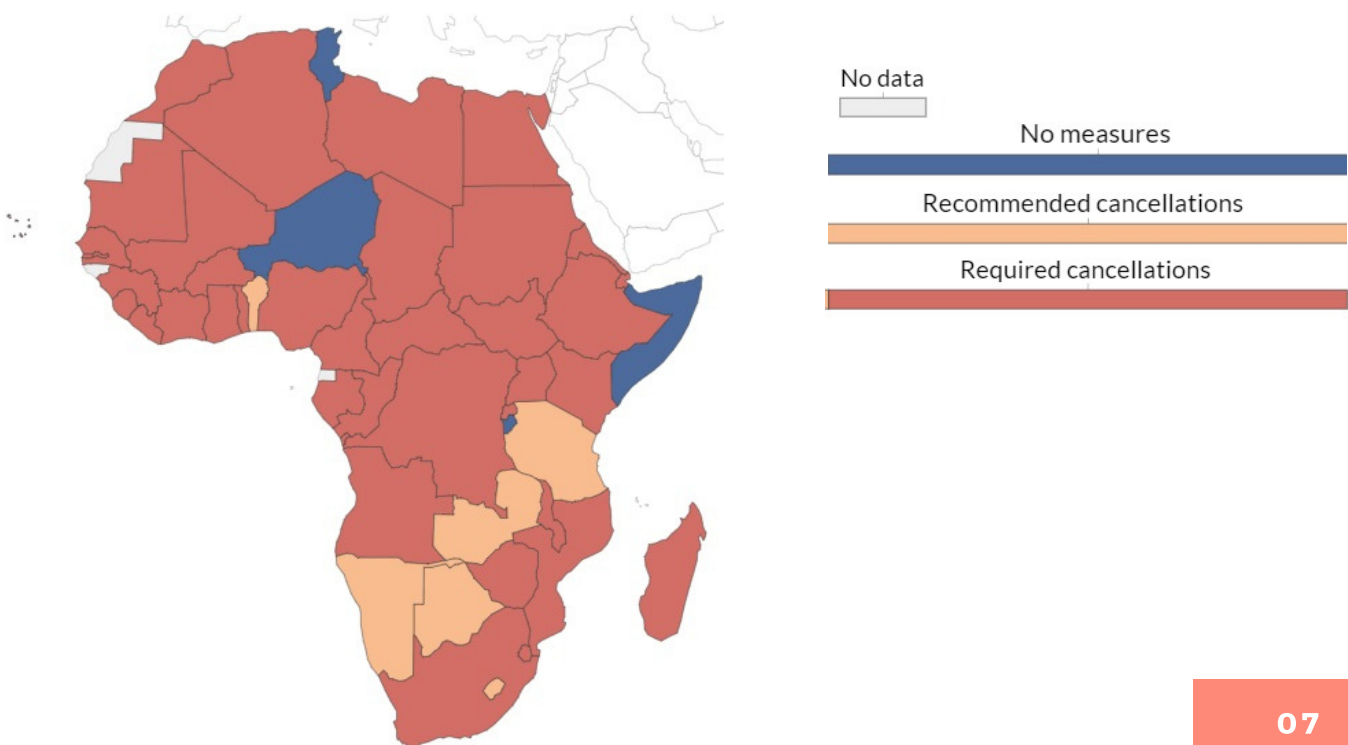
POLICY RESPONSES

Policy responses to the pandemic with direct impact on civic space in African countries as of July 1st 2020

Workplace closures

Stay-at-home requirements

No data	No measures	Recommended	Required for some	Required for all but key workers

Cancellation of public events

No data

No measures

Recommended cancellations

Required cancellations

Restrictions on public gatherings

No data

No restrictions

>1000 people

100-1000 people

<10 people

10-100 people
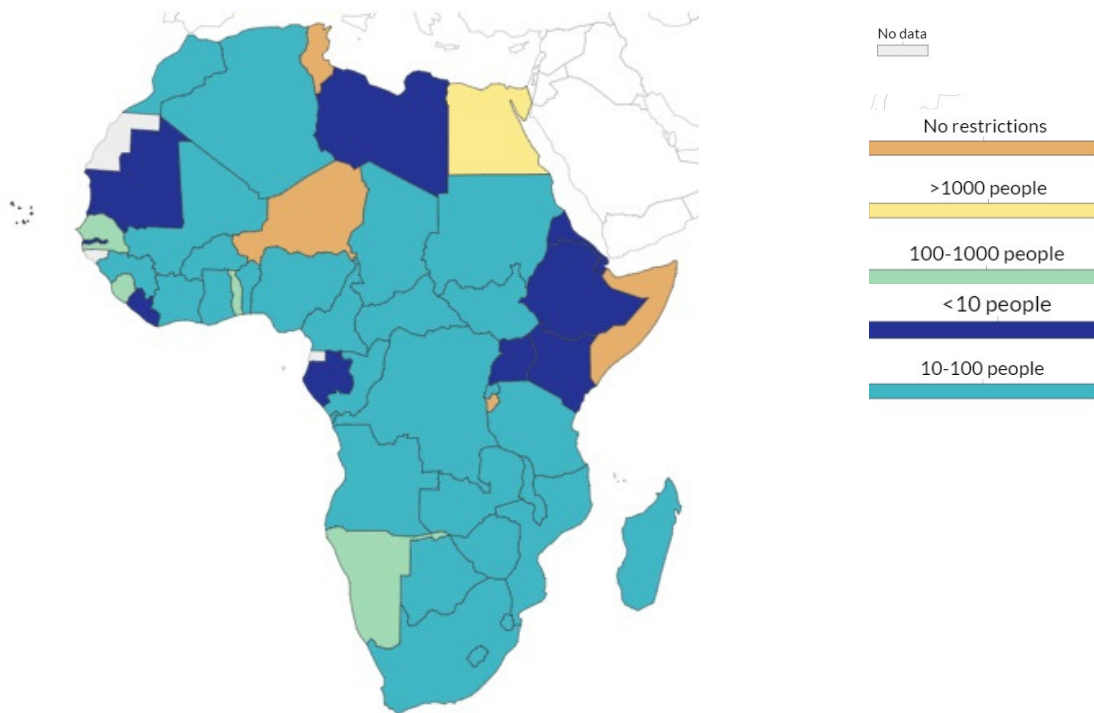
Restrictions on internal movement

No data

No measures

Recommend movement restriction

Restrict movement
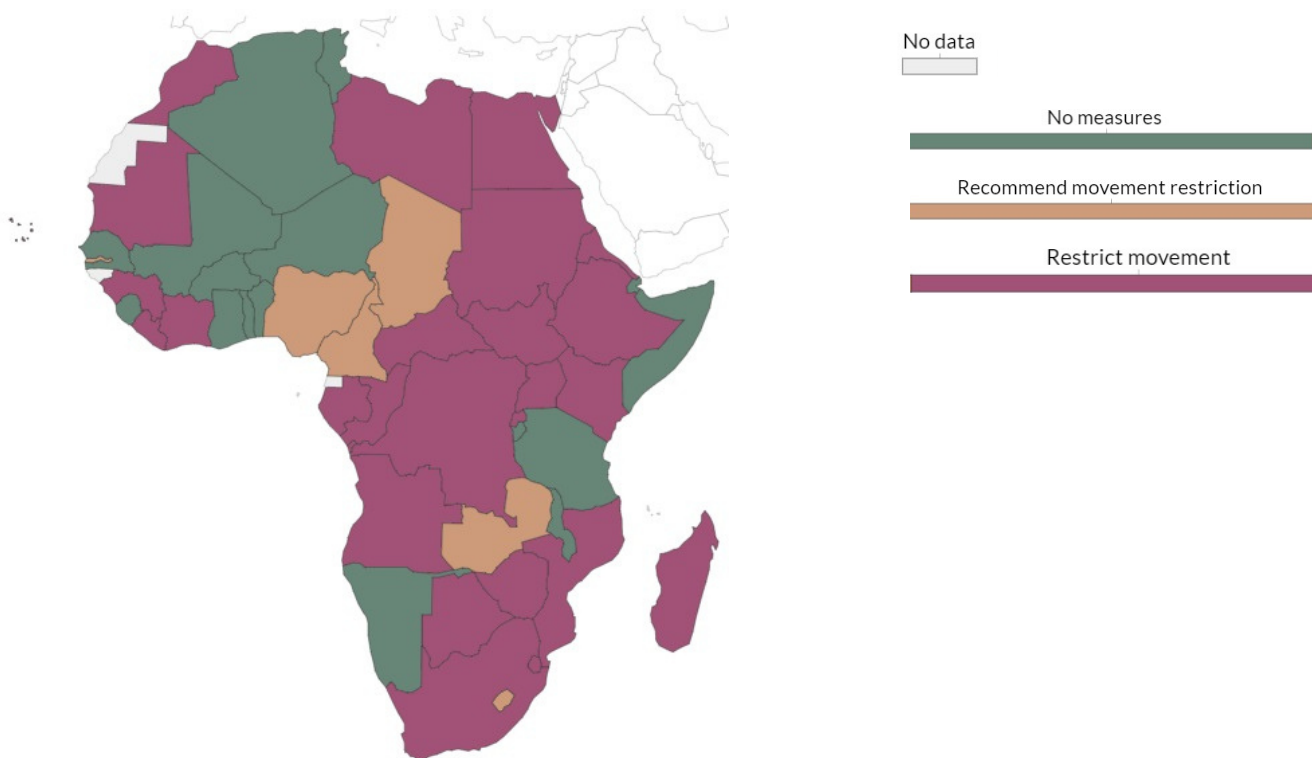
MURDERS AND INTIMIDATION OF CIVIL SOCIETY ACTIVISTS

Cases under this category were registered from all regions on the continent, right from the Republic of Mali in west Africa, to the Central African Republic, South Sudan and the Judicial independence on trial in a case involving Malawi's Chief Justice. The republic of Uganda however, stood out to register the most reports surrounding the injustices faced during the presidential elections campaigns that came under the Pandemic and claimed 53 lives including women and children by the ruling army members. Uganda's government has over the years been criticized for the failure to practice democracy and its norms.

In general, much as judicial organs such as the African Court on Human & Peoples' Rights issued Advisory Opinions to governments concerns holding elections during the Pandemic, the set guidelines were not adhered to, and the standard operating procedures were abandoned hence causing the adverse effects on the masses.

In April 2020, several journalists from Eswatini were arrested and interrogated for publishing critical articles against King Mswati III and the government's response to COVID-19.

In Togo, which experienced its first night of curfew on Thursday, April 2, 2020, cases of abuse were also reported. Célestin Agbogan, president of the Togolese League for Human Rights (LTDH), questioned the government on these abuses. "Last night, we were informed of several cases of police abuses of all kinds. I believe that we don't need this to fight a pandemic. When a measure is announced and applied the next day, it is possible that some people are not yet informed," the human rights activist said.

The authorities in the Republic of Kenya say the lockdowns, curfews, and other crowd control measures are aimed at saving lives, but overzealous enforcement has cost lives.
A 13-year-old boy playing on a balcony in a high-rise residential building in the capital, Nairobi, was shot dead after being hit by what police described as a "stray bullet." Three other deaths, including a motorcycle taxi rider who succumbed to injuries after being beaten by police, have been reported in the local press.

President Uhuru Kenyatta has since apologised "to all Kenyan for some excesses which were conducted" by the security forces, while urging the public to abide by measures the government had put in place to contain the spread of the virus.

One of the reports from South Africa, show that Petrus Miggels from Ravensmead died on the first day of lockdown. On the day he died, he went to the tavern to buy alcohol with money given to him by a neighbor. He was met with the police, eyewitness reports said, who assaulted him and carried him away in their van. He was later dropped off at his house, where he died within the hour. The Ipid later said their investigation found that Miggels "dropped dead".

One among the several of the first casualties of the lockdown was Sibusiso Amos, reports on the Citizen Watch space say. Amos was fatally shot on the veranda of his home in Vosloorus. Amos's death took place just days after the lockdown began on Sunday, March 29. An Ekurhuleni JMPD officer and a man thought to be a security guard were arrested the following Monday. Four children, aged between five and 11 years, present during the shooting, had to be taken to the hospital.

Police and military brutality cases also reported mention of rubber bullets and tear gas that was wielded by security forces in two of Africa's biggest countries on the first day of tough new restrictions meant to keep millions of people at home during the COVID-19 Pandemic. Thousands of police and soldiers were deployed to enforce a national lockdown in South Africa. The reports demonstrate the problematic balance between health measures and civil liberties in two of Africa's leading democracies, which have introduced some of the world's strictest controls on public movement due to the COVID-19 crisis.

President Cyril Ramaphosa, wearing a camouflage military uniform for the first time in his presidency, addressed a unit of soldiers on Thursday night and urged them to act "in the most understanding way, in the most respectful way, in the most supportive way." He said the soldiers must be "a force of kindness" rather than "a force of might."

VIOLATION OF FREEDOMS OF SPEECH AND ACCESS TO INFORMATION

In Egypt, the Supreme Council for Media Regulation blocked or limited access to dozens of news websites and social media accounts for allegedly spreading false information about the coronavirus Countries. In sub-Saharan Africa, countries like Côte d'Ivoire, Tanzania and the republic of Uganda were seen to have reported on the nationwide internet shutdowns towards, during, and post the presidential and parliamentary elections held under the Pandemic. This act infringed the citizens' right to access to information.

The shutdowns continue to be rampant in African states regardless of the recent caution from the UN experts warning against digital closing space amid COVID-19 Pandemic, as seen from the report issued on 30th July 2020, Geneva Switzerland.

UN Special Rapporteurs attending the annual Rights conference on human rights in the digital age, the first fully online, stressed that "COVID-19 has made us even more reliant on digital technologies and the space they create for civic engagement. With the closing of civic space and restrictions on offline media, access to universal, open, affordable, secure, and stable Internet is vital to save lives, to prevent abuses, to continue to promote and protect human rights and urgently increase access to information".

"Digital technologies that construct and surround the space in which we conduct our lives during these unprecedented times must not be used by governments or companies to restrict fundamental freedoms, reduce civic space, and target civil society actors, including human rights defenders," they said.

On 22nd of April 2020, authorities in Tunisia arrested journalists, bloggers, activists, and others after they criticized the government's response to the Pandemic. Individuals who have criticized officials' failure to abide by COVID-19 safety measures, or officials' distribution of pandemic aid, have faced various charges under Tunisia's Penal Code, including "causing noises and disturbances to the public" (Article 316); "insulting a civil servant" (Article 125); and "accusing public officials of crimes related to their jobs without furnishing proof of guilt" (Article 128), among others.

Journalists in the Comoros are reported to have suffered a spate of breaches of press freedom unprecedented in recent years, coinciding with the disputed constitutional referendum in 2018 and the 2019 presidential election, including assaults, arrests, intimidation, and censorship. The country, once a model for the African continent, has lost 26 places in the World Press Freedom Index in two years, 19 in the past year alone, the second biggest fall in the 2020 edition. The pandemic stages as a litmus test assess whether the dark period is merely an aberration caused by turbulent social and political conditions. The early signs from the authorities are worrying and show that efforts to bring the media into line are continuing.

A journalist with the Independent daily La Gazette des Comores looked into why Comoros was among the few African countries that had no positive coronavirus cases and discovered that samples from the earliest cases were not sent for analysis. She was threatened with prosecution by the government, and the authorities tried to identify her source.

In general, the COVID19 Pandemic is reported to have brought to light an attempt to monopolize news and information by depriving journalists the right to carry out independent investigations and to stray from the official line. Several media executives and publishers have been reported as appointed to the "national coordinating committee" with the result that official statements are often front-page news. However, stories criticizing the management of the crisis are often watered down or censored.

LITTLE OR NO ACCOUNTABILITY AND TRANSPARENCY FROM GOVERNMENTS

Policy monitoring agents in the respective states have proven unresponsive to citizenry outcry concerning accountability. Reports show that most countries are not opened up to explain the COVID-19 relief fund expenditures and out flow of the funds.

Fraud, embezzlement and misuse of COVID19 relief funds reports continue to be submitted from countries like Ethiopia, South Sudan, Niger, South Africa and Kenya, where the civil society is filing court claims asking government officials to be held accountable.

In Madagascar, the publishing director of the newspaper Ny Valosoa Vaovao, Arphine Helisoa, was arrested in April 2020 for spreading "fake news" and inciting hatred towards the President of Madagascar as defined by the government officials.

This arrest stemmed from a report that was critical of the government's response to COVID-19. The report questioned the use of excessive force in enforcing the government regulations and the rationale behind opening markets without putting in place any protective measures. African states continue to undermine the need for accountability and often feel that it's a crime for stakeholders to question their actions.

Still on lack of transparency from the government officials, a renowned Blogger Robert Alai was arrested and charged in March 2020 for publishing "false information" on his social media account. His posts accused the Kenyan government of concealing information about the extent of COVID-19 in the country. Robert Alai is one among the several Kenyans like Elijah Muthui Kitonyo who were reported to have been arbitrarily arrested without legal representation, which only sends a message that no one is allowed to question reports issued by the government in this case.

In Ethiopia, Journalist Yayesew Shimelis was arrested and charged in April 2020 for allegedly violating the Hate Speech and Disinformation Prevention and Suppression Proclamation by disseminating disinformation. The disinformation in question relates to a Facebook post that suggested the government had prepared 200,000 burial places in response to COVID-19.

DOCUMENTING THE RESTRICTIONS

Several webinars, 1 on 1 interview and podcasts were conducted covering all regions of Africa featuring countries like Togo, Cote D'Ivoire, Sao Tome Principe, Sierra Leone and Ethiopia, on the effects of the Pandemic to the daily works of the Civil Society.

An interview with a renown investigative journalist in Tanzania about the situation and the measures that were in place if any to protect civic freedoms during the November 2020 Tanzania presidential elections. There was a webinar on the inequalities in the government responses to COVID-19, with a diverse panel across the continent in various professions.

An interview was also conducted with Keny Benith, a representative from the Civil society in South Sudan with the Lutheran World Foundation, on the promotion and protection of civic space in the times of COVID 19, below is the link to the podcast.

A podcast interview from the Republic of Malawi onto the promotion of civic space in the country with the developments and innovations in place in the times of COVID 19 pandemic.

FOR MORE CIVIC ENGAGEMENTS, WE HAD MONTHLY NEWSLETTERS WITH THE LATEST UPDATES ON POLICY MONITORING, ANALYSIS AND OPINION, AS WELL AS GLOBAL RESPONSES AND INNOVATIONS DONE UNDER THE COVID-19 PANDEMIC TO HELP IN CURBING THE SPREAD OF THE VIRUS.

CONCLUSION
& RECOMMENDATIONS

In conclusion, therefore, it is worth noting that it is now common knowledge and crystal clear that the shrinking space margin in Africa is widening more so under the guise of restrictions on account of the coronavirus.

Police brutality to enforce lockdown and other restrictions imposed on masses in African states have been rendered inhumane as seen in Kenya and Uganda, where the police if deployed to beat people and incarcerate them. Arrests of peaceful demonstrators in Kenya, mass shootings as seen in Uganda with shutdowns of news outlets in Liberia under the pretext of addressing fake news under the Pandemic is rendered as nothing but a violation of fundamental human rights.

Strict limits on movement and activities, as well as office closures, are also undermining the work of Civil Society organizations and threatening to diminish the achievements of the past years. There are fears that steps to contain the spread of coronavirus will continue to be used to obstruct public space.

However, much as gross violations of basic human rights and civic freedoms were reported, innovations and civic engagements were also featured. African has more than 50 different innovations formulated under the COVID-19 Pandemic set to address the Pandemic and help to stop the spread of the virus and help foster communication channels and information sharing.
A set of recommendations to governments include having an open source for transparency and accountability for the COVID-19 relief funding received and adhere to the guideline in upholding basic human rights in Africa. The treaty bodies have the set guidelines laid out and explained laid out in the simplest of forms; it would take commitment and respect to have them implemented.
It is highly recommended that the documentation tradition be promoted in Africa to help create awareness and information sharing of both the innovations achieved in the various states under the Pandemic and the successful measures in containing the spread of the virus in the given countries for benchmarking purposes.

On the other hand, it is essential to ensure that all interventions are appropriate and comfortable as quickly as possible and that every reaction to the Pandemic is civilian in nature to ensure the avoidance of abuses against civilians.

Political restructuring risks may give another lasting boost to the spread of shrinking civic spaces. The risk of government overreach is real as COVID-19 already seems to be contributing to a further de-democratization of countries that had already been on this trajectory before the Pandemic hit. The COVID-19 Pandemic has exacerbated existing political, socioeconomic, and social conflicts and controversies with uncertain outcomes for the evolution of civic spaces.