

Statement DefendDefenders and AfricanDefenders

ACHPR 66,

Item 3: Human Rights Situation in Africa

Honorable Chairperson

Honorable Commissioners

Distinguished ladies, and gentlemen.

I present this Statement on behalf of DefendDefenders and AfricanDefenders

Allow me first of all to congratulate the newly elected Hon. Commissioners who have joined this august house.

The COVID-19 pandemic has exposed existing inequalities in our societies. Measures put in place by states to curb the spread of the virus have greatly affected the work, safety, and livelihoods of HRDs on the African continent. During this period, authorities have either committed violations while fighting the pandemic or used the latter as an excuse to violate rights, including by targeting peaceful critics and independent voices.

While public health measures are necessary to tackle this global pandemic, we believe that rights and the rule of law should be respected. The restrictive measures adopted by several State Parties in response to COVID-19 violated the principle of **states of emergency** under international law, as well as principles restrictions to rights should follow, in particular non-discrimination and proportionality.

We have documented cases of abuse of power where excessive and lethal force was used by police to enforce confinement measures and target certain groups, including crackdowns on independent voices under the guise of fighting COVID-19 or “fake news.”

A human rights-based approach in responding to COVID-19 was not considered in most of the State Parties. Human rights organisations were not listed as essential services, which has affected access to justice. And this has resulted in intimidation and reprisals, as well as stress, trauma, and depression, especially for those who witnessed death and injury in relation to the virus or state actions or those who suffered torture, arrest, incommunicado detention, or threats in relation to their views on the management of the crisis in their countries.

Honorable Chairperson,

HRDs and whistle-blowers played an undeniable role during the pandemic. Especially in advocating for just and legal measures to combat the virus, for example raising awareness of human rights issues associated with lockdown measures, such as the lack of government accountability and transparency to fight the pandemic, lack of access to public interest information, including the performance of governments in their response

to the public health crisis and the connected economic crisis, as well as corruption, and increased prevalence of sexual and gender-based violence (SGBV), in particular domestic violence and violence against children. The pandemic has revealed more than ever the importance of freedom of expression and access to information. HRDs should be seen as allies, rather than threats, in a human-rights centered society.

Honorable Chairperson,

Over the last six months, governments in the sub-region have continued to restrict legitimate expressions of civilian dissent, including peaceful demonstrations and gatherings, free expression of HRDs, media professionals, and citizens, as well as targeted civil society organisations through various strategies of harassment and repression. **Positive trends and developments** have been noted in **Sudan**, and in January 2020, **Sudan** took a seat on the UN Human Rights Council – it is hoped that its membership term will be leveraged for domestic progress. The award of the Nobel Peace Prize to Prime Minister Abiy Ahmed, the formation of a national coalition of HRDs, and the fact that Ethiopia now leads the sub-region in media freedom should also be noted.

However, Ethiopia faces uncertainty ahead of its elections, with rising ethnic-political tensions over land and livelihoods and the recent violence in the aftermath of the killing of popular Oromo musician Hachalu Hundessa, which has left at least 239 persons dead. Millions remain internally displaced.

Burundi's election was marked by a climate of repression, fear, intimidation, and widespread impunity. The election of the new president, General Evariste Ndayishimiye, has not brought hope for social change and for addressing the gross and systemic human rights violations in the country. State agents, ruling party officials, and members of the Imbonerakure militia continue to perpetrate grave violations against civilians. The appointment of a new government, several members of which may be responsible for grave violations, raises concern.

Tanzania continues to aggressively crack down on civic space, HRDs and independent journalists. Ahead of the October 2020 presidential election, members and supporters of the opposition and those peacefully expressing dissent or criticism of the government risk being criminalised or attacked, including via trumped-up economic crimes charges or legislation pertaining to freedom of expression or association online and offline. The recent arrests of opposition politicians, revocation of license of a leading newspaper, and disruption of civil society events mark a continuation of the negative trend observed since 2015.

Restrictions on opposition politicians have also increased **in Uganda**, which is heading towards its scheduled 2021 elections. Ugandan citizens' rights to freedom of opinion and expression, peaceful assembly and association have been increasingly under pressure. The COVID-19 lockdown, with a curfew in place and heavy restrictions on movement, has been accompanied by reports of police and army brutality against civilians. However,

Uganda's vibrant civil society has also registered achievements during the reporting period.

Djibouti and Eritrea continue to be ruled by two of the most repressive governments in the subregion, both ranking amongst the world's worst five abusers of press freedom. While in Djibouti, HRDs work in a very restrictive environment; the context makes it impossible for independent human rights actors and organisations to operate in Eritrea. It should be noted, however, that demonstrations took place in Djibouti in June 2020, following the extradition from Ethiopia and detention of a former army officer. This remains a rare occurrence but signals Djiboutian citizens' desire for change and justice.

Extrajudicial killings, enforced disappearances, torture, forced evictions and other grave violations, often committed by security forces in the name of combating terrorism, or against young men from disadvantaged slum areas, continue to be reported in **Kenya**.

Censorship of the media and self-censorship by reporters and citizens remain commonplace in **Rwanda**. Threats to those working in exile are frequent, and pro-government views dominate the domestic landscape. Violations have been reported in relation to the enforcement of lockdown measures; they should be thoroughly investigated.

In **South Sudan**, after an 18-month delay, a national unity government was formed in February 2020. However, fighting is ongoing in several areas of the country. Intercommunal tensions continue to increase. DefendDefenders has documented patterns of repression, fear and self-censorship facing HRDs and independent actors in the country. We are concerned over increasing intercommunal violence, particularly in Jonglei.

Honorable Chairperson,

We **call on member states** to adhere to their commitments to protect, respect and fulfil the fundamental human rights and freedoms guaranteed by the African Charter on Human and Peoples Rights; and **call on member states** to strictly adhere to their human rights obligations while combating the COVID-19 pandemic, including by ensuring that any measures restricting rights are temporary, non-discriminatory, lawful with regard to public health aims, necessary, and proportionate.