

# **GOOD PRACTICES** FOR THE PROTECTION OF THE RIGHTS OF HUMAN RIGHTS DEFENDERS DURING THE COVID-19 PANDEMIC

## **CASE STUDY**

- Côte d'Ivoire
- Sierra Leone
- Niger



Coalition Ivoirienne  
des Défenseurs des Droits Humains



ISHR | INTERNATIONAL SERVICE  
FOR HUMAN RIGHTS

Financially supported by Open Society Initiative for West Africa (OSIWA)

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# INTRODUCTION

The Covid-19 pandemic has driven many countries around the world to take measures, some of which have a severe impact on human rights. To contain the virus spread, many African states have adopted measures with immediate effect, some of which restrict the fundamental freedoms of citizens of their countries, including human rights defenders, while others restrict their right to work. In West Africa, examples include Côte d'Ivoire, Sierra Leone and Niger. Despite the health emergency that may be the reason for some of these restrictions, many countries disregarded the principles of proportionality and the exceptional nature of these measures, resulting in a number of human rights violations during this period.

This compendium of good practices has been developed by the International Service For Human Rights in collaboration with national coalitions of human rights defenders from Côte d'Ivoire, Sierra Leone and Niger. The document examines the different measures adopted in these countries, their impact on defenders, and the efforts made by states to consider the views of civil society and human rights principles in some of the measures. It also describes the strategies developed by civil society to respond to the new environment and the recommendations to the different stakeholders to ensure that future measures are taken with an inclusive approach for the protection of human rights and more specifically the rights of defenders.

This compendium of good practices on governments' efforts and the resilience of defenders in these three countries in times of crisis can be used for advocacy with the authorities, United Nations and regional mechanisms addressing human rights and the rights of defenders. In addition to describing the measures adopted by states and their impact on the rights of defenders, the compendium also provides recommendations on the respect of laws adopted for the protection of defenders, and civil society in general. This will also serve as a source of information for other countries involved in legislation process to ensure that ongoing work for the legal protection of human rights defenders is preserved while fighting the Covid-19 pandemic.

The compendium of good practices will facilitate in the short, medium and long term the work of defenders, the collaboration between defenders and the authorities. It will strengthen and maintain legal support in countries where laws to protect human rights defenders have been or are in the process of being adopted.

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## MEASURES ADOPTED BY THE AUTHORITIES AND THEIR IMPACT ON THE WORK OF HUMAN RIGHTS DEFENDERS

The Covid-19 pandemic has driven states around the world to take measures to contain the virus spread. Unfortunately, some of these restrictions had significant impacts on the rights and work of defenders in Côte d'Ivoire, au Niger and Sierra Leone.

### I MEASURES ADOPTED BY STATES AFFECTING HUMAN RIGHTS DEFENDERS

#### Côte d'Ivoire



#### **Communiqué from the National Security Council (16 March 2020)<sup>1</sup>**

Through this communiqué, the government suspends entry into the country from 16 March and imposes mandatory quarantine for nationals and permanent residents upon entry. In addition, assemblies of more than 50 people are banned.

#### **Communiqué from the Government (20 March 2020)<sup>2</sup>**

Closure of Côte d'Ivoire's land, sea and air borders to any people movement.

#### **Address by President Alassane Ouattara (23 March 2020)<sup>3</sup>**

The President of the Republic declares a state of emergency throughout the national territory, establishes a curfew from 9 p.m. to 5 a.m. and sets up a progressive lockdown of populations by geographical area depending on the evolution of the pandemic. He calls upon the security forces to strictly enforce these measures, and the Minister of Justice to take legal action in the event of non-compliance with these measures and dissemination of fake information.

<sup>1</sup> <http://www.gouv.ci/doc/1584396935COMMUNIQUE-DU-CONSEIL-NATIONAL-DE-SECURITE-RELATIF-A-LA-SITUATION-DE-LA-PANDEMIE-DE-LA-MALADIE-A-CORONAVIRUS-2019-COVID-19-EN-COTE-D-IVOIRE.pdf>

<sup>2</sup> <http://www.gouv.ci/doc/1584777516FERMETURE-DES-FRONTIERES-DE-LA-COTE-D-IVOIRE-A-COMPTER-DU-DIMANCHE-22-MARS-2020-A-MINUIT.pdf>

<sup>3</sup> <http://www.gouv.ci/doc/1585000438MESSAGE-A-LA-NATION-DE-SON-EXCELLENCE-MONSIEUR-ALASSANE-OUATTARA-RELATIF-A-LA-PANDEMIE-A-CORONAVIRUS.pdf>

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## **Communiqué from the Ministry of the Digital Economy and Postal Services on telecommuting<sup>4</sup>**

This communiqué ensures the implementation of telecommuting to mitigate the spread of the Covid-19 pandemic and calls upon telecommunications companies to encourage and facilitate access to telecommuting by providing companies and populations with technological solutions suited to their needs at affordable costs.

## **Communiqué from the National Security Council (09 April 2020)<sup>5</sup>**

Mandatory lockdown of all vulnerable people, especially the elderly and people suffering from chronic illnesses, reduction of unnecessary travels, effective implementation of telecommuting.

## **Communiqué from the Presidency extending the curfew until 8 May (24 April 2020)<sup>6</sup>**

The curfew set up throughout the country on 24 March 2020 has been extended from 25 April to 08 May 2020 from 9 p.m. to 5 a.m.

## **Address to the Nation by the President of the Republic (Thursday 7 May 2020)<sup>7</sup>**

The President of the Republic announces the extension of the curfew until 15 May 2020 from 11 p.m. to 4 a.m., checks at the entrance and exit of Abidjan and its surrounding areas, and the delivery of exit permits which are now more restrictive.

## **Communiqué from the National Security Council (Thursday 14 May 2020)<sup>8</sup>**

The communiqué provides for the extension of the state of emergency, the continuing closure of air, sea and land borders and the continuing isolation of Abidjan and its surrounding areas with security and health checks at exit points.

## **Communiqué from the National Security Council (28 May 2020)<sup>9</sup>**

The communiqué stipulates the renewal of the state of emergency, the extension of the isolation of Abidjan and its surrounding areas as well as the continuing closure of land, sea and air borders.

## **Communiqué from the National Security Council (11 June 2020)<sup>10</sup>**

The National Security Council maintains the ban on assemblies of more than 50 people in Abidjan and 200 people in other cities.

<sup>4</sup> <http://www.gouv.ci/doc/1585134598MINISTERE-DE-L-ECONOMIE-NUMERIQUE-ET-DE-LA-POSTE.jpg>

<sup>5</sup> <http://www.gouv.ci/doc/1586513040Communique-du-CNS-09-04-2020.pdf>

<sup>6</sup> <http://www.gouv.ci/doc/1587759925COMMUNIQUE-DE-LA-PRESIDENCE-DE-LA-REPUBLIQUE-DU-24-AVRIL-2020.pdf>

<sup>7</sup> <http://www.gouv.ci/doc/1588886529PANDEMIE-DE-CORONAVIRUS-2019-COVID-19-MESSAGE-A-LA-NATION-DE-S.E.M.-LE-PRESIDENT-DE-LA-REPUBLIQUE-Jeudi-7-mai-2020.pdf>

<sup>8</sup> <https://www.presidence.ci/communique-du-conseil-national-de-securite-cns-sur-la-crise-sanitaire-liee-a-la-pandemie-de-coronavirus/>

<sup>9</sup> <http://www.gouv.ci/doc/1590686420Communique-du-Conseil-National-de-Securite-jeudi-28-mai-2020.pdf>

<sup>10</sup> <http://www.gouv.ci/doc/1591890571Communique-du-Conseil-National-de-Securite-du-Jeudi-11-juin-2020.pdf>

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## **Communiqué from the National Security Council (25 June 2020<sup>12</sup> & 13 July 2020)<sup>12</sup>**

The National Security Council decides to maintain the measures adopted by the 11 June Communiqué.

## **Communiqué from the Council of Ministers (05 August 2020)<sup>13</sup>**

Any person entering or leaving Côte d'Ivoire must have a certificate of negative Covid-19 test performed by the PCR technique less than seven days from the date of sampling.

### **Niger**



## **Communiqué from the Council of Ministers (13 March 2020)<sup>14</sup>**

The communiqué provides for the cancellation of all international conferences in Niger, advises against travelling to countries where the epidemic is rampant and bans all official missions to countries affected by the epidemic. The government also specifies that it has the sole authority to communicate on the management of the epidemic.

## **Communiqué from the Council of Ministers<sup>15</sup> and address by the President of the Republic (Tuesday 17 March 2020)<sup>16</sup>**

The communiqué provides for the closure of the international airports of Niamey and Zinder for a period of 2 weeks, renewable, with effect from 19 March 2020 (except for domestic flights, medical and military cargos) as well as the closure of all land borders for the same period except for the transport of goods, aid workers and the like. In addition, assemblies of more than 50 people are prohibited. Workshops and seminars, in particular, are prohibited until further notice.

## **Decision of the Ministry of Justice through communiqué N°0067 and circular (20 March 2020)<sup>17</sup>**

Visits to prisoners are banned from 20 March 2020 until further notice.

## **Communiqué from the Council of Ministers (27 March 2020)<sup>18</sup>**

The Council of Ministers declares a state of health emergency for a renewable period of three months, from 12 April 2020. In addition, a curfew is established in Niamey from 7 p.m. to 6 a.m. for a renewable period of two weeks, starting on 28 March 2020.

<sup>12</sup> [http://www.gouv.ci/\\_actualite-article.php?recordID=11372&d=3](http://www.gouv.ci/_actualite-article.php?recordID=11372&d=3)

<sup>13</sup> [http://www.transports.gouv.ci/sites/default/files/communique\\_-\\_ddva.pdf](http://www.transports.gouv.ci/sites/default/files/communique_-_ddva.pdf)

<sup>14</sup> <https://www.presidence.ne/conseils-des-ministres/2020/3/13/2zy7vaccqgi95qsbwdzdvj227dn80k>

<sup>15</sup> <https://www.presidence.ne/conseils-des-ministres/2020/3/28/9xqx5dt47kd1lvxpu5e5iivf0vyxux>

<sup>16</sup> <https://www.presidence.ne/discours-du-prsident/2020/3/17/0jrc2yz8euk8nzcxdx60uad9ruaa6hn>

<sup>17</sup> <https://levenementniger.com/coronavirus-le-ministre-de-la-justice-suspend-les-audiences-publiques-et-interdit-les-visites-aux-detenus/>

<sup>18</sup> <https://www.presidence.ne/conseils-des-ministres/2020/3/28/9xqx5dt47kd1lvxpu5e5iivf0vyxux>

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## **Address to the Nation by the President of the Republic on the Covid-19 Pandemic (27 March 2020)<sup>19</sup>**

The President of the Republic declares a state of emergency throughout the country, establishes a curfew between 7 p.m. and 6 a.m. in Niamey for a renewable period of two weeks, with effect from 28 March 2020. He also advises the population against travelling throughout the country.

## **Communiqué from the Council of Ministers (17 April 2020)<sup>20</sup>**

The Council of Ministers recommends to the Interministerial Steering Committee to maintain and strengthen all measures adopted by the Government in fighting the COVID-19 pandemic, to reinforce controls at all levels, and to strengthen hygiene measures in all markets, public and private services.

### Sierra Leone



## **Address by the President of the Republic on safety measures to protect against Covid-19 (18 March 2020)<sup>21</sup>**

The President of the Republic advises against travelling abroad.

## **Statement by the President of the Republic related to Covid-19 (24 March<sup>22</sup> and 8 April 2020<sup>23</sup>)**

The President of the Republic declares a state of emergency throughout the country with effect from 24 March 2020 for a period of twelve months.

## **Statement by the President of the Republic- fourth press conference related to Covid-19<sup>24</sup>**

In his statement, the President of the Republic urges the population to comply with health protocols as well as travel and assembly restrictions. A curfew is also set up.

<sup>19</sup> <https://www.presidence.ne/discours-du-prsident/2020/3/27/4jdpnhvms74ecghmg4322p0kbhyptx>

<sup>20</sup> <https://www.presidence.ne/conseils-des-ministres/2020/4/18/ivqitxrkr72gbdpsjbzh86bt961suv>

<sup>21</sup> <https://statehouse.gov.sl/wp-content/uploads/2020/03/Statement-by-His-Excellency-Dr-Julius-Maada-Bio-President-of-the-Republic-of-Sierra-Leone-on-Enhanced-Public-Health-and-Safety-Measures-to-Prevent-Coronavirus.-Freetown-Sierra-Leone-18-March-2020.pdf>

<sup>22</sup> <https://statehouse.gov.sl/wp-content/uploads/2020/03/Declaration-of-a-State-of-Public-Emergency-by-His-Excellency-Dr.-Julius-Maada-Bio-President-of-the-Republic-of-Sierra-Leone-%E2%80%93-24-March-2020.pdf>

<sup>23</sup> <https://statehouse.gov.sl/wp-content/uploads/2020/03/Declaration-of-a-State-of-Public-Emergency-by-His-Excellency-Dr.-Julius-Maada-Bio-President-of-the-Republic-of-Sierra-Leone-%E2%80%93-24-March-2020.pdf>

<sup>24</sup> <https://statehouse.gov.sl/wp-content/uploads/2020/06/Statement-by-His-Excellency-Dr-Julius-Maada-Bio-President-of-the-Republic-of-Sierra-Leone-at-the-Fourth-Press-Conference-on-Covid-19.-Freetown-State-House-23-June-2020.pdf>

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## Statement by the Minister of Defence<sup>25</sup>

The Minister sets up a three-day national lockdown from 5 April to 7 April 2020.

## II - THE DIFFERENT RESTRICTIONS AND THEIR IMPACT ON HUMAN RIGHTS DEFENDERS

Overall, and as shown in the tables above, in Côte d'Ivoire, Sierra Leone and Niger, governmental measures adopted in response to the Covid-19 pandemic had negative impact on the work of human rights defenders, resulting in severe restrictions on their working capacity, their fundamental freedoms, and their physical and moral integrity are affected.

### 1 - Restrictions on freedom of assembly and association



Restrictions on the freedoms of association, assembly and movement have been a major obstacle to the continuity of defenders' human rights promotion and protection work. Projects for the promotion of human rights were suspended, national and international meetings and seminars for the promotion of human rights were not held.

Defenders that raise awareness in the field or investigate suspected cases of violations of human rights and defenders' rights have been restricted in their freedom of movement.

For five months, 115 defenders were surveyed by national coalitions of human rights defenders on the impact of measures adopted by states on their work. The questionnaires that they filled out revealed several facts.

#### In Côte d'Ivoire

On 18 March 2020, assemblies of more than 50 people were banned by a National Security Council communiqué<sup>27</sup>.

The isolation of Abidjan and its surrounding areas required travellers to obtain permission to travel from Abidjan to other cities of the country. This isolation limited the actions of the defenders as they were unable to travel to other parts of the country for lack of a travel pass.

<sup>25</sup> <https://www.voafrique.com/a/la-sierra-leone-d%C3%A9cr%C3%A8te-un-confinement-pour-3-jours/5355962.html>

<sup>26</sup> <http://ci-ddh.org/limpact-de-la-pandemie-du-covid-19-sur-le-travail-des-defenseurs-des-droits-humains/?lang=en>

<sup>27</sup> <http://www.gouv.ci/doc/1584396935COMMUNIQUE-DU-CONSEIL-NATIONAL-DE-SECURITE-RELATIF-A-LA-SITUATION-DE-LA-PANDEMIE-DE-LA-MALADIE-A-CORONAVIRUS-2019-COVID-19-EN-COTE-D-IVOIRE.pdf>



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Regarding media professionals, the tour in the editorial offices known as "2020, Zero Journalist attacked, Zero Journalist in Prison" was suspended.

Defenders encountered difficulties in assembling participants in rooms making sure to comply with the 1-meter-security distance.

Moreover, the telecommuting measure severely affected the work of defenders of the rights of people with albinism especially their daily and individual counselling meetings.

79%<sup>28</sup> of the Ivorian defenders filling in the questionnaire claimed that the barrier measures put obstacles in the way of their work as they resulted in the closure of their offices.

Despite the restrictions on freedom of assembly, other defenders were able to provide basic services without performing field or large-scale actions.

Aid programmes that were planned during the health crisis period have been suspended, postponed or even discontinued.

In addition, the access to resources for the implementation of activities was hindered by the closure or the short business hours of banks.

With regard to women defenders, the closure of schools resulting in their children's presence at home affected their participation in telecommuting and working performance.

## In Niger

On 13 March 2020, assemblies of more than 50 people were banned by a communiqué<sup>29</sup> of the council of ministers.

On 15 March, an anti-corruption demonstration, planned before the ban on public assemblies, took place in Niamey. The rally was announced by the Tournons La Page (TLP) movement, as initiator, before the government communiqué but no notification was sent to the organisers.

The organisers decided to continue holding the rally. On the morning of the event, all the routes leading to the Place de la Concertation in Niamey, the venue for the rally, were blocked by the security forces.

The demonstration was dispersed by the security forces using tear gas, resulting in the deaths of three people and the detention of fifteen (15) others<sup>30</sup>. All the demonstrators were immediately prosecuted for "participating in an unauthorised demonstration".

Between 15 and 17 March, at least fifteen (15) members of Niger civil society were arrested and detained by the judicial police for "organising a banned demonstration and for complicity in the destruction of public property, arson and manslaughter".

<sup>28</sup> 26 sur 33 des défenseur.es interrogé.es

<sup>29</sup> <https://www.presidence.ne/conseils-des-ministres/2020/3/28/9xqx5dt47kd1lvxpu5e5iivf0vyxux>

<sup>30</sup> <https://www.amnesty.ch/de/themen/coronavirus/dok/2020/menschenrechtsverteidiger-innen-von-amnestien-ausgeschlossen/final-hrds-and-covid-briefing.pdf>

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As Niger's health situation has deteriorated, bans by the administrative authorities on demonstrations organised by civil society organizations have increased. Several times, even meetings in private places have been prohibited without valid reasons and principle of proportionality<sup>31</sup>. Restrictions on freedom of assembly and association, as a result of Covid-19, have led to unjustified arbitrary arrests and detentions of defenders.

These include:

A ban on visits to prisoners from 20 March 2020 until further notice.

The sanitary isolation of Niamey for a period of two (2) weeks, renewable, with effect from Sunday 29 March at midnight, in accordance with the hadith: "if you are informed of an epidemic ravaging a region, do not go there and if you are in a region hit by an epidemic, do not leave it"<sup>62</sup>.

## In Sierra Leone

The declaration of a state of emergency involving lockdown, curfew and quarantine measures has affected activities related to event organization, protest and civic engagement.

In a state of emergency, human rights activism is subject to control by the government, which has been criticised for failing to take action to remedy previous human rights violations.

As part of the measures adopted to fight the pandemic, several arbitrary arrests of activists have been reported. Dr Sylvia Blyden, an activist, journalist and health lawyer was detained for 6 days by the Sierra Leonean authorities, exceeding the legal limit of 72 hours. She was reportedly arrested after calling on the government to take more appropriate measures to address the Covid-19 pandemic. According to the media network Pipul Pikin, she was arbitrarily arrested on Friday 1 May 2020, after being kept at home for several hours under a barricade by the security forces. Dr Blyden's assistant, Hussain Muckson Sesay, a child rights activist for the Children's Forum Network, was also in detention without any reliable explanation from the police. These arbitrary arrests demonstrate a blatant disregard for the rule of law by the Sierra Leone police.

## 2 - Violations of the right to freedom of expression of human rights defenders and arbitrary arrests and detentions



<sup>31</sup> <https://fr.globalvoices.org/2020/04/23/248787/>

<sup>32</sup> C'est en se fondant sur ce Hadith que le Calife Omar, en route pour le Cham (la Syrie actuelle) où régnait la peste, a décidé d'interrompre son voyage et de rejoindre Médine

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## In Côte d'Ivoire

A fine of FCFA 5 million (US\$8,356.55) was imposed on two "Généralions Nouvelles" journalists, Cisse Sindou, Director of Publication, and Marc Dossa, Editor-in-Chief, as they had allegedly published "fake news likely to cause panic" about the Covid-19 pandemic. Those journalists had published that two people detained at the Abidjan House of Arrest and Correction (MACA) had allegedly been infected with the coronavirus<sup>34</sup>.

## In Niger

In the midst of the Covid-19 pandemic, the Niger government restricted the freedom of expression of whistle-blowers, and those of journalists and medical personnel who are trying to alert and sensitize the population on the effects of Covid-19 are also threatened.

On Thursday 5 March 2020, Mamane Kaka Touda, a young journalist and member of the NGO "Alternative Espaces Citoyens", was arrested at home and arbitrarily detained for "disseminating information aiming at disturbing public order" and for having published a post on Facebook and Twitter alerting on a first suspicious case of Covid-19 in the emergency unit of Niamey hospital<sup>35</sup>. He was given a suspended sentence of three months and a symbolic 1-franc fine. He was released after three weeks<sup>36</sup>, but was not allowed to receive visits or provide for his medical care<sup>37</sup>. His lawyer informed that he would appeal because his sentence, though a suspended sentence, may set a precedent and prevent journalists from fulfilling their role as whistle-blowers in the future<sup>38</sup>. The charges against him are based on Niger's Cyber Crime Act of 2019, which was often used to restrict the right to freedom of expression during the Covid-19 crisis.

Laws passed prior to the Covid-19 pandemic were used to silence critics and warnings about the pandemic and its management by the government authorities. This is particularly the case of Article 31 of the Cybercrime Act, which prohibits "the dissemination, production and provision of data to others that may disturb public order or offend against human dignity through an information system". This law was enforced in an abusive and intrusive manner by interfering in private conversations<sup>39</sup> and led to a dozen arrests between March and April 2020.

While the provisions of the Cybercrime Act should not lead to the violation of freedom of expression or the arbitrary arrest and detention of dissidents, numerous cases of arbitrary arrest under that Act were reported, including that of Amina Maiga<sup>40</sup>.

<sup>33</sup> <http://ayvnews.com/7105-2/>

<sup>34</sup> <https://rsf.org/fr/actualites/cote-divoire-des-journalistes-condamnes-de-lourdes-amendes-pour-leur-travail-dinformation>

<sup>35</sup> <https://www.amnesty.org/fr/documents/afr43/2006/2020/fr/>

<sup>36</sup> <https://www.amnesty.ch/de/themen/coronavirus/dok/2020/menschenrechtsverteidiger-innen-von-amnestien-ausgeschlossen/final-hrds-and-covid-briefing.pdf>

<sup>37</sup> <https://www.amnesty.org/fr/documents/afr43/2006/2020/fr/>

<sup>38</sup> <https://www.amnesty.be/veux-agir/agir-ligne/petitions/article/niger-enferme-alerte-covid>

<sup>39</sup> <https://www.amnesty.org/fr/latest/news/2020/05/niger-la-loi-sur-la-cybercriminalite-est-un-instrument-de-repression/#:~:text=Amnesty%20International%20consid%C3%A8re%20que%20l,objectif%20de%20la%20loi>

<sup>40</sup> En service au Tribunal de Niamey, Amina Maiga a été arrêtée et déférée le 29 avril à la suite de l'interception d'une conversation privée sur WhatsApp où elle critiquait la gestion de la pandémie de COVID-19 par le gouvernement. Elle a été condamnée le 7 mai à trois mois de prison avec sursis et 20 000 CFA d'amende pour trouble à l'ordre public.

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On duty at Niamey Court, Amina Maiga was arrested and transferred on 29 April 2020 following the interception of a private conversation on WhatsApp in which she criticised the government's management of the Covid-19 pandemic<sup>41</sup>. On 7 May, she was given a three-month suspended prison sentence and a fine of CFA 20,000 for "disturbing public order"<sup>42</sup>. These arbitrary arrests are part of a wider context of silencing critics in Niger with excessive use of force against civil society actors. The misuse of this law to restrict freedom of expression of civil society and human rights defenders is a violation of national, regional and international laws.

On 19 March 2020, the first Covid-19 case was reported in Niger and despite this presence, the police has been detaining doctors and journalists and their only "crime" appears to be mentioning the virus in an interview or on social networks.

On 14 March 2020, the editor-in-chief, Adamou Soumana, and Harieta Salah<sup>43</sup>, a journalist from the Labari television station, were summoned to the judicial police following an interview on Covid-19 with Dr. Zoulkarneyni Maiga, a veterinarian who was also summoned and released in the evening of 16 March. He had spoken about the origin of the virus and explained the stages of its development, while calling on the public to adopt preventive measures<sup>44</sup>.

Dr. Mallah Tidjani was questioned for a voice note in which he talks about the government's response to the Covid-19 pandemic, and which was widely shared on various social networks including WhatsApp. On Tuesday 14 March<sup>45</sup>, Mr. Nassirou Saidou, President of La Voix des Sans Voix Association was also questioned, following a voice note.

On 22 April 2020, Mahaman Lawali Mahaman Nassourou, a human rights defender, Vice-President of the Independent Study Advisory Committee for the Safeguarding of Democratic Achievements (CROISADE), and member of the Network of Organizations for Transparency and Budgetary Analysis (ROTAB) was arrested in Maradi and detained for one month.

He was arrested after sharing via WhatsApp a public document from a religious organization criticizing the government's measures to control the spread of the virus<sup>46</sup>. As he denounced the closure of mosques by the government, in particular<sup>47</sup>, he was charged with sharing information that could "disturb public order"<sup>48</sup>.

Furthermore, on 20 March, the Ministry of Justice reported the first case of Covid-19, and consequently suspended all visits to prisoners for a period of at least three months<sup>49</sup> and all court hearings until 25 March 2020<sup>50</sup>.

<sup>41</sup> <https://monitor.civicus.org/updates/2020/06/19/Judicial-harassment-arrest-activists-continues-unabated/>

<sup>42</sup> <https://www.amnesty.org/fr/latest/news/2020/05/niger-la-loi-sur-la-cybercriminalite-est-un-instrument-de-repression/>

<sup>43</sup> <https://www.attaram.com/niger-liberation-de-deux-journalistes-de-labari-convoques-par-la-police-judiciaire/>

<sup>44</sup> <https://fr.globalvoices.org/2020/04/23/248787/>

<sup>45</sup> <https://fr.globalvoices.org/2020/04/23/248787/>

<sup>46</sup> <https://www.amnesty.org/en/latest/news/2020/03/niger-societe-civile-demandent-un-terme/>

<sup>47</sup> <https://monitor.civicus.org/updates/2020/06/19/Judicial-harassment-arrest-activists-continues-unabated/>

<sup>48</sup> <https://www.amnesty.org/fr/latest/news/2020/05/niger-la-loi-sur-la-cybercriminalite-est-un-instrument-de-repression/>

<sup>49</sup> [http://www.justice.gouv.ne/images/2020/PDF/Circulaire\\_du\\_MJGS\\_200320\\_CORONAVIRUS.pdf](http://www.justice.gouv.ne/images/2020/PDF/Circulaire_du_MJGS_200320_CORONAVIRUS.pdf)

<sup>50</sup> <https://www.amnesty.org/en/latest/news/2020/03/niger-societe-civile-demandent-un-terme/>

# CHAPTER I

## En Sierra Leone

On 2 April 2020, Fayia Amara Fayia, a journalist for the Standard Times newspaper, was physical attacked by Major Fofanah, a military officer. Fayia had travelled to Dama Road to report on a quarantine site suspected of being contaminated by Covid-19. As he was refused entry, Fayia took photos remotely with his phone, an action considered inappropriate by Major Fofanah who attacked the journalist, grabbed his mobile phone and beat him. Fayia was then detained at the Kenema police station.

Following the intervention of his colleagues, he was released but taken to hospital in a wheelchair. Fayia was released on bail after paying 30 million Leones (\$3093)<sup>51</sup>.

### 3 - Violation of freedom of movement



## In Côte d'Ivoire

The curfew established between 9 p.m. and 5 a.m. made it impossible to travel for the identification, reporting, assistance and care of survivors of gender-based violence. According to some defenders responding to the information-gathering questionnaires shared by the national coalitions, the lockdown and curfew set up by the authorities restricted their freedom of movement.

Since 24 September 2020, any person entering or leaving Côte d'Ivoire must have a certificate of negative COVID-19 test performed by the PCR technique after online payment of Fifty Thousand (50,000) Francs CFA (about USD 100)<sup>52</sup>.

## In Niger

As a result of the closure of Niamey and Zinder international airports and all land borders, defenders were unable to participate in national, regional and international meetings. For example, the land borders were closed for a renewable period of 2 weeks, with effect from 19 March 2020 at midnight except for the transport of goods, aid workers and the like. The Covid-19 test is also charged at 30,000 FCFA (about 60 USD).

Furthermore, a curfew was set up in Niamey, the city most affected by the virus, limiting the movement of defenders to other cities of the country.

<sup>51</sup> <https://www.mfwa.org/fr/journaliste-emprisonne-douze-personnes-arretees-et-plusieurs-agressions-tandis-que-les-reportages-de-covid-19-deviennent-un-terrain-de-predilection-pour-les-medias/>

<sup>52</sup> [http://www.transports.gouv.ci/sites/default/files/communiqu\\_e\\_-\\_ddva.pdf](http://www.transports.gouv.ci/sites/default/files/communiqu_e_-_ddva.pdf)

# CHAPTER I

## In Sierra Leone

The measures related to the restriction of movement were inappropriate and were not taken in consultation with human rights defenders.

The government urged citizens including defenders to strictly comply with travel restrictions.

Curfews set up (e.g. from 11 p.m. to 6 a.m.) have contributed to restricting the freedom of movement of defenders across districts. The Covid-19 test is charged at departure with USD 50 and at arrival with USD 70.

## 4 - Excessive use of force by law enforcement officers



## In Sierra Leone

An example of human rights violation is the riot that broke out in Freetown's Pademba Road Prison, on 29 April 2020, following a reported case of Covid-19 in the prison. Prisoners were afraid that the virus would spread, resulting in a riot and a violent reaction by the guards firing live bullets. The use of force caused the death of a guard who reportedly died after being hit by a stray bullet<sup>53</sup>.

<sup>53</sup><https://www.amnesty.be/infos/actualites/article/sierra-leone-causes-mutinerie-prison-faire-objet-enquete>

# CHAPTER II

## GOOD PRACTICES FOR MITIGATING THE NEGATIVE IMPACT OF COVID-19 MEASURES ON THE WORK OF DEFENDERS

In response to the pandemic, governments and human rights defenders developed measures to address the effects of restrictions on the work of defenders and thereby contribute to their safety. These measures are reinforced by new strategies to be considered in order to prevent violations against human rights defenders and to ensure the continuity of their work in times of crisis.

### I- GOOD PRACTICES IMPLEMENTED BY GOVERNMENTS

#### In Côte d'Ivoire

Following the Communiqué issued by the Ministry of the Digital Economy and Postal Services related to telecommuting, telecommunications companies were encouraged to facilitate access to telecommuting<sup>54</sup> by providing companies and populations with technological solutions suited to their needs at affordable costs<sup>55</sup>.

While there have been no actual measures taken by the authorities to mitigate the impact of the restrictions on the work of defenders, however, the Ministry of Security and Civil Protection issued passes to some civil society organizations to help them raise public awareness on the Covid-19 pandemic. This helped overcome the travel restrictions set up among other measures.

In addition, arrests of journalists ceased after the trade union group sent a letter to the Public Prosecutor on 31 March 2020, asking for an end to all arrests of their fellow journalists during the Covid-19 crisis<sup>56</sup>.

Finally, it is also worth mentioning the work of the Secretary of State for Human Rights, which helped to ensure the continuity of the work of human rights defenders. Each recipient organization received from The Secretary of State vital sanitary commodities such as tap seals, bleach and liquid soap boxes, packs of 50 masks, and awareness posters on the Covid-19 pandemic.

#### In Niger

To mitigate the impact of the restrictions on the work of the defenders, the authorities adopted some late measures, including the possibility of granting permission to leave and enter the city of Niamey that helped alleviate the isolation measure of the city established to combat the spread of Covid-19. That made it possible to grant passes for journalists, to some humanitarian workers and to reduce curfew hours in some areas.

<sup>54</sup> <http://www.gouv.ci/doc/1585134598MINISTERE-DE-L-ECONOMIE-NUMERIQUE-ET-DE-LA-POSTE.jpg>

<sup>55</sup> Cette bonne pratique n'a pas été effective sur le terrain

<sup>56</sup> La lettre datée du 31 Mars 2020 est titrée comme suit : Intersyndicale du secteur des médias en Côte d'Ivoire au procureur Adou Richard : "Trop, c'est trop"

## CHAPTER II

Collaboration between defenders and the authorities included supporting the government in awareness-raising campaigns, providing civil society organizations with handwashing devices, masks and alcohol gel, and providing support funds to organizations in times of crisis.

On 20 March 2020, the Ministry of Justice communicated its decision to limit the use of police custody during the pandemic, detention "in extreme emergency situations" and "regarding criminal offences, terrorism and offences against public order".

### In Sierra Leone

The government has made efforts regarding communication and inclusion of civil society through the implementation of a number of measures to strengthen and support its actions. Examples include medium- and long-term funding of networks or organizations, but also the establishment of platforms for sharing knowledge, strategies and resources in order to promote cohesion and collaboration, the end of the quarantine, and the reduction of curfew hours to 11 p.m. instead of 9 p.m. since 23 June 2020.

A government-led platform enabled civil society to interact with the President of the Republic and Ministers responsible for health issues in response to the Covid-19 pandemic. The platform allowed civil society representatives to have direct access to and liaise with the Ministries of Health, Finance and the Covid-19 Emergency Response Team<sup>57</sup>.

The Government has shown responsiveness to the health crisis, in particular with the lessons learned from the Ebola epidemic, which have helped it to take better control of the situation and avoid rushing into action, and thereby to include the human rights dimension and the role of civil society in the fight against the pandemic.

Sierra Leone developed a preparedness plan for COVID-19 three weeks before confirmation of its first case. This enabled the Ministry of Health to promptly identify, test and quarantine most initial suspected cases, thus limiting the spread of the disease.

The Government also developed strong networks to support community sensitization and mobilization, which has been crucial in preparing the country for the spread of the disease. Those networks ensured access to vital information for everyone, including young people, community leaders and returning migrants.

A total of more than 200,000 people were assisted in the overcrowded city of Freetown, in informal settlements, coastal communities and border areas.

Returning migrants also joined the fight against Covid-19 and took part in the public awareness campaign. For example, they made a song to encourage communities to adopt and comply with preventive measures<sup>58</sup>.

Finally, a space was created by the government for the defenders to interact with the Covid-19 Response Team. In addition, during this period, the new Public Prosecutor promised to enter into discussions on the draft model law for the protection of human rights defenders.

<sup>57</sup> <https://www.civicus.org/index.php/fr/medias-ressources/actualites>

<sup>58</sup> <https://www.iom.int/fr/news/les-enseignements-tires-de-lepidemie-debola-aident-lutter-contre-la-covid-19-en-sierra-leone>



## CHAPTER II

Collaboration between defenders and the government includes the involvement of the community in the response to Covid-19, in particular through the development of an explanatory note on COVID-19 and human rights response measures in collaboration with civil society organizations.

### **II - HOW DID HUMAN RIGHTS DEFENDERS ADAPT TO THE HEALTH CRISIS ?**

Overall, in Côte d'Ivoire, Sierra Leone and Niger, governmental measures to address the Covid-19 pandemic had a significant impact on the work of defenders, severely reducing their working capacity. Some human rights organizations had to close their various offices and promote telecommuting through different communication means. This situation led them to specialize in the use of communication tools, exposing them to more and more violations of their rights on the Internet. As a result, some of those human rights organizations sought technical and financial partners for training on digital security in order to strengthen their online protection.

In addition, the poor quality of the internet connection made it difficult for human rights defenders to work from home. The lack of financial resources was also an obstacle for some defenders to afford a quality internet connection, affecting their ability to work effectively.

#### **In Côte d'Ivoire**

Defenders took action and made internal arrangements to address the effects of governmental measures in the response to Covid-19. Main adaptation actions include the possibility of continuing to work from home, and arranging virtual meetings for defenders.

Further, as part of restrictions on movement and the isolation of major cities such as Abidjan during the pandemic, many organizations have been able to continue their activities in other cities of the country with the assistance of focal points. Human rights organizations need to have focal points or local representations.

Defenders also called for an inclusive approach, aimed at involving civil society in any governmental decision-making process, as well as mainstreaming the human rights dimension in the development of these emergency measures.

#### **In Niger**

In order to protect themselves from the Covid-19 and to continue their work in compliance with barrier measures, individual and organisational arrangements have been made by defenders. Indeed, human rights organizations adopted the government's measures. They also took steps by setting up handwashing devices within their facilities and operating areas; distributing bibs to organizations members and their target groups.

In order to comply with social distancing measures and limit risks of contamination, defenders favoured meetings via videoconference, and communication via e-mails and phone calls.

# CHAPTER II

## In Sierra Leone

Civil society made arrangements to continue its human rights defence work by adapting to the many restrictions in the response to the pandemic. For example, the Human Rights Defenders Network in Sierra Leone has set up a new online space to discuss how to adapt and respond to the pandemic. Defenders have been able to share their experiences and advice on innovations and difficulties encountered on the ground while carrying out their work. Besides the learning that is taking place through the sharing of experiences between defenders, this platform has made it possible to assess the adaptability of defenders while highlighting main difficulties.

A study<sup>59</sup> conducted by Legal Empowerment Network shows that despite challenges and difficulties, 91% of surveyed defenders were able to continue supporting their communities by adapting their working methods. Their activities, innovations and adaptations were mainly redirected towards advocacy, data collection, monitoring of human rights violations, awareness-raising and fight against fake news.

Grass-root organizations have been faced with telecommuting challenges such as how to deliver services remotely, lack of computers, frequent power and internet cuts, and digital divide challenges. In addition, they were confronted with financial challenges to access a quality internet connection for executing planned activities.

Some of the recommendations made by defenders were taken into account by the authorities in the response to the Covid-19 crisis, including, the progressive reduction of governmental measures that have enabled defenders to resume work.

### **III - RECOMMENDATIONS TO STATES AND POSITIVES MEASURES TO BE TAKEN IN RESPONSE TO FUTURE CRISES**

The following measures and practices are suggested to States in order to improve collaboration between defenders and governments, and promote better response of the Covid-19 pandemic and future crises while ensuring respect for the rights of defenders and human rights in accordance with duly signed and ratified international, regional and national laws.

#### **1 - Recommendations of civil society organizations**

Civil society organizations from Côte d'Ivoire, Sierra Leone and Niger recommend that States should:

- Reinforce campaigns to raise awareness among the populations, including defenders, of the dangers related to the spread of Covid-19, particularly in the most remote areas;

<sup>59</sup> <https://community.namati.org/t/key-takeaways-from-the-covid-19-justice-challenge/74947>

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- Involve civil society/defenders in the various decision-making meetings related to crisis response;
- Intensify their efforts by strengthening the collaboration and discussion framework with defenders, and consider their proposals;
- Provide civil society/defenders with financial and logistical support to carry out their activities and strengthen their resilience;
- Consider complaints by civil society organizations/defenders regarding human rights abuses in times of major crises such as Covid-19 ;
- Strengthen crisis response monitoring Committees by including civil society organizations/defenders;
- Release all persons in custody and place vulnerable prisoners, such as the elderly, minors, and prisoners with pre-existing conditions, in appropriate centres;
- Respect the principles of necessity, proportionality of legality, and non-discrimination under the relevant international, regional and national standards signed and ratified by each country;
- Avoid resorting to emergency measures that seek to restrict the work of defenders, such as those adopted in the context of the fight against Covid-19 ;
- Open humanitarian corridors to provide access to human rights organizations and prisoners in times of crisis;
- Ensure the continuity of the judicial service and procedures, and the preservation of the rule of law.

## **2 - Positives measures to be taken in response to future crises**

In order to support States in responding to crises in accordance with their obligations, Mr. Clement Voule, United Nations Special Rapporteur on the rights to freedom of peaceful assembly and association has outlined ten principles in the event of a health emergency<sup>60</sup>. These are practical and positive measures that should serve as a guide to States in responding to the Covid-19 pandemic and future crises.

- Ensuring that the new legal measures respect human rights<sup>61</sup>. It is essential that the process and the content of any measure approved comply with human rights obligations.
- Ensuring that the public health emergency is not used as a pretext to violate rights<sup>62</sup>. It is essential that the crisis is not used as a pretext to abuse human rights in general or the rights to freedom of peaceful assembly and association, in particular.

<sup>60</sup> [https://www.ohchr.org/Documents/Issues/FAssociation/Checklist\\_FR.pdf](https://www.ohchr.org/Documents/Issues/FAssociation/Checklist_FR.pdf)

<sup>61</sup> [https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle1\\_FR.png](https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle1_FR.png)

<sup>62</sup> [https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle2\\_FR.png](https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle2_FR.png)

## CHAPTER II

- Democracy cannot be postponed indefinitely<sup>63</sup>. Restrictions on meetings in many countries affect the ability of individuals to campaign and participate in rallies, conduct awareness campaigns and monitor electoral processes. The ability of civil society to engage with candidates or the general public during election periods is limited as well.
- Ensuring inclusive participation<sup>64</sup>. Active citizenship is essential in times of crisis. Civil society must be seen as an essential partner of governments to respond to the current crisis.
- Guaranteeing freedom of association and assembly online<sup>65</sup>. The rights to freedom of peaceful assembly and association apply online as they apply offline.
- Protecting labor rights to freedom of association and assembly<sup>66</sup>. The right to freedom of association includes the right to form trade unions and other forms of association in the workplace, and the right to freedom of peaceful assembly applies to the right to strike.
- Freedom of expression must be guaranteed<sup>67</sup>. The rights of civil society actors, including journalists and human rights defenders, to freely seek, receive and impart information, whether on the crisis and its management or other issues, must be guaranteed.
- Civil society participation in multilateral institutions must be guaranteed<sup>68</sup>. The United Nations and other multilateral institutions should take steps to ensure that civil society organizations can continue to participate in all political decisions, including those related to the Covid-19 response.
- International solidarity is needed more than ever<sup>69</sup>. States should repeal laws that unduly restrict the ability of civil society to access funding including international funding.
- Future implications of Covid-19 and responding to popular calls for reforms<sup>70</sup>. It is vital in this context that states' responses to the crisis fully consider the demands of citizens for more democratic governance, greater respect for human rights, greater equality, and take meaningful measures to combat climate change

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<sup>63</sup> [https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle3\\_FR.png](https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle3_FR.png)

<sup>64</sup> [https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle4\\_FR.png](https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle4_FR.png)

<sup>65</sup> [https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle5\\_FR.png](https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle5_FR.png)

<sup>66</sup> [https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle6\\_FR.png](https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle6_FR.png)

<sup>67</sup> [https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle7\\_FR.png](https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle7_FR.png)

<sup>68</sup> [https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle8\\_FR.png](https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle8_FR.png)

<sup>69</sup> [https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle9\\_FR.png](https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle9_FR.png)

<sup>70</sup> [https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle10\\_FR.png](https://www.ohchr.org/SiteCollectionImages/Issues/FreedomAssociation/Principle10_FR.png)

# CONCLUSION

The advocacy carried out with national authorities by the coalitions of human rights defenders from Côte d'Ivoire, Sierra Leone and Niger have resulted in commitments by those authorities to review the measures adopted and reduce their future impact on the work of human rights defenders.

Among these measures, we can mention the possibility for the Ministry of Human Rights in collaboration with the Ministries of Security and the Interior to facilitate the delivery of passes to civil society organizations and defenders in times of crisis; ensure that the various recommendations made by the advocacy delegations to the national authorities, and the decision to involve all stakeholders, in particular civil society organizations and defenders, in decision-making meetings in times of crisis, are taken into account.