



GOOD PRACTICES FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS IN TIMES OF CRISIS

Burkina Faso, Côte d'Ivoire, Mali, Niger, and Sierra Leone face Covid-19



International Service
for Human Rights

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- Burkina Faso,
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ACRONYMS AND ABBREVIATIONS

- ACHPR:** African Commission on Human and People’s Rights
- AFCFTA:** African Continental Free Trade Area
- AIDS:** Acquired Immunodeficiency Syndrome
- AU:** African Union
- CBDDH:** The Burkinabé Coalition of Human Rights Defenders
- CIDDH:** Ivorian Coalition of Human Rights Defenders
- CODDHD:** Collective of Organisations for the Defence of Human Rights and Democracy
- COMADDH:** Malian Coalition of Human Rights Defenders
- Covid-19:** Coronavirus-2019
- CORUS:** Health Emergency Response Operations Centre
- CSO:** Civil Society Organisation
- GDP:** Gross Domestic Product
- HIV:** Human Immunodeficiency Virus
- HRD:** Human Rights Defenders
- HRDN-SL:** Human Rights Defenders Network-Sierra Leone
- IGR :** Income Generating Activities
- ISHR:** International Service for Human Rights
- NICT:** New Information and Communication Technologies
- ODJ:** Democratic Youth Organisation
- UNO:** United Nations Organisation
- UN:** United Nations
- UNAIDS:** Joint United Nations Programme on HIV/AIDS

The global health crisis caused by the Covid-19 pandemic led States to adopt restrictive measures to limit the spread of the virus. This was an unprecedented situation for States and civil society.

In this context, numerous measures have been taken by African governments through communiqués, ministerial decisions, speeches and statements, notably in Burkina Faso, Côte d'Ivoire, Mali, Niger and Sierra Leone.

In general, the implementation of a State of Health Emergency, physical distancing measures¹, border closures and temporary lockdown were discussed.

Despite the health necessity that may justify some of these restrictions, governments have disregarded the principles of proportionality and the exceptional nature of these measures, resulting in several human rights violations during this period. People have seen their fundamental freedoms restricted, some lost their jobs, a psychosis was created by the fear of Covid-19, the number of deaths increased, and the crisis impacted their lifestyles.

Defenders, in addition to traditional threats², coupled with a difficult context of a shrinking civic and democratic space, blatant restrictions on fundamental freedoms, the recurrent pre- and post-election crisis, the health crisis linked to Covid-19 – Defenders were affected not only by usual threats, but they were also affected in two additional ways.

Firstly, as citizens they have experienced the pressures imposed by the Covid-19³ pandemic in the same way as the whole population.

Secondly, as defenders they have suffered particular restrictions on their rights such as: freedom of movement; restrictions on freedom of association and peaceful assembly; freedom of expression, peaceful demonstration and movement; non-inclusion of defenders in crisis management committees; and financial difficulties, making them even more vulnerable. However, it must be recognised that the work of defenders remains crucial for the strengthening of good governance, democracy, development, the opening of civic space and for the respect of human rights.

In West African countries such as Burkina Faso, Côte d'Ivoire, Mali, Niger, Sierra Leone and Senegal, the pandemic has exacerbated violations of fundamental freedoms including the freedom of expression, association, and peaceful assembly.

Government measures have been extremely restrictive and have contributed significantly to a reduction of civic and democratic space.

¹Physical protective measures: wearing masks, washing hands, use of hand sanitiser, social distancing, curfew etc.

²Traditional threats: physical and psychological aggression, sexual violence, abductions, intimidation, reprisals, cruel, inhuman, and degrading treatment, assassinations or murders, judicial delays, etc., all limit the rights of defenders.

³Restriction of movement, declaration of a State of Health Emergency, closure of borders and temporary lockdown...

Limitation of the freedom of movement:
The lockdown and isolation of major cities⁴, the imposition of curfews⁵, the closure of land borders, the closure of public spaces⁶
 and the ban on public gatherings in Burkina Faso, Côte d'Ivoire, Niger, and Sierra Leone, limited the ability of defenders to travel and carry out their activities on the ground or meet their regional and international obligations.

Freedom of assembly and association⁷:

In Burkina Faso, Côte d'Ivoire, Niger⁸ and Mali, the limitation of gatherings to a maximum of 50 people⁹ has had an impact on the ability of defenders to organise large-scale activities and mass awareness-raising¹⁰. Some were forced to close their headquarters and stop their activities. The restriction of the freedom of assembly and association has resulted in the arbitrary arrests and detentions of defenders.

Physical harm: Defence and security forces have been perpetrators of physical violence¹¹ against defenders in Burkina Faso and Sierra Leone.

This was the case for a defender who was a member of the Democratic Youth Organisation (ODJ) and Fayia Amara Fayia, a journalist at the newspaper Standard Times.

Freedom of expression and freedom of the press¹²: Increased control of media outlets¹³ during the Covid-19 period led to the arbitrary arrest and detention of defenders and limited news reporting to the populations of Côte d'Ivoire, Mali, Niger and Sierra Leone.

The defenders and all those who tried to alert and raise awareness about the effects of COVID-19 were arrested¹⁴. They were arrested either for publishing a post on Facebook and Twitter alerting others to the first suspected case of COVID-19, or following the interception of a private WhatsApp conversation criticising the government's management of the COVID-19 pandemic. Some were summoned to the Criminal Police following an interview on COVID-19.

Restriction of the right to work¹⁵:

In Mali, restrictions on the free movement of people and their goods and on economic rights have prevented defenders from going to their workplace and have led to the closure of some organisations, work stoppages and unemployment for some. Vulnerable groups and defenders in Burkina Faso and Sierra Leone have particularly faced challenges related to remote working¹⁶, from the many power and internet cuts or challenges posed by the digital divide, to the financial challenges of not having access to a good internet connection in order to carry out planned activities.

⁴<http://www.aa.com.tr/fr/afrique/burkina-faso-covid-19-l-etat-d-urgence-sanitaire-decrete/1780923>

⁵<http://www.gouv.ci/doc/1587759925COMMUNIQUE-DE-LA-PRESIDENCE-DE-LA-REPUBLIQUE-DU-24-AVRIL-2020.pdf>

⁶<https://www.presidente.ne/discours-du-president/2020/3/17/0jrc2yz8euk8nzcxd60uad9uaa6hn>

⁷<https://lefaso.net/spp.php?article95627>

⁸<https://www.presidente.ne/conseils-des-ministres/2020/3/28/9xqx5dt47kd1lvpxu5e5iivf0vyyx>

⁹<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>

¹⁰<https://mali.um.dk/~media/mali/documents/news/communique%20de%2017%20mars%20covid-19.pdf?la=da>

¹¹<https://www.mfwa.org/fr/des-soldats-frappent-un-journaliste-pour-avoir-pris-des-photos-de-l-installation-de-quarantaine-de-covid-19/>

¹²<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>

¹³<https://twitter.com/ocisse691/status/1340076743202377728/photo/1>

¹⁴<https://www.attaram.com/niger-liberation-de-deux-journalistes-de-labari-convoques-par-la-police-judiciaire/>

¹⁵<https://www.tralac.org/documents/resources/covid-19/countries/3492-mali-communique-of-the-council-of-ministers-declaration-of-state-of-emergency-and-lockdown-24-march-2020/file.html>

¹⁶https://www.sig.gov.bf/fileadmin/user_upload/Decret_PRES_n_20200215_portant_instauration_d_un_couvre-feu.pdf

Violation of the right to justice¹⁷:

The suspension of public hearings in Mali contributed to prolonged detention periods and slowed down ongoing judicial proceedings and the decongestion of prisons.

These measures, coupled with the already hostile environment in which defenders and CSOs operate in Africa, have forced human rights defenders to adapt to and adopt new ways of working.

Human rights defenders are key partners in building democracy, peaceful and inclusive societies, and in opening up civic and democratic space. They work with governments to ensure that States do not disproportionately use restrictive measures to limit the rights of their citizens in times of peace as well as in times of crisis, and in particular in the fight against COVID-19.

It is therefore necessary to ensure that the positive efforts made in several of these countries, including the adoption of national laws and policies inspired by the Model Law for the Recognition and Protection of Human Rights Defenders published in 2017 by ISHR¹⁸, recognising and protecting defenders over the past seven years, continue to be supported and strengthened. This is the case in Côte d'Ivoire (2014)¹⁹, Burkina Faso (2017)²⁰ and Mali (2018)²¹, or is in the process of occurring in Niger²², Togo²³, Sierra Leone²⁴, DRC, Guinea²⁶, and Madagascar.

It remains important, therefore, that the response of States takes into account the protection of human rights and safeguards the work of defenders in times of crisis and at all times. Some States have been more progressive than others in pursuing this goal and in this context it has been crucial to analyse violations of defenders' rights, document good practice and make recommendations to States.

¹⁷ https://malijet.com/actualite-politique-au-mali/conseil_des_ministres_du_mali/250966-communique-du-conseil-des-ministres-du-vendredi-18-decembre-2020.html

¹⁸ <https://ishr.ch/defenders-toolbox/resources/model-law/>

¹⁹ http://www.ishr.ch/advanced-search?f%5b0%5d=article_country:Ivory%20Coast

²⁰ http://www.ishr.ch/advanced-search?f%5b0%5d=article_country:Burkina%20Faso

²¹ http://www.ishr.ch/advanced-search?f%5b0%5d=article_country:Mali

²² http://www.ishr.ch/advanced-search?f%5b0%5d=article_country:Niger

²³ http://www.ishr.ch/advanced-search?f%5b0%5d=article_country:Togo

²⁴ http://www.ishr.ch/advanced-search?f%5b0%5d=article_country:Sierra%20Leone

²⁵ [http://www.ishr.ch/advanced-search?f%5b0%5d=article_country:Congo%20\(Kinshasa\)](http://www.ishr.ch/advanced-search?f%5b0%5d=article_country:Congo%20(Kinshasa))

²⁶ http://www.ishr.ch/advanced-search?f%5b0%5d=article_country:Guinea

This compendium of good practices was developed by the International Service for Human Rights (ISHR) in collaboration with national coalitions of human rights defenders in Burkina Faso, Côte d'Ivoire, Mali, Niger, and Sierra Leone.

From the analysis of measures adopted by States and their impact on defenders' rights, to the positive efforts made by States and other actors, this compendium presents the strategies developed by civil society to adapt to the new environment, and recommendations to different actors to ensure an inclusive approach in the future for the protection of human rights and more specifically the rights of defenders.

In addition, this collection of good practices can be used for advocacy activities with authorities, international, regional, and national mechanisms for the protection of human rights and the rights of defenders.

This document will not only promote the continuity of defenders' work and legal support in countries where defenders' protection laws have been adopted or are in the process of being adopted, but also combat the excessive use of restrictive measures in times of crisis.



CHAPTER I: GOOD PRACTICES THAT HAVE CONTRIBUTED TO THE CONTINUITY OF THE WORK OF HUMAN RIGHTS DEFENDERS

In Burkina Faso, Côte d'Ivoire, Mali, Niger and Sierra Leone, as in most countries in Africa, the governmental measures taken in the fight against the COVID-19 pandemic have had a considerable impact on the work of defenders. The instability, the poor quality of internet connections and the numerous power cuts in Africa have strongly contributed to the slowdown of work for HRDs and have not facilitated remote working. In addition, the difficulty for some defenders in being able to afford a high-quality internet connection due to lack of financial means, meant they could not continue their work effectively.

I. Good practices implemented by human rights defenders to ensure the continuity of their work

- 10 HRDs/CSOs, to ensure the continuity of their work, have made practical and strategic arrangements both individually and collectively within their organisations to protect themselves from Covid-19. In addition to compliance with personal protective measures, new working methodologies such as holding meetings by video-conference, rotating staff on the premises and distributing protection kits have been adopted.

• Burkina Faso

As defenders cannot meet or travel for regional activities, they have developed various strategies through the reorganisation of their working methods by increasing their use of new technologies, working remotely, and conducting / participating in webinars for those with access to the internet.

Reducing activities and reviewing activity programmes have been techniques used by organisations and trade unions. In addition, the use of focal points which collected and transmitted data via social networks demonstrated the importance of focal points in the regions.

Some, on the other hand, have started income-generating activities (IGAs), such as opening hairdressing salons and various businesses to meet their financial needs during the pandemic.

Women's organisations have undertaken advocacy with local authorities for special dispensations in order to continue their activities.



• Côte d'Ivoire

Defenders mobilised and organised internally to counter the effects of the government's measures to combat Covid-19. Adaptability features mainly included the possibility to continue working remotely, and virtual meetings between defenders.

To compensate for the restrictions on movement and the isolation of major cities during the pandemic, such as Abidjan, many organisations were able to continue their activities in other parts of the country thanks to the presence of focal points that were called for contribution. As in Burkina, it was found that it is important for human rights organisations to have focal points or local representation.

Defenders have also called for an inclusive approach, aiming to involve civil society in all decision-making, but often regret the lack of consultation of defenders by the government in decision-making, as well as the lack of consideration of the human rights dimension when designing these emergency measures.

• Mali

In order to facilitate the continuity of their work, in addition to the physical protective measures put in place by the government, defenders and CSOs have implemented measures such as the introduction of a staff rotation system in the offices, and the adaptation of activities to the context of the pandemic, in particular by reducing the number of participants carrying out activities in compliance with the personal protective measures.

The mastery of online collaboration tools has facilitated online working and video-conferencing.

The reorientation of budget lines, the postponement of certain activities in agreement with financial partners, the design and implementation of a plan to combat Covid-19, coupled with a better coordination of activities, made it possible to maintain certain activities.



• Niger

In order to protect themselves from Covid-19 and to continue their work in compliance with personal protective measures, steps have been taken by the defenders themselves, but also within their organisations.

Indeed, defenders and their organisations have taken ownership of the measures put in place by the government. They have also taken steps to set up hand-washing facilities in their locations and places of activity, and to distribute masks to members of the organisations and their target groups.

In order to respect the norms of social distancing and to limit the risks of contamination, defenders favoured meetings by videoconference and communication by e-mail and telephone calls.

• Sierra Leone

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To accommodate the various restrictions in place, the Human Rights Defenders Network-Sierra Leone has created a new online space to discuss how to adapt and respond to the pandemic. Defenders were able to share their experiences and advice on innovation and difficulties encountered in the field while carrying out their work. Beyond the learning that took place through the sharing of experience between defenders, this platform has made it possible to probe the defenders' capacity for adaptability while highlighting the main difficulties.

A study²⁷ conducted by the Legal Empowerment Network shows that despite the challenges and difficulties, 91% of defenders consulted have managed to continue supporting their communities by adapting their working methods. They have mainly reoriented their activities, innovation and adaptation towards advocacy, data collection, monitoring the situation on the ground with regard to human rights violations, raising awareness and combating misinformation.

The grassroots groups faced challenges while working remotely such as delivering services remotely, the lack of computers, the numerous power and internet cuts or the challenges posed by the digital divide. In addition to the challenges mentioned above, they faced financial challenges due to lack of funds, making it difficult to access a good internet connection in order to implement the planned activities.

²⁷ <https://community.namati.org/t/key-takeaways-from-the-covid-19-justice-challenge/74947>





Defenders also made suggestions to government authorities to strengthen the capacity of HRDs/CSOs in times of crisis while ensuring that they support the government's efforts to eradicate the pandemic. Some of these recommendations have been taken into account, namely the granting of passes and the progressive easing of measures taken by the authorities which have facilitated the resumption of defenders' work.

II. Good practices implemented by the government authorities that have facilitated the resumption of defenders' work

The direct consequences of the measures taken by the authorities without consultation with HRDs/CSOs have been the reduction of civic and democratic space, restrictions on fundamental freedoms and the rollback of the protection of HRDs' rights.

The results of the research that preceded the writing of this compendium demonstrate, with regard to the Covid-19 health crisis, that State agents were responsible for numerous violations of human rights and fundamental freedoms. These State agents include key ministries such as the High Council of Defence, the Ministry of Territorial Administration, the Ministry of Defence, the Ministry of Health and decentralised authorities, security forces and crisis management committees.

However, it is important to note that in all five countries studied, as a result of advocacy efforts by civil society, the authorities have taken steps to facilitate the resumption of work by some defenders.

• Burkina Faso

In Burkina Faso, the government has taken measures for the population and specific groups that have benefited human rights defenders. Among these provisions, we can note the granting of passes to defenders, particularly to members of the media, allowing them to go to the field for their activities.

Additionally, the President of the Republic passed a decree on the rescheduling of the national curfew from 9pm to 4am from 20 April 2020. The State took care of all Covid patients including foreigners living in Burkina Faso.



• Côte d'Ivoire

Following the Communiqué of the Ministry of Digital Economy and Posts calling for the promotion of remote working²⁸, mobile operators have been invited to democratise and facilitate access to remote working solutions by providing companies and populations with adapted technological offers at affordable costs²⁹.

While there were no measures taken by the authorities to mitigate the impact of restrictions on the work of defenders, the Ministry of Security and Civil Protection nonetheless issued passes³⁰ to certain civil society organisations to facilitate their work in raising awareness of the COVID-19 pandemic among the population and thus override the travel restrictions put in place, among other measures.

Also, following the transmission by the Media inter-union of a trade union letter to the Public Prosecutor dated 31 March 2020, requesting an end to all arrests of their comrades during the COVID-19 period, arrests have ceased in the media sector³¹.

Finally, mention should also be made of the work of the former Secretary of State for Human Rights³², who has helped to facilitate the continuity of the work of human rights defenders. The Secretary of State in charge of Human Rights provided each of the beneficiary organisations with basic sanitary items such as tap buckets, cartons of liquid soap, bleach, batches of 50 masks as well as posters to raise awareness about the COVID-19 pandemic.

• Mali

In Mali measures have been taken by the government partly to alleviate personal protective measures. These included the introduction of these exemptions, the mobilisation and deployment, as of 19 December 2020, of committees to monitor, raise awareness, and follow up on the implementation of physical protective measures throughout the country.

On the other hand, measures favouring the continuity of work included: the extension of the remote working measure or the staff rotation system within offices to the private sector for all companies employing more than 50 people, and support for civil society organisations, in particular the provision of spraying kits and the setting up of a Covid-19 fund.

²⁸ <http://www.gouv.ci/doc/1585134598MINISTERE-DE-L-ECONOMIE-NUMERIQUE-ET-DE-LA-POSTE.jpg>

²⁹ This good practice has not been effective on the ground

³⁰ http://www.gouv.ci/_actualite-article.php?recordID=11118&d=1

³¹ The letter dated 31 March 2020 is headed as follows: Joint union of the media sector in Côte d'Ivoire to prosecutor Adou Richard: "Enough is enough"

³² http://www.droitdelhomme.gouv.ci/activites/detail_activites/lutte-contre-le-coronavirus-mme-aimee-zebeyoux-a-procede-a-une-remise-de-kits-sanitaires-aux-organisations-de-la-societe-civile625



• Niger

In Niger, civil society considered that the authorities had acted belatedly. Nevertheless, they granted permission to exit and enter the city of Niamey in order to circumvent the city's lockdown. This has led to the granting of passes for journalists and some humanitarians and the easing of curfew hours in some localities.

Collaboration between defenders and the authorities has taken different forms, such as defenders accompanying the government in awareness-raising campaigns, the government providing civil society organisations with hand-washing equipment, masks and hand sanitiser, and granting funds to support organisations in times of crisis.

On 20 March 2020, the Ministry of Justice transmitted its decision³³ to limit the use of police custody during the pandemic to «situations of extreme emergency» and “with regard to criminal, terrorist and public order offences».

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Credit : Collective of Organisations for the Defence of Human Rights and Democracy (CODDHD)

³³ http://www.justice.gouv.ne/images/2020/PDF/Circulaire_du_MJGS_200320_CORONAVIRUS.pdf

• Sierra Leone

The government has made efforts regarding communication and inclusion of civil society through the establishment of infrastructures to strengthen and support its actions. This was the case, for example, through the medium- and long-term funding of networks or organisations, but also through the development of platforms for sharing knowledge, strategies, and resources in order to promote cohesion and collaboration, the lifting of the quarantine or the change of curfew hours to 23:00 instead of 21:00 from 23 June 2020.

A government-led platform allowed civil society to interact with the President of the Republic and the Ministers responsible for health issues in the face of the COVID-19 pandemic. The platform enabled civil society representatives to have direct access to and coordinate with the Ministries of Health, Finance and the COVID-19³⁴ Emergency Response Team.

The Government's responsiveness to the health crisis, as well as lessons learned from the Ebola outbreak, have allowed authorities to better control the situation without rushing, and thus to take time to include the human rights dimension and the place of civil society in the response to the pandemic.

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Sierra Leone developed a preparedness plan for COVID-19 three weeks before its first case was confirmed. This enabled the Ministry of Health to quickly identify, test and quarantine most of the primary traced contacts, thereby limiting the spread of the disease.

The government also developed strong networks to support community awareness and mobilisation, which played a crucial role in preparing the country for the pandemic.

These networks ensured that everyone had access to vital information, including young people, community leaders and returning migrants.

In total, over 200,000 people received assistance in the sparsely populated 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 awareness-raising activities. For example, they recorded a song to encourage communities to adopt and respect preventive measures³⁵.

Finally, a space³⁶ was created by the government for defenders to meet the COVID-19 response team. In addition, during this period, the new Attorney General promised to engage in discussions on the draft model law for the protection of human rights defenders.

³⁴ <http://www.civicus.org/documents/Rebuilding4Good-FINAL2.0.pdf>

³⁵ <https://www.iom.int/fr/news/les-enseignements-tires-de-lepidemie-debola-aident-lutter-contre-la-covid-19-en-sierra-leone>

³⁶ <https://www.civicus.org/index.php/fr/medias-ressources/actualites>



Various forms of collaboration between defenders and the government are reflected in the involvement of the community in the response to COVID-19, such as through the development of an explanatory note on COVID-19 and the human rights response measures in collaboration with civil society organisations.

Based on the above, initiatives have been taken by the authorities and by defenders. HRDs/CSOs suggested adjustments to certain State measures which were more or less taken into account, depending on the context and the evolution of the pandemic. This was done with a view to preserving civic space, fostering the continuity of the work of HRDs/CSOs and improving the social climate. Thus, the authorities would benefit in the future from working with HRDs/CSOs, at all times and during this period of crisis of Covid-19, to urgently review the measures adopted and ensure that they are adapted to the national context.



Credit : Sierra Leone human rights defenders network

CHAPTER II: MEASURES TO SUPPORT THE WORK OF DEFENDERS AND THE OPENING OF CIVIC AND DEMOCRATIC SPACE IN TIMES OF CRISIS

At the international, regional, and national levels, several measures and practices have been developed for States and governments to facilitate respect for human rights, fundamental freedoms and the maintenance of civic and democratic space in times of crisis, while ensuring compliance with duly signed and ratified international, regional and national texts. These strategies also aim to contribute to the continuity of defenders' work, improve collaboration between defenders and governments, and foster better management of the Covid-19 pandemic and future crises.

I. Measures adopted at the international level

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1- The context of crisis response and the Covid-19 crisis³⁷: *Guidelines of the UN Special Rapporteur on the rights to freedom of peaceful assembly and association to support an effective response to Covid-19³⁸.*

The UN Special Rapporteur on the rights to freedom of peaceful assembly and association, Clement Nyaletossi Voule, has outlined ten principles in the event of a health emergency³⁹. These principles are practical and positive steps that should guide States in taking action in response to the Covid-19 crisis and future crisis.

- **Ensuring that the new legal measures respect human rights⁴⁰.** It is essential that the process and content of any new measures adopted are consistent with human rights obligations.

- **Ensuring that a public health emergency is not used as a pretext for rights violations⁴¹.** It is imperative that the crisis is not used as a pretext to stifle rights in general or the rights to freedom of peaceful assembly and association in particular.

³⁷ COVID-19: States should not abuse emergency measures to suppress human rights – UN experts, <https://reliefweb.int/report/world/covid-19-states-should-not-abuse-emergency-measures-suppress-human-rights-un-experts>

³⁸ <https://freemasssemblyandassociation.net/guiding-principles/>

³⁹ https://www.ohchr.org/Documents/Issues/FAssociation/Checklist_FR.pdf

⁴⁰ https://www.ohchr.org/sites/default/files/SiteCollectionImages/Issues/FreedomAssociation/Principle1_EN.png

⁴¹ https://www.ohchr.org/sites/default/files/SiteCollectionImages/Issues/FreedomAssociation/Principle2_EN.png

• **Democracy cannot be postponed indefinitely**⁴². Restrictions on meetings in many countries affect the ability of individuals to campaign and participate in rallies, conduct advocacy campaigns and monitor electoral processes. The capacity of civil society to engage with candidates or the general public during election periods is also limited.

• **Guaranteeing inclusive participation**⁴³. Active citizenship is essential in times of crisis. Civil society must be seen as an essential partner of governments in their responses to the current crisis.

• **Ensuring freedom of association and assembly online**⁴⁴. The rights to freedom of peaceful assembly and association apply online as well as offline.

• **Protecting the right to freedom of association and assembly in the workplace**⁴⁵. The right to freedom of association extends to the right to form trade unions and other forms of association in the workplace, and the right to freedom of peaceful assembly extends to the right to strike.

• **Freedom of expression must be guaranteed**⁴⁶. The right of actors in civil society, including journalists and defenders, to freely seek, receive and impart ideas and information, whether concerning the crisis and its management or other matters, must be guaranteed.

• **Civil society participation in multilateral institutions must be guaranteed**⁴⁷. The UN and other multilateral institutions should take steps to ensure that civil society organisations can continue to participate in all policy decisions, including those related to the response to Covid-19.

• **International solidarity is more necessary than ever**⁴⁸. Financial constraints severely limit civil society's ability to contribute to the response to the Covid-19 crisis. States should repeal laws that unduly restrict civil society's ability to access funding, including international funding.

• **Future impact of Covid-19 and response to popular calls for reform**⁴⁹. It is vital that State responses to the crisis take full account of citizens' demands and that States take steps to adopt more democratic governance structures, to strengthen the protection and enjoyment of rights, to reduce inequalities, and to ensure that the transition to greener and more sustainable energy sources receives greater support and attention.

⁴² https://www.ohchr.org/sites/default/files/SiteCollectionImages/Issues/FreedomAssociation/Principle3_EN.png

⁴³ https://www.ohchr.org/sites/default/files/SiteCollectionImages/Issues/FreedomAssociation/Principle4_EN.png

⁴⁴ https://www.ohchr.org/sites/default/files/SiteCollectionImages/Issues/FreedomAssociation/Principle5_EN.png

⁴⁵ https://www.ohchr.org/sites/default/files/SiteCollectionImages/Issues/FreedomAssociation/Principle6_EN.png

⁴⁶ https://www.ohchr.org/sites/default/files/SiteCollectionImages/Issues/FreedomAssociation/Principle7_EN.png

⁴⁷ https://www.ohchr.org/sites/default/files/SiteCollectionImages/Issues/FreedomAssociation/Principle8_EN.png

⁴⁸ https://www.ohchr.org/sites/default/files/SiteCollectionImages/Issues/FreedomAssociation/Principle9_EN.png

⁴⁹ https://www.ohchr.org/sites/default/files/SiteCollectionImages/Issues/FreedomAssociation/Principle10_EN.png

2- The context of elections and the Covid-19 crisis: Guidelines on the rights to freedom of peaceful assembly and association in the context of the elections and the Covid-19 crisis⁵⁰:

UN Special Rapporteur Clement Nyaletossi Voule's guidelines on the rights to freedom of peaceful assembly and association.

- **Principle 1:** Declarations of states of emergency must be strictly limited, in accordance with international human rights law.

- **Principle 2:** States should ensure that the right to freedom of peaceful assembly is respected throughout the electoral process. Any limitations should be consistent with the requirements of legality, legitimate aims, necessity and proportionality, in accordance with international human rights law.

- **Principle 3:** States must ensure that the right to freedom of association is respected throughout the electoral process. Any limitations must be consistent with the requirements of legality, legitimate objectives, necessity, and proportionality, in accordance with international human rights law.

- **Principle 4:** In order to ensure full enjoyment of the rights to freedom of peaceful assembly and association throughout the electoral process, States must guarantee the equitable and non-discriminatory participation of everyone throughout the electoral process.

- **Principle 5:** States must ensure that all individuals, associations, and political parties are protected from violence, harassment and intimidation.

- **Principle 6:** In order to ensure that the rights to freedom of peaceful assembly and association are fully exercised throughout the electoral process, States must ensure that all electoral processes are free, genuine and transparent.

- **Principle 7:** States should ensure that associations, political parties, and regional and international organisations are able to conduct independent election observation.

- **Principle 8:** States must ensure that all persons are able to exercise their rights to freedom of peaceful assembly and association online, throughout the electoral process, as at any other time.

- **Principle 9:** States must ensure accountability and the right to effective solutions whenever the rights to freedom of peaceful assembly and association are infringed upon, both during electoral processes and at any other time.

⁵⁰ <https://freeassemblyandassociation.net/wp-content/uploads/2021/05/Guidelines-on-the-Rights-to-Freedom-of-Peaceful-Assembly-and-of-Association-in-the-context-of-Elections-and-the-Covid-19-crisis.pdf>

II. Measures adopted at the regional level

At the regional level, the African Commission on Human and Peoples' Rights (ACHPR) has adopted resolutions and guidelines for the maintenance of human rights, respect for fundamental freedoms, the opening of civic and democratic space, and the promotion and protection of the rights of human rights defenders in Africa.

1- ACHPR Resolution 446 (LXVI) 2020 on conducting a study on the right to health for all and its financing in Africa⁵¹

At its 66th Ordinary Session, held virtually from 13 July to 7 August 2020, the Commission noted with concern the various challenges to the right to health that have arisen in the context of the novel coronavirus (COVID-19). This includes the overwhelming of the continent's already fragile health care systems, challenges to the rights of health care workers, and the diversion of resources and scarce capacity away from other essential health services, including sexual and reproductive health care and services for people living with and affected by HIV/AIDS. Furthermore, the Commission reminded audiences about the meeting of 11 February 2020 between the President of the Commission and the Executive Director of the Joint United Nations Programme on HIV/AIDS 21 (UNAIDS), in which the need for a joint study on access to health for all and its funding in Africa had been recognised, a need rendered even more pressing by the global COVID-19 pandemic.

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The Commission affirmed that access to health care for all is a fundamental right and a public good that must be guaranteed through public investment, and reiterated its call to all State parties to make human rights, and more specifically, Social and economic rights, a central pillar of responses to the COVID-19 pandemic, and, in particular, to ensure that the right to health is respected, protected and supported by ensuring that all people, especially vulnerable individuals, are provided with the social and economic conditions necessary to limit their exposure to the disease.

2- ACHPR Resolution 449 (LXVI) 2020 on human and peoples' rights as central pillar of successful response to COVID-19 and recovery from its socio-political impacts⁵²

The Commission reaffirms the centrality of respecting and enforcing the rights and freedoms guaranteed by the African Charter for an effective response and resilience to the impacts of COVID-19 in order to create the socio-economic and governance conditions necessary to prevent the recurrence of the damage caused by the COVID-19 pandemic.

⁵¹ <https://www.achpr.org/sessions/resolutions?id=477>

⁵² <https://www.achpr.org/sessions/resolutions?id=480>

• Calls on States to ensure that, in relation to the right to health and life guaranteed by Articles 4 and 16 of the African Charter:

- a. they give priority to proportionate public health interventions;
 - b. special measures are taken to protect the most vulnerable, the main victims of COVID-19, such as the elderly and people with co-morbidities;
 - c. healthcare workers who are at the front line of the fight against COVID-19 are provided with the necessary medical supplies and appropriate medical equipment, in particular PPE, and are provided with favourable and satisfactory working conditions;
 - d. mechanisms are put in place for SAFE ACCESS to health care;
 - e. the provision of SAFE health services is ensured, including uninterrupted access to medicines for those with ongoing needs;
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- f. emergency access to water and soap is guaranteed for those who are deprived of it, including people living in informal settlements, minorities, and indigenous populations/communities;
 - g. people have access to preventive cleaning products and protective materials at affordable prices, with free provision for those who cannot afford to pay;
 - h. all persons under medical care due to the pandemic give their prior informed consent for treatment, their privacy and personal data are protected, and they are treated with dignity and humanity; and
 - i. strategic and budgetary measures are taken to address the widespread lack of access to water, sanitation, and basic health care, which is necessary to protect people's health and lives.

• Urges States Parties, with regard to the implementation of the regulations of COVID-19, to ensure that:

- a. the response of Law Enforcement and Public Security Forces to the state of emergency declared during the COVID-19 pandemic meets the principles of legality, necessity, proportionality, and responsibility and does not represent a danger to human life;
- b. torture and other cruel, inhuman, or degrading treatment or punishment is absolutely prohibited and to declare that all claims such as «necessity», «national emergency», «public order», etc., will not be invoked as a justification;
- c. measures adopted by State Parties shall respect minimum human rights standards and be accompanied by appropriate policy measures to mitigate their negative effects, in particular on the most vulnerable section of society;
- d. personnel of law enforcement agencies are given strict and realistic guidelines for the implementation of emergency regulations, with priority given to persuasion and community involvement to promote the people's compliance with the rules, and only use force or detention as a last resort and in exceptional circumstances;
- e. mechanisms are in place for independent, prompt, impartial and transparent investigations into all allegations of excessive use of force, extrajudicial killings, inhumane treatment, assault, arbitrary deprivation of liberty, gender-based violence, or extortion by members of law enforcement agencies in order to hold perpetrators accountable for their actions;
- f. those whose rights have been violated by members of law enforcement agencies have access to solutions, including redress and compensation;
- g. implementation measures do not disproportionately affect vulnerable groups and do not have discriminatory consequences for the poor, people with disabilities, minorities, people working in the informal sector, women and girls, homeless people, children and young people, displaced persons, refugees, asylum seekers and migrants;

h. the use of digital surveillance tools for monitoring and detecting COVID-19 transmission is strictly limited in time and scope in the fight against COVID-19, and is transparently monitored by an independent control mechanism;

i. no arbitrary arrest or detention takes place and that all arrests are made under judicial supervision; and

j. reforms are introduced to address shortcomings in laws, guidelines regulating the conduct of law enforcement agencies, in the training of law enforcement officials, and in the mechanisms established to monitor and investigate the conduct of law enforcement agencies to ensure that they comply with human rights principles and standards;

• Calls on States Parties, by virtue of the right to participation under Article 13 of the African Charter, to ensure that:

a. mechanisms are put in place for the consultation and participation of the population in relation to decision-making and implementation of public health measures;

b. decisions on the holding of elections are taken on the basis of consultations, in accordance with the procedures provided for in national Constitutions as envisaged in the African Commission on Human and Peoples' Rights Declaration on Elections in Africa in the context of the COVID-19 pandemic;

• Also calls on States, in accordance with Articles 7 and 26 of the African Charter, to:

a. ensure that there are mechanisms for accountability and access to justice for possible violations of human and peoples' rights;

b. ensure that due process rights are fully respected;

c. use detention as an enforcement measure for COVID-19 and pre-trial detention as a last resort, to avoid overcrowding of prisons and the spread of the virus in detention facilities;

d. make special arrangements to enable the judiciary to continue to dispense justice, paying particular attention to issues of human rights violations in the context of the pandemic;

- e. prevent the entry of the virus into prisons, through the provision of portable hand-washing facilities and information on preventative measures, and to restrict outside visits;
- f. build on the measures taken by some States by opting for appropriate emergency measures to reduce overcrowding in prisons and other places of detention etc., in order to reduce the spread of coronavirus;
- g. take appropriate measures with regard to prisons and other places of detention during the pandemic, reminds States Parties of the need to observe the principles of non-discrimination under Article 2 of the African Charter and, to this end, urges them to:

• Calls on States Parties to implement principles of non-discrimination in accordance with Article 2 of the African Charter, to ensure that :

- a. adopt positive action measures to protect vulnerable groups and, in so doing, ensure that measures adopted to contain COVID-19 do not discriminate against or further marginalise already vulnerable members of society;
- b. ensure that the control measures against COVID-19 are implemented in strict compliance with the principle of equality before the law;
- c. extend protection to foreigners, refugees, asylum seekers and migrants;
- d. ensure that the measures and approaches identified are gender-sensitive to effectively address the challenges posed to women and girls by the pandemic;

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• Calls on States Parties to implement measures to mitigate the severe impact of the restrictions associated with COVID-19

On employment, livelihoods, and access to essential services, including health care, and to enable, where possible, people to exercise their human rights in a safe manner;



• Urges States Parties to ensure, in accordance with Article 9 of the African Charter:

- a. free access to and regular provision of public health information on the pandemic and safety precautions, particularly in indigenous languages;
- b. access to the Internet and social media platforms as sources of information and important means of communication in a period of physical distancing;
- c. that the application of criminal legislation to cases of violation of misinformation regulations are restricted to cases likely to cause damage to public health and are not used to undermine freedom of expression, press activities and access to information;
- d. the unrestricted exercise of the profession of journalism and a free press and media as essential public services for access to information, including information about the pandemic;
- e. the absence of any total or partial blocking of media outlets without the application of legal safeguards and for reasons clearly and objectively established by law and consistent with freedom of expression and the media, as well as the principles of uninterrupted access to the Internet; and
- f. the provision of information in all major languages, with particular attention to ensuring that vulnerable groups have access to this information;

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• It also calls on States, in application of Articles 10 and 11 of the African Charter, to:

- a. ensure that national responses to the COVID-19 pandemic do not result in attacks on the work of human rights defenders or undue interference with their activities;
- b. refrain from using declarations of urgency related to COVID-19 to justify repressive measures against specific groups, such as human rights defenders;
- c. *take all necessary measures to enable human rights defenders to carry out their essential activities, in particular those providing support to the most vulnerable populations, while complying with the necessary health measures to combat COVID-19;*



Credit: The Ivorian Coalition of Human Rights Defenders (CIDDH)

• **Calls on States Parties, in accordance with the rights of women and girls guaranteed by the Maputo Protocol, to**

- a. prioritise women and children in the design, planning, development, and implementation of the national response to the novel COVID-19;
- b. ensure the representation and participation of women and women's organisations in the decision-making processes of national mechanisms to contain the spread of COVID-19;
- c. expand the scope of mechanisms and infrastructure for monitoring and responding to gender-based and domestic violence, including hotlines, social workers and alternative housing;
- d. support the work of non-governmental organisations engaged in services for the prevention of gender-based and sexual violence and for the provision of medical, psychosocial, and safe housing support to victims of sexual and gender-based violence;

- e. ensure the continued functioning of social systems that care for the elderly, people with disabilities, children and people living in safeguarding shelters;
- f. ensure access to relevant information and safe sexual and reproductive health care services;
- g. prioritise women in the design and distribution of financial assistance and other socio-economic measures to mitigate the economic impact of COVID-19, especially for those who have lost their sources of income;
- h. ensure that the national response enables women to work, feed their families and balance their work with their household responsibilities;

• Also calls on States, in accordance with Article 18 of the African Charter, to:

- 28** a. take measures to protect children and adolescents from COVID-19 and the negative impacts of the response to this pandemic, in particular by supporting families and social institutions that assist and protect children;

• Urges States, in accordance with Article 1 of the African Charter and their obligations, to promote and fulfil economic, social and cultural rights in order to:

- a. urgently reorganise their annual budgets to allocate 15% to the health sector, as foreseen in the Abuja Declaration, as one of the measures to improve the capacity of health systems to cope with future pandemics;
- b. increase their budgets for access to water, sanitation, social protection, education, and sustainable livelihoods, especially for those who do not have access to these basic necessities;
- c. take all necessary policy and budgetary measures to address the challenge of food insecurity and hunger, which has been exacerbated during the pandemic, especially for the most vulnerable groups;
- d. prioritise the construction and expansion of social and economic infrastructure as well as institutional and administrative capacity for the fulfilment of economic, social and cultural rights;
- e. ratify and implement all relevant African Union human rights mechanisms,

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• Reminds individuals, the private sector, community leaders, the media, and religious institutions of their duties under the Chapter of the African Charter relating to the promotion and protection of rights and support for the provision of public goods, including the protection of public health and, in this regard, urges States:

- a. to enable and support community engagement and participation in the effort to not only contain the spread of the virus, but also to take mitigating measures to limit the impact of COVID-19 and measures to control COVID-19;
- b. refrain from restricting the work of civil society organisations that provide essential services, and the movement and activities of human rights defenders to ensure that they support vulnerable groups and people at risk of violations and deprivation of their rights, including their economic, social and cultural rights;

c. encourage the private sector to refrain from reducing the number of workers and to contribute to efforts to reduce the impact of COVID-19, in particular by supporting special solidarity funds;

• Reminds States that, by virtue of the right to freedom of movement, as guaranteed by Article 12 of the African Charter, with regard to displaced persons, refugees, asylum seekers and migrants:

a. the situation of refugees, asylum seekers, migrants and stateless persons should be taken into consideration in the development and implementation of national COVID-19 response plans;

b. they must ensure that refugees and asylum seekers have safe access to their territories in order to seek protection and, through collaboration with UN agencies and other humanitarian organisations, establish innovative and technologically advanced medical screening facilities at borders to prevent the deportation of asylum seekers and to combat human trafficking;

c. they should work with UN agencies and other relevant humanitarian organisations to ensure that displaced persons, asylum seekers and migrants continue to have access to humanitarian assistance and protective measures against COVID-19;

d. measures should be taken to protect refugees, asylum seekers and migrants from discrimination, hate speech, abuse, xenophobia, and violence;

e. they should refrain from detaining migrants and similar measures that may exacerbate the risk of the spread of the virus when physical restraint measures are not respected;

f. they should take the necessary measures to lift all restrictions on refugees, asylum seekers, migrants, and stateless persons, such as the disconnection of SIM cards, which prevents them from accessing their bank accounts and communicating with their families or relatives;

g. access to health care, water, hygiene facilities and medical screening facilities at borders, in camps and at detention centres should be increased;

- h. they must take particular account of the precarious situation of female victims of violence, the elderly, the disabled, and the displaced, who are likely to suffer the worst effects of evictions during this pandemic;
- i. they should continue to organise solidarity work in refugee camps and strengthen all measures for the protection of asylum seekers, refugees, displaced persons, migrants, and stateless persons;
- j. States should build the post-COVID-19 plan while reflecting on the revision of human mobility, giving priority to the protection of human rights and humanitarian action;

• Calls on States, by virtue of the right to development and the right to an adequate environment, as guaranteed by Articles 22 and 24 of the African Charter, to

- a. adopt human rights-based economic recovery plans that focus on correcting the negative impacts of the pandemic and on the socio-economic well-being of populations, improving living standards and integration, and reducing inequalities;
- b. put in place appropriate and inclusive development policies and strategies and mobilise internal and external resources to address social inequalities in all their forms;
- c. institute natural resource governance policies that facilitate value addition, eradicate illicit financial flows in the extractive industry sectors and ensure environmentally sustainable and socially uplifting industrialisation;

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• Further urges States, in accordance with Article 23 of the African Charter on the Right to Peace and Security, to ensure that:

- a. adopt measures to prevent the social and economic impact of COVID-19 that leads to instability and violence;
- b. current peace-making, mediation, and peace implementation efforts are not torpedoed by the pandemic;

c. they take urgent action by reaffirming their commitment to human rights, constitutionalism and the rule of law, in order to avoid systematic human rights violations; and

d. they support the call of the UN Secretary-General and the Chairperson of the AU Commission for a global ceasefire;

e. In addition, several other resolutions and guidelines of the African Commission on Human and Peoples' Rights need to be taken into account and implemented by State authorities to ensure the protection of human rights and thus the respect and promotion of the rights of human rights defenders and the opening of civic and democratic space in times of crisis.

1. ACHPR Resolution 447 (LXVI) 2020 on upholding human rights during situations of emergency and other exceptional circumstances.⁵³

2. ACHPR Resolution 474 (XXXI) 2021 on the Prohibition of the Excessive Use of Force by Law Enforcement Officers in African States.⁵⁴

3. Resolution 475 (XXXI) 2021 on the need to protect civic space and freedom of association and assembly.⁵⁵

4. ACHPR Resolution 441 (LXVI) 2020 on the Socio-political Situation and the realisation of Human Rights in Mali.⁵⁶

5. The Guidelines on Freedom of Association and Assembly of the African Commission on Human and Peoples' Rights adopted at the 60th Ordinary Session held in Niamey, Niger, from 8 to 22 May 2017, following Resolution 319 (LVII) 2015.⁵⁷

⁵³ https://www.achpr.org/fr_sessions/resolutions?id=478

⁵⁴ https://www.achpr.org/fr_sessions/resolutions?id=505

⁵⁵ https://www.achpr.org/fr_sessions/resolutions?id=506

⁵⁶ https://www.achpr.org/fr_sessions/resolutions?id=472

⁵⁷ https://www.achpr.org/public/Document/file/English/guidelines_on_freedom_of_association_and_assembly_in_africa_eng.pdf

CHAPTER III: RECOMMENDATIONS TO THE VARIOUS PARTIES FOR IMPROVING THE PROTECTION OF DEFENDERS IN TIMES OF CRISIS AND OPENING UP CIVIC AND DEMOCRATIC SPACE.


In view of the impact of the measures taken by the authorities to respond to Covid-19 on the fundamental rights and freedoms of defenders, civil society organisations from Burkina Faso, Côte d'Ivoire, Mali, Niger, and Sierra Leone have made recommendations to the State authorities and to the Special Rapporteurs of the United Nations and the ACHPR. These recommendations aim to improve collaboration in crisis response, the opening of civic and democratic space and better protection of the rights of human rights defenders.

I. Civil society organisations' recommendations to State authorities

These are:

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- Take into account at the national and local level human rights aspects in the process of managing various crises and take into account people with reduced mobility;
- Amplify awareness-raising campaigns for the population, including defenders, on the dangers of the spread of COVID-19, particularly in the most remote areas;
- Include and invite civil society/defenders in crisis management committees and in various decision-making meetings related to crisis response;
- Further the efforts of civil society by strengthening the framework for collaboration and exchange with defenders and take their proposals into account;
- Provide financial and logistical support to civil society/defenders in the conduct of their activities and to strengthen their resilience;
- Take into account the denunciations made by civil society organisations/defenders in relation to the non-respect of human rights in times of major crises such as COVID-19;



- Ease measures that restrict fundamental freedoms and the maintenance of civic and democratic space in times of peace and crisis;

- Repair the harm caused to human rights defenders by agents responsible for the implementation of measures taken by the authorities to combat Covid-19;

- Strengthen Crisis Response Watch Committees by including civil society organisations/defenders;

- Release all pre-trial detainees and place at-risk prisoners, such as elderly detainees, minors, or prisoners with pre-existing medical conditions, in appropriate centres;

- Release all human rights defenders arrested as part of the implementation of measures enacted by the authorities;

- Accelerate the legal adoption process for the protection and promotion of the rights of HRDs in Niger and Sierra Leone and ensure the effective legal implementation of the protection of HRDs adopted in Côte d'Ivoire through the establishment of a protection mechanism;


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- Respect the conditions of necessity, proportionality, legality, and non-discrimination under the relevant international, regional and national standards signed and ratified by each country;

- Avoid the use of emergency measures that aim to restrict the work of defenders, such as those adopted in the context of the fight against Covid-19;

- Open humanitarian corridors to facilitate contact with human rights organisations and detainees in times of crisis;

- Guarantee the continuity of the judicial service in order to facilitate the continuity of judicial proceedings and the maintenance of the rule of law.



II. Civil society organisations' recommendations to the UN Special Rapporteurs and the African Commission on Human and Peoples' Rights

1. Urge governments to adopt specific measures that take into account the protection and promotion of defenders' rights and fundamental freedoms in times of health, socio-political, or other crises;
2. Encourage governments to involve human rights defenders in decision-making committees in times of crisis;
3. Urge the governments of Niger and Sierra Leone to accelerate the process of adopting draft laws for the protection and promotion of the rights of human rights defenders and to ensure the implementation of effective protection mechanisms;
4. Encourage the government of Côte d'Ivoire to implement Law no. 2014-388 of 20 June 2014⁵⁸ on the protection and promotion of the rights of human rights defenders and its implementing decree no. 2017-121⁵⁹ through the effective establishment of a protection mechanism;
5. Urge the government of Mali (Law no. 2018-0037 of 12 January 2018⁶⁰) and Burkina Faso (Law no. 039-2017/AN of 27 June 2017⁶¹) to ensure the effectiveness of the law for the protection of human rights defenders, its implementing decree and its protection mechanism;
6. Invite the Malian authorities to take the necessary measures to guarantee the safety of the population as well as the respect and protection of their fundamental rights as guaranteed by the Charter and all relevant mechanisms ratified by Mali as set out in ACHPR Resolution 441 on the socio-political situation and the fulfilment of human rights in Mali⁶²;
7. Urge governments to take the necessary steps for the implementation of ACHPR Resolution 449 (LXVI) 2020 on human rights as a central pillar of a successful response to COVID-19 and recovery from its socio-political impacts⁶³;
8. Encourage governments to provide special protection for women human rights defenders.

⁵⁸ https://ishr.ch/sites/default/files/documents/jo_loi_defenseurs.pdf

⁵⁹ https://ishr.ch/sites/default/files/documents/ci_adopted_decree_2017-121_du_22_feb_2017_promotion_et_protection_des...pdf

⁶⁰ <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/106528/130740/F1253051385/MLI-106528.pdf>

⁶¹ https://lavoixdujuristebf.files.wordpress.com/2018/02/loi_039-2017_defenseurs_droits_humains.pdf

⁶² <https://www.achpr.org/sessions/resolutions?id=472>

⁶³ http://www.achpr.org/fr_sessions/resolutions?id=480

III. Recommendations of the African Commission on Human and Peoples' Rights to the African Union

As part of the management of the Covid-19 crisis, the Commission, in its *ACHPR Resolution 449 (LXVI) 2020 on Human and Peoples' Rights as central pillar of successful response to COVID-19 and recovery from its socio-political impacts*⁶⁴, adopted on 7 August 2020, made recommendations to States but also to the African Union. It urges the AU to:

- continue its exemplary role in promoting multilateralism and regional and international cooperation in the response to the pandemic by launching a continental platform for the partnership to accelerate COVID-19 testing, and strengthen its role in the establishment of a just world characterised by shared responsibility and inclusive, people-centred development;
- establish a follow-up mechanism to implement the communiqués of the meetings of the Bureau of the Assembly of Heads of State and Government of the AU;
- prioritise the identification and support of vaccine development efforts on the African continent;
- define a strategy to ensure that when a vaccine against COVID-19 is discovered, steps are taken to produce and distribute it on the continent;
- take all necessary measures, including through its Peace and Security Council and as provided for in Article 3 (a) & (b) of the Protocol Relating to the Establishment of the Peace and Security Council of the AU, to end or call for a ceasefire of all conflicts on the continent in the face of the threat of the pandemic, and take measures to prevent new tensions resulting from the pandemic from escalating into large-scale conflicts.
- engage collectively with international financial institutions and third-party States to negotiate debt relief and cancellation for African States and facilitate economic support packages for countries with fragile economies, in order to limit the development setbacks caused by the pandemic and enable these countries to regain resilience;

⁶⁴ https://www.achpr.org/fr_sessions/resolutions?id=480

- define mechanisms for joint mobilisation of financial resources, including the development of effective and transparent regulation of the extractive industries sector and illicit financial flows;
- accelerate the adoption of the Protocol on the Right to Social Protection in Africa;
- develop a policy paper and strategy on human and peoples' rights and building back better to provide guidance to Member States on how to build resilience on the basis of human rights, in particular by broadening and prioritising investment in economic and social rights; and
- revise Agenda 2063 to shift the development paradigm underlying the growth landscape from GDP growth to people-centred development, and to integrate the human rights standards and principles of the African Charter into the AFCFTA to ensure that trade, investment, and finance processes promote the transformation of the continent from poverty and inequality reduction to environmentally sustainable and inclusive development. This includes investment and financing processes as tools for reducing poverty and inequality and for achieving environmentally sustainable and inclusive development, and socio-economic transformation for a climate resilient Africa.



CONCLUSION

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The health crisis related to the Covid-19 pandemic, contrary to all expectations, has had a considerable impact on several areas. Fundamental freedoms, human rights and civic and democratic space have been particularly affected. To limit the spread of the virus, the authorities had to undertake many initiatives. Unfortunately, in this response, not all stakeholders were included in the management committees, nor were they consulted in the response process. This has had a considerable impact on the rights of human rights defenders who have either had their fundamental freedoms curtailed or lost their jobs and become unemployed.

Indeed, defenders would have liked to see an approach aimed at involving civil society in all decision-making.

They also regret the lack of consultation with defenders and the lack of consideration of the human rights dimension when designing emergency measures.

This collection of good practices, developed in collaboration with defenders, is a guide which aims to propose strategies to improve the working environment of human rights defenders, and to contribute to the opening of civic and democratic space through the promotion and respect of fundamental freedoms at all times.

It also aims to communicate vital information to all actors involved in the response to a crisis, particularly in relation to human rights and the rights of human rights defenders, in order to reduce certain inequalities and restrictions.

To this end, following the research that led to the production of this document, advocacy actions were carried out with national authorities and mechanisms for the protection of human rights and the rights of defenders by the coalitions of human rights defenders in Burkina Faso, Côte d'Ivoire, Mali, Niger, and Sierra Leone.

These actions have led to commitments by some authorities to re-adjust the measures adopted and reduce their impact on the work of defenders in the future, thereby opening up civic and democratic space.

In addition, many defenders have made a point, through the testimonies below, of sharing the impact of Covid-19, the study on their work, and their expectations of the results of the study that preceded the production of this compendium. For safety reasons, the names of the defenders have been changed.

• Testimony from defenders on their expectations of the study and on the management of Covid-19.

R.B: «Civil society organisations have been experiencing changes linked to the COVID-19 virus since 2020. These changes create multiple challenges for the human rights defenders I work with. My expectations are enormous: the reduction of pressure on traditional methods of working and programme implementation; consulting human rights defenders before the implementation of certain decisions; our States must provide support for CSOs to avoid the abrupt cessation of their activities; improving the quality of communication channels such as the internet to facilitate our work; involving various human rights defenders in the different frameworks of consultation against COVID-19; human rights defenders are more exposed to this pandemic, and for this reason, it is necessary to work with them in order to make a success of their mission.»

Pl.K: «...However, it should be noted that in the process of setting up these committees, specific groups, such as people with disabilities, have felt discriminated against and left to fend for themselves. Indeed, awareness-raising did not take into account people with disabilities because the audio-visual messages were not translated into sign language for those with a hearing impairment, and did not also show what those using canes or wheelchairs should do, since they use their hands to activate their means of travel; therefore, the committees set up by the authorities have not involved and integrated people with disabilities. All of these are serious violations of the rights of people with disabilities. For the future, we call on the State to effectively include people with disabilities in all its actions and decision-making.»

ME.M: «The main purpose of the study is to identify the impact of COVID-19 on human rights defenders. In view of this, I can assure you that it has allowed us to learn not only about the measures taken as a whole by the authorities but also about the myriad responses developed by civil society actors. I have come to understand the resilience and adaptability of human rights defenders and their ingenuity in ensuring that rights are for all, without exclusions. I was able to identify the shortcomings on both sides.»

MT.G: «The study on the impact of COVID-19 was useful. It gave me a better understanding of the impact of COVID-19 on the work we do. I think it's a good thing to conduct it. It shows all the failings of the State and its deficits in collaboration with civil society. It has personally strengthened me a lot in terms of deepening my understanding of the measures enacted by the authorities and taking ownership of the various actions carried out by human rights defenders.»

O.A: «This project is timely in that we have been able to identify the challenges we face on a daily basis and have been able to advocate with decision-makers [...]. We believe that this advocacy should continue until relevant results are achieved...»

A.M: «I acknowledge that the project: Impact of State measures to stop Covid-19 on the work of human rights defenders in West Africa..., that after CODDHD's advocacy for the mitigation of the impacts of the measures enacted by the authorities, significant results have been observed. These include taking into account the concerns of human rights defenders in the management of new measures relating to the resurgence of the COVID-19 pandemic in Niger.»

A.K: «Personally, the project made me really aware of the restrictions linked to the measures taken by the Ivorian government to combat the spread of the Covid-19 pandemic. Advocacy was very important as some of the provisions are restrictive and increase the challenges faced by HRDs, for example the fees for the Covid-19 test and its validity period.»

D.K: «I note first of all the availability of the authorities to host us and above all their willingness to listen to us and to our grievances. I also welcome the willingness of the authorities to take into account our criticisms»

A.N: «I attest to the interest that the authorities have shown in respect of human rights in the management of COVID-19 following the advocacy activities conducted by CODDHD between 2020-2021 in Niger as part of the project: Impact of State measures to stop Covid-19 on the work of human rights defenders in West Africa...»



This summary of good practices
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COALITION JORDAINE DES DÉFENSEURS DES DROITS HUMAINS
JORDAN COALITION OF HUMAN RIGHTS DEFENDERS

