



Unseen, unheard: Impact of Covid-19 Measures on Civil and Political Rights in Nine Countries

Bolivia, Brazil, Ghana, Guatemala, Nepal, Nigeria, Tanzania, Uganda, and Zimbabwe.

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1. Executive summary

The Covid-19 pandemic has restricted civil and political rights in the interest of protecting the health of citizens. Initially the responses of the state did not receive much criticism as fear gripped the world in early 2020. However, as time unfolded, a clear pattern of constricting civic space has emerged.

In countries where civic space was already under threat – countries such as Guatemala, Zimbabwe, Uganda, Tanzania – pandemic regulations have worsened the situation for civil society organizations (CSOs) and human rights defenders, particularly women.

Declarations of states of emergency, whether for health or security reasons, have clear guidance in international law² where states have an obligation to ensure that any emergency responses are proportionate, necessary, time-bound, and non-discriminatory. ActionAid research has revealed that some emergency measures taken by the governments of the nine countries in this study to curb the pandemic are, in fact, discriminatory. There is evidence that authoritarian governments are taking advantage of the pandemic to persecute activists and leaders of youth movements. Indeed, emergency measures risk being misused to impose unjustified restrictions on civil society, to target minorities, human rights defenders and journalists, and to facilitate authoritarian power grabs.

In addition to misuse and overreach of Covid-19 regulations, some legal provisions such as State of Emergencies and Public Health Acts that were adopted by states to respond to Covid-19 have no expiry date.

On the right and ability to exercise **freedom of expression**, a difficult environment persists. Journalists are suffering attacks and killings by state actors such as police and military personnel, and media houses are coming under pressure from the economic effects of the pandemic and government censorship. Responses from countries surveyed for this report show that, beyond genuine concerns about how to address fake news, governments have sought to label criticism of their action or inaction as fake news. In some countries, the right to access information on the pandemic improved but many registered a regression. The right to privacy has also been violated as some governments use data gathered from mobile phone companies to track and trace Covid-19 without following information protocols to ensure that data is protected and only accessed for Covid-19 purposes.

On **freedom of association**, CSOs reported problems in adapting to the new working environment. Rigid donors hindered them from adapting to the operational difficulties in their communities created by lockdown regulations. Working online was also difficult as some CSOs had no information technology hardware and the cost of data was an expense their programmes could not support. Trade unions were put in a particularly difficult position because of the clampdown on gatherings especially by the police. As a result, their primary activities of mobilising workers and protecting workers rights could not be carried out.

The **freedom to peacefully assemble** is inextricably linked to the freedom of movement. With the lockdown regulations, the freedom of movement was taken away for long periods of time. An alarming trend was the selective application of limitations on freedom of assembly in countries. This included ruling parties receiving favouritism from the police to gather freely during election periods while excessive force was used by police to stop gatherings of opposition parties.

To effectively implement public health campaigns and to manage the pandemic, civic space **and right to information** is required for citizens to trust the government and adhere

to regulations. Shrinking civic space led to mistrust and non-adherence, defeating any well-intentioned policies. Due care must be taken not to create other pandemics during the Covid-19 pandemic such as a pandemic of violence against women,³ or infodemic⁴— a poisoning of the information ecosystem with disinformation and misinformation that ultimately leads to chaos.

On the rule of law and protection of human rights defenders, human rights defenders faced difficulties in accessing legal assistance or continuing with their work. While some braved the new environment to continue, others retreated. Women also faced an increase in gender-based violence exacerbated by the lockdowns, with little support from the state.

A common theme in all surveyed countries was the negative effects on the **economic and social rights** of women and young people. Young people tend to be employed in the informal sector owing to growing unemployment, and lockdown measures have disproportionately affected informal work. Young people of school going age were also affected as schools were closed, meaning disadvantaged youths with no access to online learning missed out at least one academic year of study. Gendered roles meant that women were faced with increased care and domestic due to closure of schools. Healthcare facilities also turned their attention to the pandemic and in many cases did not cater for other key services such as sexual and reproductive rights.

Key recommendations

Recommendations to multilateral institutions

- Devise ways for CSOs to participate in multilateral meetings taking into considerations the digital divide.
- Use the Covid-19 pandemic as an impetus to accelerate progress on the Sustainable Development Goals (SDGs).
- Encourage governments to develop gender-sensitive responses to Covid-19.

Recommendations to governments

- Take an intersectional and disaggregated approach to Covid-19 policy adaptation based on gender, age, class, sexual orientation, identity and ability, physical abilities; LGBTIQ+; indigenous peoples; internally displaced persons; and non-nationals, including refugees, asylum seekers, migrant workers, children, rural/urban dwellers, and any other minorities.
- Government should consult widely with stakeholders to ensure measures put in place do not infringe on the rights of the citizens that they are meant to protect. This consultation should be inclusive and must include meaningful dialogue with citizens about how restrictions will affect them.
- Government should consider tackling the pandemic as matter of public health rather than a private or individual matter.
- Government should not use excuses such as the damaging impact of lockdown measures to the economy to deny the existence and seriousness of the pandemic.
- Governments should adopt and follow the WHO guidance⁵ on vaccines, social protection, hygiene measures etc.
- Governments should take measures to prevent violence against women including funding enough and appropriate shelters, in cooperation with non-governmental organizations that have experience in protecting women from violence.
- Ensure restrictions on freedom of movement do not impede on access to sexual and reproductive health and rights for women.
- Avoid military deployments and violent repression in addressing pandemics but rather use open public communication.

- States to uphold freedom of association in the workplace including the right to form trade unions. Protect employees from unfair dismissal for demanding for protection and safety at the workplace or dismissal of trade union leaders and labour rights defenders.
- State surveillance and data collection activities must be transparent, in accordance with law, and be proportionate to legitimate public health objectives.
- Investigate allegations of attacks on journalists and human rights defenders during the lockdown and bring perpetrators to justice through fair trials.
- States to allow civil society actors to continue their work during the Covid-19 pandemic, including through permitting their freedom of movement. States to “ensure the right to freedom of association is fully respected, including by registering associations without constraint and by ensuring that civil society organizations are able to conduct advocacy freely.”⁶
- Include civil society groups, human rights defenders and faith-based groups and others in humanitarian responses to the pandemic.
- Provide relief funds to CSOs and the informal sector rather than just private and public sectors.
- Waive some statutory obligations on CSOs (compliances such as annual fees, seeking for financial approval and other operational permits) during the pandemic as CSOs face fund limitations from their traditional donors.
- Pardon all HRDs arrested for exercising the right to peaceful protest during lockdowns.
- Invest in gender-sensitive social protection to cushion the most vulnerable from the impact of Covid-19 pandemic and measures put in place to manage it.
- Invest in training/reorientation of law enforcement agents to ensure that they desist from arbitrary arrests as well as confiscation of citizens’ property.
- Strengthen data centres and dissemination of information to citizens.
- Broaden definitions of essential services to include complementary services such as legal aid and media.
- Ensure that the right to participate in electoral processes is guaranteed for all where elections are planned to be held during the pandemic.
- Approve and implement public policies for protection of human rights defenders.
- Protect the human rights of persons under quarantine including their right to freedom of expression.

Recommendations to CSOs

- Use insights from the Covid-19 response to re-evaluate organisational resilience and put in place measures to protect the organisation if another pandemic occurs. For instance, strengthening community-based champions with better access to communities.
- Where possible, CSOs should adapt programmes to respond to Covid-19 and strengthen capacity to respond to challenges faced by women and young people due to Covid-19.
- Hold the government to account on the use of Covid-19 funds.

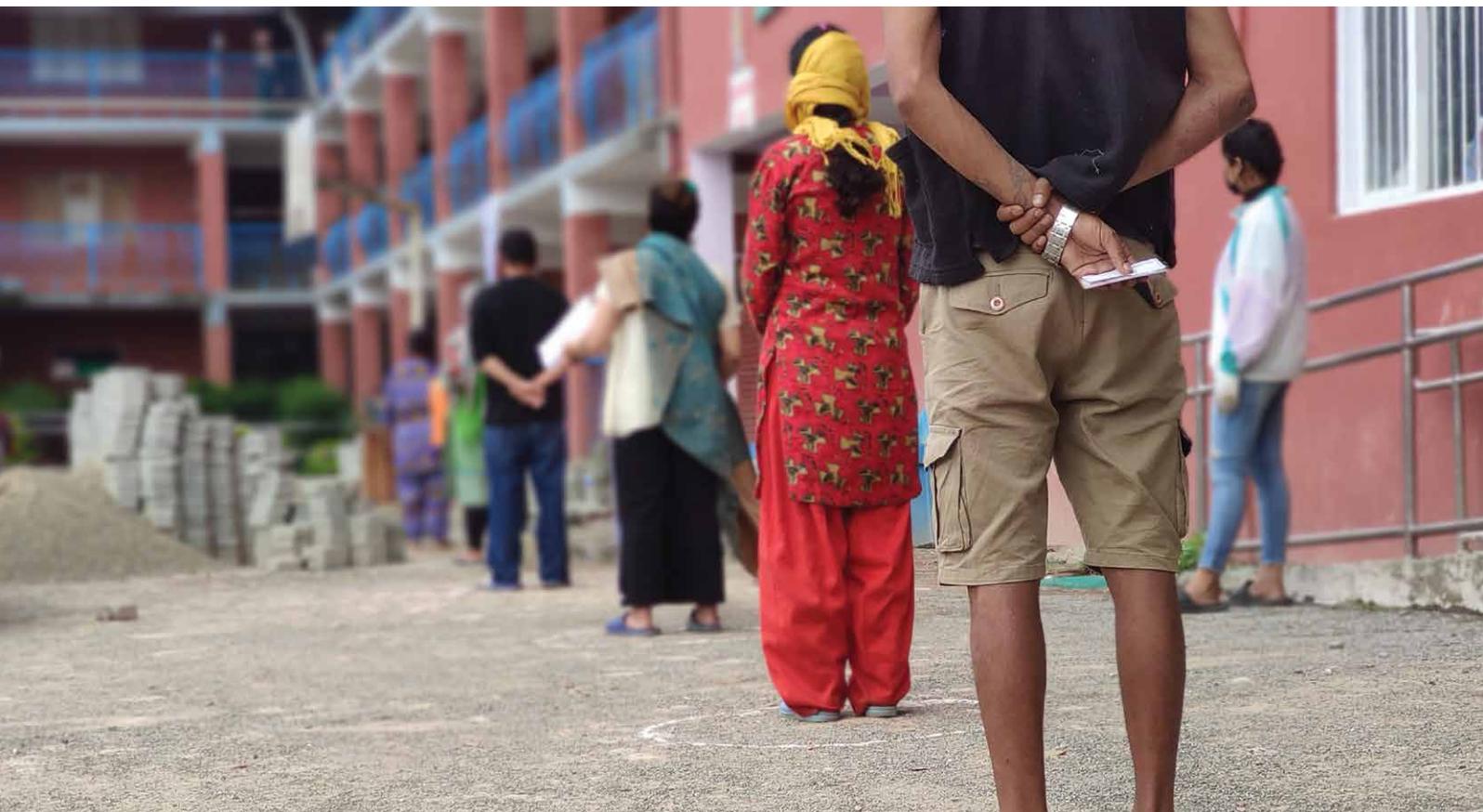
Recommendations to donors

- Development partners to allow budget flexibility to allow CSOs to respond to Covid-19; facilitate CSOs to work online including purchase of information and communication technologies, cost of data and digital literacy; and set aside rapid response funds to assist CSOs and HRDs to enhance their safety and security, including litigation if taken to court.
- Establish funds for disaster mitigation in the budgets of locals CSOs working on civil and political rights, including defence funds to assist with litigation if taken to court.
- Facilitate CSOs to work online including purchase of technologies, cost of data and digital literacy.
- Development partners to invest in civil society to be better prepared to foresee and to resist attacks and threats to civic space.

2. Methodology

This research applied a qualitative research method. The research began with a review of the legal, policy and other measures taken by each government to manage Covid-19 and their impact on civil and political rights. The second stage entailed conducting interviews and documenting case studies from those adversely impacted by the measures. Respondents were mostly drawn from the partners and CSOs ActionAid is working with, including women, marginalised groups such as LGBTQ+ persons, persons living in rural areas, young people, people from slum areas and people working in informal sectors. Research templates were developed to guide participating countries in the collection of data (see Annexes 1-5). The sample included forty-four (44) respondents interviewed by the researchers in person or online in the nine participating countries. The discussions focussed on findings of the initial review that looked at the legal measures adopted by countries in response to the pandemic. Legal changes were discussed including on the freedom of assembly, freedom of association and freedom of expression as well as the effects of measures and laws on women and the young people.

Restrictions on movement due to Covid-19 limited the collection of case studies. Interviews were carried out online or on the phone. Although this was convenient and allowed the research to proceed under strict lockdown regulations, from a research perspective it means the nuances that can be recorded in face-to-face physical interviews were limited. The research focused on marginalised groups in society who do not always have easy access to technology and data, often making them harder to access. The nature of the virus itself in terms of mutations and new knowledge being scientifically unearthed meant the responses to the pandemic by various actors changed often forcing the research to continue evolving.



3. Introduction

As the UN Commissioner for Human Rights observes:

“Granting space to civil society is not optional. International human rights law places an obligation on states to respect rights and freedoms that are indispensable for civil society to develop and operate, including the freedoms of expression, peaceful assembly and association and the right to participate in public affairs. International law also protects the lives, liberty, physical integrity, and privacy of civil society actors from arbitrary State interference.”⁷

Civic space conditions around the world remain highly challenging. Even before the full force of the pandemic hit, the [CIVICUS Monitor](#) reported that only 3% of the world’s population live in countries where the core civic freedoms of association, peaceful assembly and expression are adequately protected. Suspending some civil liberties in the context of Covid-19 may be necessary to slow the spread of the virus. At national levels, extraordinary measures are being taken by most governments to respond to Covid-19.

However, declarations of states of emergency, whether for health or security reasons, have clear guidance in international law⁸ where states have an obligation to ensure that any emergency responses are proportionate, necessary, time-bound, and non-discriminatory. Every limitation imposed should also be subject to the possibility of challenge and remedy against its abusive application.⁹ Full respect for human rights is essential at all stages of the crisis and should not be seen as a luxury that can only be afforded once the threat for public health has been minimised.¹⁰

However, Covid-19 is providing cover for authoritarian regimes to further close civic space as they expand emergency powers, institute regimes of surveillance and attack activists and movements while refusing to provide relief to those who are facing immediate and long-term social and economic impacts of the pandemic. In some countries, lockdowns have resulted in limitations in access to justice as criminal justice systems are closed or their operations shrunk, leaving activists and movements without recourse. Reduced civic space prevents excluded groups from shaping economic, political, and social policies and outcomes that can drive protection of human rights, gender equality, redistributive development, and progressive transformation during and after the pandemic. This is to the detriment of people living in poverty and exclusion including: women, young people, persons with disabilities; LGBTQIA+ people; members of minority groups; indigenous peoples; internally displaced persons; and non-nationals, including refugees, asylum seekers and migrant workers. What we really need is to build forward better.

ActionAid’s Global Strategy: *Strategy 2028: Action for Global Justice* notes that, “despite significant advancements in international commitments and national legislation, human rights are under attack in many countries where we work and in some, dissenting voices are being silenced, persecuted, jailed, and even killed”. ActionAid will work with rights holders and human rights defenders to enlarge democratic space, so that all people have freedom to organise. We believe that every person has the right to participate in decision-making that affects them and we will step up efforts aimed at enhancing democracy through participation of excluded individuals and groups in decision-making.¹¹ The pandemic should not be an excuse for the indefinite suspension of hard-won civil and political rights of people living in poverty and exclusion, civil society organizations and individual HRDs and movements.

For this reason, ActionAid's Civic Participation Working Group embarked on a process to track what is happening in nine countries with a view to documenting and sharing good and bad practices in the short and medium term. Included throughout this report are the experiences of people, organizations, activists, and human rights defenders struggling to protect civil and political rights, so that they can keep working towards a world where everyone enjoys their rights. The report highlights perspectives from diverse situations and illustrates how Covid-19 measures in nine countries are undermining civic space and negatively impacting people living in poverty as well as providing insights on what needs to change. It seeks to:

- track and document good and bad practices in addressing the Covid-19 pandemic and the impact on civil, political rights, economic and social rights in Brazil, Bolivia, Ghana, Guatemala, Nigeria, Tanzania, Uganda, Tanzania, and Zimbabwe.
- ensure that the pandemic does not become an excuse for the indefinite suspension of hard-won human rights particularly for women and young people.
- inform advocacy to hold states accountable for protecting human rights during and post-pandemic at a national level.



Hussaina Dahiru, a recipient of the relief packages distributed in Gwalada community, Nigeria. Etinosa Yvonne/ActionAid

4. Impact of Covid-19 Measures on Civil and Political Rights

Prior to the Covid-19 pandemic the world was already facing multiple and interlinked crises including climate crisis, economic crisis, a crisis of democracy, gender injustice, conflict, and militarisation. Democracy was under attack as governments, political and economic elites increasingly suppress dissenting voices and undermine political and civil rights. The Covid-19 pandemic has accelerated and further exposed systematic campaigns of misinformation, manipulation, attacks on human rights movements and shrinking access to information by controlling the democratic processes and institutions. Increasingly, the ability of CSOs to operate and/or access funds is declining rapidly. Activists are also being targeted by corporates and conservative groups to block activism on human rights and accountability, including on Covid-19 measures and spending.¹²

Civil and political rights enable people to participate in the civil and political life of society and state without discrimination or repression. Civil and political rights are extensively supported in global frameworks, including the United Nations International Covenant on Civil and Political Rights¹³ (ICCPR) and the Universal Declaration of Human Rights¹⁴ (UDHR). States are obligated to ensure citizens, civil society organisations and people's movements can engage politically, demand accountability from government, corporations, other non-state actors and to play a substantial role in shaping economic, political, and social policies and outcomes.

Suspending civil liberties, including freedoms of movement, assembly, and association, in the context of Covid-19 may be legitimate to slow the spread of Covid-19 but states have an obligation to ensure that emergency measures are proportionate to evaluated risk. Every limitation imposed should also be subject to the possibility of challenge and remedy against its abusive application.¹⁵

Civic and political rights incorporate three key freedoms: freedom of association (which includes CSO autonomy); freedom of peaceful assembly and freedom of expression (which includes the right to access information).¹⁶ Underlying these three freedoms is rule of law, respect for human rights and protection of human rights defenders (HRDs). This report documents how some Covid-19 measures have violated critical elements of civil and political rights in the nine countries covered.

The nine countries adopted Covid-19 measures that affected civil and political rights ranging from Declarations of State of Emergencies; Public Health Statutory Instruments; Public Health Acts; Presidential Decrees to Natural Disaster Acts. States are permitted to derogate from certain human rights obligations during an emergency but must clearly set out what obligations they will not uphold, why and for how long.¹⁷ Any restrictions on human rights during a state of emergency must be: provided for and carried out in accordance with the law; directed toward a legitimate objective, such as public health; strictly necessary to achieve the objective; the least intrusive and restrictive option available to reach the objective (i.e. proportionate); neither arbitrary nor discriminatory in application; and of limited duration and subject to review.¹⁸ Emergency laws and policies must be open to judicial scrutiny and parliamentary oversights and should include provisions ('sunset clauses') to end after a certain period or require review and renewal by parliament.

Sadly, the enforcement of these measures in the nine countries reviewed has been excessive, resulting in violation of rights. In some cases, national laws were blatantly ignored in enforcing Covid-19 regulations. For example, in Uganda the Covid-19 restrictions did not consider important constitutional provisions. Under Uganda's Constitution a part of the

Constitution can only be suspended under a state of emergency made under Article 110 and 43 of the Constitution.¹⁹ However, the regulations suspended several constitutionally guaranteed rights like freedom of movement, assembly, association, without the declaration of a state of emergency.

Evidence collected by civil society shows governments are increasingly misusing the pandemic to flex their muscles against dissenting voices in already difficult contexts for civic space. For example, Guatemala declared a State of Siege in Santa Lucía Atitlán, Santa Catarina Ixtahuacán and Nahualá,²⁰ whose inhabitants are engaged in a long-standing territorial conflict.²¹ This decree includes the power to detain and interrogate people without a warrant.

“It (the government) has sent a very bad message to have the capacity to deploy hundreds of police and military personnel, most without any protection measures on peasant communities, while not even one doctor or nurse has arrived there to care and respond to the pandemic.” – Jorge Santos, Unit for Human Rights Defenders, Guatemala.

While it is evident from the findings in the nine countries that in some cases, civil and political rights were suspended to reduce the spread of the virus, for others the aim was spreading disinformation. For example, until 2021 Tanzania’s government denied the existence of Covid-19- in the country, and severely clamped down on civil and political rights to subdue dissenting voices.

Widespread accusations of state corruption and lack of transparency were reported in most of the countries surveyed. For instance, some legislation adopted to combat Covid-19 allowed the government to make exceptional procurement without following procedures established by law.

In Brazil, declarations of emergency and/or public calamity allowed the government to surpass budget and debt restrictions imposed by the Federal Fiscal Responsibility Act 2000,²² giving the government more flexibility to invest in programs and infrastructure dedicated to combat Covid-19. Cases of corruption linked to purchase of protective clothing, provision of food and educational equipment were also reported in countries such as Zimbabwe. As the stories broke and citizens demanded answers from the state, a journalist in Zimbabwe was arrested for exposing corruption on tenders for Covid-19 procurement in the Ministry of Health.²³

“On the part of the state, information relating to donations and how state resources were being spent was not made public. Donations were listed by the government for some time and then stopped. This left citizens in the dark.” – An activist in Uganda, speaking on lack of transparency around Covid-19 donations.

The following section highlights findings on the impact of Covid-19 measures on three key fundamental freedoms that constitute civil and political rights: freedoms of assembly and movement, freedom of association, and freedom of expression and right to information. In addition, the section highlights the impact of the same Covid-19 measures on the rule of law, respect for human rights and protection of human rights defenders (HRDs).

4.1 Freedoms of Peaceful Assembly and Movement

To curtail the spread of the pandemic, countries adopted new laws and policies. For example, in March 2020, Nigeria adopted a bill on infectious diseases²⁴ that restricted movement. Lockdowns, quarantines, and travel bans restricted the right to freedom of movement on the grounds of public health. Bolivia's Supreme Decree (DS) 4179 (12/03/20) declared a national health emergency and Supreme Decree (DS) 4196 established a nationwide quarantine providing for border closures, banning domestic travel, suspension of non-essential activities and mobility, confinement of the population, and a partial curfew (5 p.m. to 5 a.m.).²⁵

Such restrictions must meet the triple test of legality, legitimacy and necessity enshrined in international law. Quarantines and lockdowns must not be discriminatory in their application. Open-ended lockdowns and blanket bans on travel are unlikely to be considered necessary or proportionate to achieving the aim of slowing the spread of Covid-19.²⁶ Mandatory quarantines, where a person cannot leave their home or place of work for any reason, go beyond a restriction on movement and constitute deprivation of liberty, which requires states to observe certain safeguards.²⁷ These safeguards include the right to be informed about the reasons for detention and their rights and obligations under law, the right to independent legal counsel, and the right to bring proceedings before court to challenge the lawfulness and arbitrariness of the deprivation of liberty.

Peaceful assembly, in countries covered, was criminalised through quarantines, travel bans, curfews, lockdowns such as those deployed in Nigeria, Guatemala, Nepal and Ghana. This study assesses if measures to limit this freedom were necessary, proportionate, non-discriminatory and in compliance with international human rights law and national laws. The study also looks at how the state responded in cases where people exercised their right to protest during the lockdowns as well as the level of force used by the state to disperse gatherings.

Freedom of Movement

In the nine countries surveyed, various legal instruments were used to restrict freedom of movement. In Brazil, over the months of March and April 2020, all of Brazil's 26 states and the federal district (Brasília) adopted executive orders and legislation, often declaring a temporary state of public emergency or calamity, and adopting comprehensive social distancing measures such as the closure of schools, shops, beaches and parks, restrictions on public transport, and the recommendation that people stay at home.²⁸ This was a difficult but positive measure to protect the population from the pandemic, despite Brazil's Federal Government denying the existence of Covid-19. It was also temporary in line with international human rights standards.

In **Bolivia**, a package of Supreme Decrees (DS) was adopted to respond to Covid-19 (DS. 4179, 4196 and 4229), which limit freedom of movement and prohibit any type of meeting.²⁹

In **Ghana**, section 169 of the Public Health Act, 2012 (Act 851), which allows the health minister to declare a health emergency and gives powers to the government to act and infringe the freedom of movement was invoked as a measure to contain Covid-19. In April 2020, the Head of Prosecutions for Accra Region, Assistant Commissioner of Police (ACP) Lydia Donkor revealed that the police had arrested a total of 406 persons who flouted guidelines on the restrictions imposed on the movement of people and social gatherings by the President. According to her, while 103 of them were in custody, 248 had been granted bail.^{30,31}

“My name is Melusi [pseudonym]. I am 22 years old. I live in Makokoba. I sell phone cables, earphones, and other accessories in town. I used to buy these in South African and in Botswana before the lockdown. When Covid came everything happened so fast. First it was something happening in China, but information soon showed that it was spreading quickly. The lockdowns started and here it was introduced quickly. We were not told about how the lockdown would look like. The business that I was doing did not have enough capital, so I did not have enough savings to stock-up as was being advised by the government. Things got desperate even at home because I also take care of my young brother and sister. I could not go anywhere because I did not have a letter. We sometimes tried to sneak into the city centre to try and sell our wares. The police would harass us and confiscate our wares. Even when your wares have been confiscated you wouldn't get them back even after paying a fine.” – Anonymous young person in Zimbabwe.

In a bid to control the spread of the pandemic in the nine countries, the freedom of movement was severely curbed resulting in severe abuse of rights. The enforcement of the limitations on freedom of movement were characterised by deployment of uniformed forces including military personnel.

In **Nigeria**, while essential workers and transportation of essential goods and services were exempted in the ban on movement, no measures were put in place to ensure police officers and other law enforcement agencies did not undermine it as they enforced lockdown. Reports of extortion and abuse by security agents were rife.³² Journalists and health workers were targeted and some were reportedly arrested and detained.³³ Limitations on the right of movement meant that journalists were not able to carry out their work without fear or intimidation by the police and the army.

In Nigeria, informal traders depend on freedom of movement for their livelihoods since many cannot sell their wares online. Without social safety nets to support informal traders, their movement becomes a decision of life or death based on the need to earn income. In Nigeria, this included killings of alleged violators of the lockdowns by policemen and soldiers,³⁴ demolition of buildings by government officials over alleged breach of lockdown rules³⁵ and incarceration without court orders in places where physical distancing was impossible.³⁶ The Nigeria National Human Rights Commission raised concerns about the high numbers of killings by law enforcement agents supposedly enforcing the lockdown imposed across states in Nigeria in the wake of the outbreak of Covid-19 pandemic, and the disturbing revelation that more citizens were killed by law enforcement excesses and brutality than died from the virus. Cases of killings, particularly by the police, have increased.³⁷

In perhaps the most surprising of contradictions, the alleged violators of movement rules were detained and put in forced quarantine in crowded facilities with other defaulters; thereby exposing them to a high risk of contracting Covid-19.³⁸

In **Zimbabwe**, journalists and the Media Institute of Southern Africa sued the police for journalists to be declared an essential service because the police insisted that only the state broadcaster was an essential service.³⁹ The police had been harassing journalists at checkpoints violating their freedom of movement. The journalists won the case but reports of state actors violating journalists' freedom of movement continued.

Freedom of Peaceful Assembly

“During lockdown no assemblies such as demonstrations were allowed. This continued even after lockdown. The state is using Covid-19 restrictions to curtail any form of dissent. One can say Covid-19 restrictions have replaced the Public Order Management Act (POMA) which was previously used to limit freedom of association.” – Anthony Masake, Programs Assistant at Chapter Four Uganda.

In the countries reviewed, those exercising the right to peaceful protest were not spared. Those who braved the restrictions and assembled were often met with the full might of the police and the army including unlawful detention. For example, on 27 April 2020, the Nigerian police arrested 51 demonstrators following a protest by aggrieved youths in Ibeju-Lekki area of Lagos over the implementation of Covid-19 lockdown measures in the area.⁴⁰

In **Ghana**, following the murder of American citizen George Floyd in May 2020, anti-racism activists held a solidarity protest on 15 June 2020. This was met with excessive force with shots being fired at protestors by the police who argued that the protest leader had not notified authorities.⁴¹ The protestors were unable to present their petition on the **Black Lives Matter** campaign. The police charged the leader of that protest under the Ghana's Public Order Act and fined him GHC 100,000 (\$17,301). However, the leader insisted that he followed due process and had notified the police of intention to demonstrate as required by law. Further, police are required by law to secure a court injunction if they plan to stop or break up such a gathering and are not permitted to use force.⁴²

In Uganda, activists protesting the attack on Bugoma forest were arrested in Hoima for attempting to hold a peaceful procession against the alleged government seizure of forest and land. Some journalists who had turned up to cover the protest were also arrested.⁴³ Uganda enacted the Public Health (Control of Covid-19) Act 2020 that restricts all forms of public gathering.⁴⁴ In **Brazil**, whose government has been increasingly suppressing the freedom to assemble in recent years, the pandemic was used as a cover to disrupt protests that oppose the government. The federal government approved a declaration of state of emergencies on February 4, 2020. On March 31, 2020, a public demonstration took place against President Bolsonaro's presidency. It was dispersed violently.⁴⁵ That same day, another protest, triggered by the death of a 14-year old black boy during a police operation,⁴⁶ took place in Rio de Janeiro against the genocide of Black people allegedly perpetrated by the state.⁴⁷ This protest was also violently repressed. Recent reports show that 75 per cent of people killed by the police in Brazil in 2019 were Black.⁴⁸ President Bolsonaro reiterated former President Trump's pronouncement, threatening to treat antiracist demonstrators as “terrorists”.⁴⁹

Repression of freedom of assembly in Brazil was carried out in a discriminatory manner with gatherings in support of President Bolsonaro held without repression by the police. Bolsonaro himself even joined some of these demonstrations, urging supporters to protest the legislature and the judiciary which act against his interests.⁵⁰ Amidst the controversy over his perceived lack of action on the pandemic Bolsonaro showed up at demonstrations without wearing a mask or observing social distancing rules.⁵¹

In **Nigeria**, many NGOs and activists stopped exercising their right to peaceful assembly during the pandemic out of fear of reprisals. Vision Spring Initiatives, a not-for-profit human rights organisation explained that:

“Following widespread reports of gender-based violence during the lockdown, there was a plan by feminist and women groups to stage a public protest. However, this protest could not happen because of the government ban on large gatherings.”
– Interview conducted by ActionAid Nigeria.

In many of the countries surveyed, unions representing healthcare workers reported violations of freedom of peaceful assembly. In **Zimbabwe**, in May 2020, charges were levelled against 13 nurses for allegedly contravening lockdown regulations by organising protests to demand better wages and working conditions. Nurses were arrested at the Sally Mugabe Hospital. Two of them paid admission of guilt fines whilst eleven were released on \$15 bail. Jacob Ngarivhume, an opposition leader, was charged of inciting violence, after he called for protests on July 31, 2020 against corruption and the government’s mishandling of the economy.⁵²

It was not only healthcare workers’ unions who took strike action. On 9 May, the Maritime Workers Union of Nigeria (MWUN) threatened to embark on a nationwide strike over the arrest and detention of its members for violating Covid-19 lockdown rules, despite being classified as essential workers. The planned strike was later suspended on 14 May after detained members were released.⁵³

For countries that were scheduled to hold elections during 2020, violations of freedom of assembly were reported. Misuse of Covid-19 regulations were used to stifle campaigns of opposition parties while allowing campaigning space for ruling parties. For instance, **Uganda** was scheduled to conduct national elections in 2021. However, selective application of the law resulted in discrimination where ruling party actors were allowed to conduct political rallies and primary elections while opposition political parties were repressed. For example, assemblies held by ruling NRM Minister of Health Ruth Aceng⁵⁴ and State Minister of Finance Evelyn Anite⁵⁵ were allowed to continue, opposition MPs like Semujju Nganda and Francis Zaake were arrested for holding similar meetings.⁵⁶

“Disparities in application of the laws on freedom of assembly was problematic. Whereas I could not be allowed to wed with more than 10 people in attendance, political leaders were allowed to have over 100 at rallies.” – An anonymous activist in Uganda.

Recommendations

- a. States to ensure police and security forces must not abuse or exceed their powers and must not use excessive force which enforcing Covid-19 restrictions.⁵⁷
- b. States to ensure any penalties for violating restrictions on movement during the Covid-19 pandemic are reasonable and proportionate to the violation. Breaking a curfew, or any restriction on freedom of movement, cannot justify excessive use of force by the police; under no circumstances should it lead to the use of lethal force.⁵⁸
- c. States to ensure any restrictions on protests on public health grounds must meet the triple test of legality, legitimacy, and necessity.
- d. States to invest in training/re-orientation of law enforcement agents to ensure that they desist from arbitrary arrests as well as confiscation of citizens’ property.

- e. States to adopt a rights-respecting response to Covid-19 to allow protest as a permitted reason to leave home during a lockdown but may require protestors to observe social distancing rules. While Covid-19 might be a legitimate reason to impose certain requirements on protests, a blanket ban on protesting is unlikely to be proportionate.⁵⁹ Socially distanced protests, including car convoys and sit-down demonstrations, have occurred during the Covid-19 pandemic. For example, in April 2020, people in Lebanon took part in a car convoy from central Beirut to the location where parliament was convening to protest the ongoing economic crisis in a socially distanced manner.⁶⁰
- f. States to avoid military deployments and use of force in enforcement of lockdowns but rather use public communication.
- g. States to broaden definitions of essential services to include complementary services such as lawyers, journalists, and human rights defenders.
- h. States to ensure that the right to participate in electoral processes is guaranteed for all where elections are being planned in a pandemic.
- i. States to enact and enforce policies for protection of human rights defenders, including during pandemics.



Covid-19 awareness, preparedness and prevention activities, Ghana
Geoffrey Buta/ActionAid

4.2 Freedom of Association

Freedom of association is one of the most basic rights enjoyed by humans. It ensures that every individual is free to organise and to form and participate in groups, either formally or informally. States have an obligation to ensure that people are free to form and participate in associations of any type and to engage independently in any legal and lawful activity. This includes being able to seek and receive resources, to organise and to peacefully promote and protect human rights.⁶¹

Many countries have used digital surveillance and personal data collection to monitor and contain Covid-19, with negative effects on privacy, freedom of expression and freedom of association. Any surveillance and data collection activities must be transparent, in accordance with the law, and be necessary and proportionate to legitimate public health objectives.

In this section, the study considers freedom of association by looking at the impact of Covid-19 measures on the work of civil society organisations including vital humanitarian operations. This includes the ability of CSOs to continue with their work in the face of measures adopted; the effects of the pandemic on NGOs capacity; their adaptation to new ways of working and their ability to fulfil their mandate.

Project Implementation and Operational Difficulty

Countries reported restrictions on freedom of association which resulted in serious repercussions for CSOs. For example, in **Nepal**, on April 3, 2020, the Department of Environment and Disaster Management of the Ministry of Federal Affairs and General Administration asked local governments to avoid duplication in relief distribution and asked them to follow a “one-door policy” while distributing relief assistance provided by individuals, organizations and NGOs. However, these arrangements were not effectively implemented. As a result, the reports of duplication and deprivation of relief distribution were common in the media reports, affecting NGOs from operating effectively.

“In Nigeria planned projects by CSOs were cancelled and money returned to donors due to inability to implement programs. Several sexual and reproductive health and rights services offered by CSOs that got low budgetary allocation prior to the pandemic were further jeopardized by the outbreak of the Covid-19 pandemic.”
– Ngozi Nwosu Juba, Executive Director of Vision Spring Initiatives, a human rights NGO in Nigeria.

Many CSOs attempted to shift focus from their usual work to respond to Covid-19. In **Tanzania**, 200 local CSOs combined efforts under the CSOs Directors Forum to identify key roles in responding to the pandemic. Despite their well-meaning efforts, their impact was limited by budgetary constraints, low capacity, and a difficult operating environment. The state denied the existence of Covid-19 in Tanzania, meaning local CSOs struggled to operate in fear of challenging the state while bigger international NGOs (INGOs) were less affected.

“Local CSOs were not prepared to face disasters. They did not have contingency plans to ensure continuity of operations like international non-governmental organisations (INGOs). INGOs have sufficient budgets and business continuity plans. This is not the case for local CSOs here.” – Anonymous local NGO staff member speaking to ActionAid Tanzania.

In many cases, lockdown measures affected the space for civil society and human rights defenders to carry out their work. For example, the Federation of Informal Workers of Nigeria (FIWON) testified that:

The use of excessive force by law enforcement officers “prevented staff from accessing informal workers who were arrested and detained for violating the movement restriction order. It also prevented FIWON staff from intervening in cases of human rights violations against informal workers such as demolition of their business premises and arbitrary arrest of informal workers”.

FIWON also reported that it could not physically reach out to victims of domestic violence and casual workers who were laid off due to the movement restrictions. In addition, it was unable to go to court to seek the release of its arrested members as the courts were closed during the period, making it difficult for the organisation to access legal remedies.

Operational challenges were also faced by CSOs in **Ghana**. The Omega Project Management Foundation⁶², a non-profit organization that focuses on increasing access to healthcare for people living with tuberculosis, could not reach communities in Accra to identify sick persons or assist beneficiaries due to restrictions on freedom of movement. They were also not able to access results from medical laboratories – a key component of their operations.

In **Brazil**, in Rio de Janeiro, the police, and army violently prevented CSOs from engaging in food distribution, among other responses to the lockdowns. According to Fogo Cruzado ‘crossfire’,⁶³ a mobile app and online platform that gathers and cross-checks gunfire reports from journalists, police officers and residents reported shootings involving the police disrupting food distribution.⁶⁴

In **Uganda**, CSOs reported that they had postponed or cancelled planned activities:

“Even today when lockdown has been eased, mobility is difficult, and this has resulted in slow response to HRD issues. We cannot meet and plan or even carry out trainings. All planned activities have been suspended.” – Anthony Masake of Chapter Four Uganda.

In **Tanzania**, CSOs complained that hygiene materials that they had imported were stuck at the port without clearance after the former President declared Tanzania Covid-19 free.

“Our (Covid-19) interventions stopped abruptly ... it was not easy to get authorization to proceed with Covid-19 activities we are still struggling to get government authorization to distribute imported hygiene equipment stuck at the port for lack of clearance by the government as the country has been abruptly declared Covid-19 free.” – Anonymous CSO that responds to HIV.

Challenges of Moving Work Online for CSOs

Due to Covid-19 restrictions to freedom of movement, CSOs had to implement activities virtually. While many appear to have switched to online modes of working, especially with donors, reaching key constituents was a challenge. In **Nigeria**, the Federation of Informal Workers could not implement activities where social distancing was enforced in remote areas due to the digital divide among members and high cost of Internet connectivity.

In **Tanzania**, CSOs relied on volunteers in rural areas with inadequate digital equipment. Volunteers could not afford internet data and did not have mobile phones and laptops to reach beneficiaries which hampered the implementation of planned activities.

Rigid donors and funding challenges

Funding shortfalls due to donor shifts in priority also made it challenging for organisations that focus on governance, voter education and election monitoring to obtain sufficient funding for their work.

While some CSOs were willing to adapt their work to respond to Covid-19 pandemic, in some cases donors were not flexible or were limited by government pronouncements on Covid-19, such as in Tanzania where some donors did not want funds diverted to the Covid-19 response because the President had declared the country Covid-19 free, causing tensions between CSO and beneficiary communities. This had also far-reaching implications on the ability of CSOs to solicit resources for Covid-19 interventions.

“We have stopped implementing some programs due to financial constraints caused by Covid-19 in donor countries. Some donors have reduced our grants. For instance, our organisation had a contractual agreement with donors on Covid-19 interventions, but we cannot proceed because of donors’ hesitance to release the funds since Tanzania was declared to be Covid-19 free.” – Anonymous representative of a local NGO in Northern Tanzania.

Freedom of Association in the Workplace and Collective Bargaining

The ability of trade unions to practise the freedom of association was adversely impacted by Covid-19 restrictions. This is a double-edged problem as freedom of assembly enables trade unions the ability to associate and operate labour strikes, organising workers and negotiating better wages and working conditions. In most countries surveyed, unions were targeted by Covid-19 laws banning public gatherings and providing states a basis to criminalise strikes. Trade union actions were curtailed.

For instance, the Nigerian National Association of Resident Doctors (NARD), which represents 40% of Nigeria’s doctors, held a week-long strike action against the government over inadequate protective clothing and lack of hazard pay for healthcare workers. The government’s inadequacies in dealing with the pandemic lead to increased unionisation of Nigeria’s health workers. The main nationwide doctor’s union also briefly staged a warning strike in Lagos over police harassment of its members. At the time of the strike, more than 800 health workers had been infected by the virus, according to the Nigeria’s Centre for Disease Control.⁶⁵

For citizens in many of the countries surveyed, the right to participate in democratic processes involves mobilisation on various issues. Community mobilisation work was largely halted due to Covid-19 restrictions of movement. These organisations therefore could not fully exercise their freedom of association.

Recommendations

- a. State surveillance and data collection activities must be transparent, in accordance with law, and be necessary and proportionate to legitimate public health objectives.
- b. States to allow civil society actors to continue their work during the Covid-19 pandemic, including through exemptions permitting their freedom of movement. States to “ensure the right to freedom of association is fully respected, including by registering associations without constraint and by ensuring that civil society organizations are able to conduct advocacy freely.”⁶⁶
- c. States to uphold freedom of association in the workplace including the right to form trade unions. Protect employees from unfair dismissal for demanding for protection and safety at the workplace or dismissal of trade union leaders and labour rights defenders.
- d. Where possible, CSOs should adapt programmes to respond to Covid-19 and strengthen capacity to respond to challenges faced by women and young people due to Covid-19.
- e. Hold the government to account on the use of Covid-19 funds.
- f. Development partners to: allow budget flexibility to allow CSOs to respond to Covid-19: facilitate CSOs to work online including purchase of information and communication technologies, cost of data and digital literacy and set aside rapid response funds to assist CSOs and HRDs to enhance their safety and security, including litigation if taken to court.
- g. Development partners to invest in civil society to be better prepared to foresee and to resist attacks and threats to civic space.



Barsha Hayu, 23, from Bhaktapur at her home, Nepal.
Uma Bista/ActionAid

4.3 Freedom of Expression, Access to Information and Protection of Privacy

Governments have an obligation to protect the right to freedom of expression, which includes seeking, receiving and imparting information.⁶⁷ Restrictions on freedom of expression are permitted for public health reasons if they are prescribed by law, necessary and proportionate in the circumstances, and do not impair the essence of the right.⁶⁸ Actions to silence or threaten healthcare workers, journalists and human rights defenders speaking out about issues concerning Covid-19 undermine the right to freedom of expression. Laws prohibiting the spreading of “fake news” about the Covid pandemic have been used to censor activists and journalists in violation of their rights to freedom of expression.⁶⁹

In the countries surveyed, restrictions of freedom of expression have been characterised by media censorship, attacks on journalists, restriction of citizens and journalists to express themselves online and the silencing of CSOs and human rights defenders. Access to information was also impacted, especially the lack of reliable information on Covid-19 in different formats and languages adapted for people with specific needs, including the visually- and hearing-impaired, with little to no attempts to reach illiterate or partially literate citizens.

This is not the time for states to take a restrictive approach to freedom of expression and information. The global effort to combat Covid-19 will not be successful unless there is full transparency about the spread of the virus, the sharing of accurate public information and independent media coverage. Governments, the media, and social media companies all have a role to play in ensuring the free flow of information during this global health crisis.⁷⁰

“Access to information goes hand in hand with freedom of expression. Since the beginning of the pandemic, government authorities (central and local governments) have restricted and controlled access to information, especially that related to the health emergency; in general, there has been a deterioration in access to information and freedom of expression, the exercise of which implies a risk especially for human rights defenders and journalists.” – Ruth del Valle, from Human Rights Defenders and Journalists of the Human Rights Ombudsman’s Office in Bolivia.

Press freedom and welfare of journalists

Journalists are human rights defenders and press freedom is integral to freedom of expression. However, the enforcement of Covid-19 restrictions in the countries surveyed saw journalists harassed or detained in a bid to stop them from reporting or accessing information relating to Covid-19. As Covid-19 lockdowns slowed or shut down economic activity around the world, the fourth state witnessed loss of jobs, untimely payment and even non-payment during the pandemic.⁷¹ Many of the media outlets suddenly closed or moved their publications online. According to the report⁷² of International Federation of Journalists, journalists in **Nepal** have faced severe economic challenges with increased incidents of non-payment of salaries, job cuts, leave without pay and salary cuts.⁷³

Journalists also faced censorship from states and physical attacks, arbitrary arrests, intimidation, and harassment for sharing information on Covid-19, even where they were designated essential service providers. On 26 March, Omoleye Sowore, publisher of Sahara Reporters in **Nigeria** raised the alarm about a plot by government agents to abduct him following the revelation by Sahara Reporters that a senior government official had

contracted Covid-19.⁷⁴ On 22 April the Ebonyi state government announced life bans of two journalists, Chijioke Agwu, and Peter Okutu after they were accused of writing negative stories about the state.⁷⁵ The governor of the state had earlier ordered the arrest of Mr Agwu for “false and damaging” information that violated Section 35 of Ebonyi State law on Covid-19 and other infectious diseases.⁷⁶

In Guatemala, according to information from the Public Prosecutor’s Office for Crimes against Journalists, in the first six months of 2020 there were 43 complaints of aggression against journalists in the country. According to Gladys Galeano, the spokesperson for social communication in the Public Ministry, the complaints included threats, coercion, minor injuries, theft, hiding information, abuse of authority and murder. For example, the house of journalist Carlos Choc, in El Estor, Izabal,⁷⁷ correspondent of Community Press was broken into, and his equipment stolen.

Several journalists have also been arrested for reporting on corruption associated with Covid-19 procurement. As more Covid-19 purchase and supply irregularities come to light, investigative reporting could lead to more arrests of journalists by states seeking to deny citizens access to information on Covid-19 procurement fraud.

In Zimbabwe, investigative journalist Hopewell Chin’ono was arrested on 20 July 2020, and charged with inciting public violence after he tweeted support for nationwide protests for Covid-19 related corruption and worsening economic conditions. Chin’ono’s reporting on alleged Covid-19 procurement fraud within the country’s Ministry of Health led to the arrest and sacking of Health Minister Obadiah Moyo.⁷⁸

On September 22, 2020, the Guatemalan National Civil Police (PNC) arrested journalist Anastasia Mejía Tiriquiz, director of Xol Abaj Radio and Xol Abaj TV media outlets, for reporting on a protest in her municipality. She was charged with sedition, aggravated attack, arson, and robbery.⁷⁹

“The intimidation against the press should be seen as response to the publication of acts of corruption and the criticism expressed by the media on the failure of different ministries and social funds to use the budget to confront the effects of the pandemic on the population.” – Jorge Santos, Unit for Human Rights Defenders in Guatemala.

Fake News as a Disguise to Clampdown on Freedom of Expression

Fake news⁸⁰ reached alarming levels during the pandemic, including quack cures, misinformation around the causes of Covid-19 such as the 5-G conspiracy theories⁸¹, misinformation on government responses and general fear mongering which spread particularly fast on social media. Responses from countries surveyed for this report show that, beyond real concerns of addressing fake news, governments sought to label criticism of their response to the pandemic as fake news. Consequently, fake news provisions in the Covid-19 regulations were misused to clamp down on dissenting voices. Civicus notes that, although audiences need the press to help them to sort out fact from fiction, the same press finds itself under attack. Even small mistakes made by journalists, have been seized upon by political figures to discredit and delegitimise the press.⁸²

On 27 March 2020, Zimbabwe’s Permanent Secretary in the Ministry of Information, Ndavaningi ‘Nick’ Mangwana, tweeted this message from President Emmerson Mnangagwa: ‘Legal instruments are being put in place to deal with and punish those who cause unnecessary alarm and despondency through social and other media. During this

emergency, we need to act responsibly.’ He was referring to Section 14 of Zimbabwe’s Statutory Instrument 83 of the Public Health (Covid-19 Prevention, Containment and Treatment) Order, 2020.⁸³ It stipulates that publication or communication of “false or fake news” during the national lockdown period could attract a jail sentence of up to 20 years imprisonment – a punishment which analysts decried as excessive.

In some instances, the state itself has become a purveyor of false information. In Brazil, In March 2020, Facebook deleted a video from Brazilian President Jair Bolsonaro that claimed hydroxychloroquine was totally effective in treating the virus.⁸⁴ It should be noted that the right to information is inextricably linked to rights to food, water, education and health services – even more so during the lockdowns. Undermining the right to information violates other rights. An interviewee in Zimbabwe summed up this well in an interview on the impact of the first lockdown by stating that:

“There was no information (from the state) on how we were going to survive.”

In contrast, some governments increased access to information. For instance, Federation of Informal Workers of Nigeria reported that the Nigerian Center for Disease Control (NCDC) set up an “effective information unit with daily updates and call centres to disseminate information on Covid-19 to members of the public”.

It is not only the state that was accused of violating freedom of expression. In Ghana, one respondent told ActionAid that the media voiced the opinions of government officials and bigger NGOs and HRDs. However, minority groups had difficulty in being heard in the media.

Right to Access Information, Censorship and Right to Privacy

Where the right to access information was already problematic in the countries surveyed, it worsened with the onset of the pandemic. Freedom of expression cannot be complete without the right to access information and protection of private information. To respond to the pandemic and to track the virus, states considered innovative means of tracking the virus including the use of individual mobile phone data. Although a novel idea, this raised concerns. There was no consideration on how to protect private and confidential information or to guard its misuse such as in tracking of human rights defenders. In some of the countries surveyed, governments appear to have used the pandemic to collect private and confidential information without following set legal procedures.

In **Nigeria**, 36 state governors though the Nigeria Governors’ Forum partnered with MTN Nigeria – a telecommunication and internet service provider – to use subscribers’ information to conduct contact tracing, deliver palliative measures and services and other needs related to Covid-19. This raised concerns over information sharing, privacy, and the protection of human rights.⁸⁵

In **Brazil**, the government and telecommunications companies partnered to develop systems based on phone data and geo-localisation to evaluate popular adherence to social distancing.⁸⁶ Though they declared these initiatives as safe and unable to identify individuals, the initiatives raised concerns on data protection and information sharing, privacy and right to information.⁸⁷ As the outbreak of Covid-19 in Brazil got worse in 2020 – the second highest infections after the United States –Bolsonaro’s government decided to stop reporting the cumulative toll of the virus. Brazil’s health ministry temporarily took down the website where it had been reporting coronavirus statistics. When it came back online, the site omitted the historical data on people infected or killed because of the virus.⁸⁸ The Brazilian Supreme Court ordered the Health Ministry to resume releasing all data related to the Covid-19 outbreak⁸⁹ in the interests of public health.⁹⁰

In **Tanzania**, restrictions placed on the media to prohibit the publication of content on Covid-19 without the approval of authorities meant that Tanzanians had no access to information, and many were afraid to speak out due to the fear of repercussions. Under the former President the government of Tanzania was widely criticized for its Covid-19 response, or lack thereof. In May 2020, when the government stopped reporting cases, the country had a total of 509 confirmed cases and 21 deaths. A report from Human Rights Watch highlighted that Tanzanian authorities had “imposed new restrictions on the media, revoking the license of a newspaper affiliated with an opposition member and restricting some news outlets because of their reporting on Covid-19. Journalists and news publications were either fined or suspended because of coverage that authorities deemed to be controversial, including reporting on Covid-19.”⁹¹

This stance resulted in “confusion and a complex working environment for CSOS in Tanzania,” said an NGO leader interviewed for this report. On 19 May 2020, Mary Victor, a journalist working with Raia Mwema Newspaper in Dar es Salaam, was arrested at Kinyerezi in Dar es Salaam, on the allegation of publishing false information the Cybercrimes Act, 2015.⁹² This was due to her sharing a video clip allegedly of people suffering from Covid-19 running away from Amana hospital in Dar es Salaam in an office WhatsApp group. In **Guatemala**, Manuel Sagastume, Head of Epidemiology of the Ministry of Public Health, resigned from his post after highlighting the lack of transparency of the former Minister of Health, Hugo Monroy, to reveal the true figures of deaths from coronavirus.⁹³ The lack of access to information compounded a difficult environment, creating mistrust between the state and other organs such as the media. The lack of reliable information on Covid-19 deaths and infections weakened responses to public health campaigns.

“Access to information goes hand in hand with freedom of expression. Since the beginning of the pandemic, government authorities (central and local) have restricted and controlled access to information related to the health emergency. In general, there has been a deterioration in access to information and freedom of expression, the exercise of which implies a risk especially for human rights defenders and journalists. – Ruth del Valle, a Counsel from Human Rights Defenders and Journalists of the Human Rights Ombudsman’s Office in Guatemala.

Recommendations

- a. States should take urgent steps to guarantee online freedom of expression while safeguarding rights to accurate information, privacy, and security.
- b. Reliable and unfettered access to the internet should be maintained and steps should be taken to ensure internet access is available to all people and end all deliberate interference with the right to access and share information.
- c. States must ensure access to information concerning “the main health problems in the community, including methods of preventing and controlling them.”⁹⁴ All information about Covid-19 should be accurate, timely and accessible, in multiple formats and languages, including for those with low or no literacy and persons with disability. Age-appropriate information should be provided to children to help them take steps to protect themselves.
- d. States to protect the role of independent media outlets and public interest journalism. Ensure that measures to contain the virus, as well as the fight against disinformation, are not used as a pretext to muzzle the media or regulate media freedoms.⁹⁵

- e. States to ensure any use of surveillance to track the spread of coronavirus is limited in purpose and time and abides by human rights safeguards. States should adhere to the rights of free expression, privacy, non-discrimination, confidentiality, and protection of journalist sources.⁹⁶
- f. States must not withhold basic information about the virus and their response. Misinformation, including underreporting cases of infection and downplaying the severity of the virus, and barriers to Internet access undermine the public health response and the right to access information.
- g. States should include civil society groups, human rights defenders and faith-based groups and others in responses to the pandemic.
- h. States to allocate funding to CSOs and the informal sector the same way the private and public sectors have been beneficiaries of Covid-19 relief funds.
- i. States to waive some statutory obligations on CSOs (such as annual fees, requirements for financial approval and other operational permits) during the pandemic as CSOs face fund limitations from donors.
- j. States to strengthen data centres and dissemination of information to citizens.



ActionAid Nigeria and partner, Beacon Youth Initiative engage traditional leaders/ institutions on COVID-19. Nigeria/ActionAid

4.4. Rule of Law, Respect for Human Rights and Protection of Human Rights Defenders (HRDs)

All responses to Covid-19 must be deeply rooted in these cross-cutting principles: respect of human dignity and autonomy, non-discrimination and equality, and respect of diversities and inclusion.⁹⁷ The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has warned that “governments have seized on the crisis to suspend constitutional guarantees, to pass sweeping emergency laws and to rule by decree”.⁹⁸ States must not use emergency powers as a basis to target HRDs or opposition politicians and suppress civil society organisations. States also have an obligation to protect the life and personal integrity of HRDs, including from the actions of non-state actors.

In this section, the study looks at Covid-19 measures providing cover for authoritarian regimes to deny citizens civil and political rights, and specifically attacking human rights defenders and movements, while refusing to provide relief to those who are facing immediate and long-term social and economic impacts of the pandemic. It also looks at whether these groups could seek remedies and compensation for rights violations committed during the pandemic.

Several incidents pointing towards the undermining of the rule of law were recorded across Zimbabwe, Uganda, Ghana, Nigeria, Guatemala, and Tanzania. In **Zimbabwe**, CSOs reported that regulations severely limited their operations, and the government was selectively applying the law to restrict the work of human rights lawyers.

“Our work as lawyers revolves around facilitating access to justice. When the lockdown was imposed, at a professional level, we could not move around because we were not classified as essential services. That meant that if we needed to assist people to access justice, we would not be able to do so. The Courts, in theory, were supposed to handle ‘urgent’ matters but that did not happen in practice. With regards to our clients, some were expected to report to the police on a weekly basis, but restrictions on movement meant they could not comply. Then a warrant of arrest would be issued against them. Bail is an urgent matter but during the lockdown it became difficult for our clients to access bail”. – Respondent from Zimbabwe Lawyers for Human Rights.

In **Nigeria**, a respondent from the Federation of Informal Workers of Nigeria (FIWON), said about 50 people were arrested by the police in April 2020 when casual workers at the Lekki Free Trade zone protested the lockdown restrictions.⁹⁹ FIWON was unable to intervene to secure the release of the affected workers because of restrictions on freedom of movement. Their lawyers were also unable to challenge the arrest and detention of the protesters because courts were closed due to the Covid-19 restrictions. The denial of freedom of movement impeded the right to access justice.

For lawyers, access to information includes accessing police and state documents to represent their clients.

“I was denied access to police files and statements made against my client an opposition politician - who was being accused of doing acts contrary to Covid-19 regulations in Mityana”. – human rights lawyer in Uganda.

Effects of Covid-19 measures on human rights defenders

It is important to note that the Covid-19 restrictions on movement and lockdowns were implemented in countries already facing declining civic space and gross human rights abuses. In Zimbabwe, several HRDs were arrested including Joanna Mamombe, Makomborero Haruzivishe, Namatai Kwekweza, Fadzai Mahere and others. They were arrested on charges linked to breach of Covid-19 lockdown regulations though the key reasons for the arrests related to protesting or highlighting mismanagement of the pandemic by state actors.¹⁰⁰

Prior to the onset of Covid-19, **Tanzania** was already in a state of repression as evidenced by the increased harassment, intimidation, prosecution and persecution of political activists, human rights defenders (HRDs), journalists and media outlets. Further, there was enactment of restrictive laws and disregard for the rule of law, constitutionalism, as well as regional and international human rights standards. The situation worsened during the Covid-19 pandemic and as the country headed for general elections on 28 October 2020.¹⁰¹ For instance, in October 2020 prominent human rights lawyer and vocal critic of the government, Fatma Karume was disbarred from practising law in Tanzania following submissions she made in a constitutional case challenging the appointment of the Attorney General.¹⁰² In June, 2020, two employees of Tanzania Human Rights Defenders Coalition (THRDC) were arrested in Dar es Salaam. Thereafter, authorities proceeded to arbitrarily cancel the a three-day security training event for 30 human rights defenders. The police claimed that the training was in contravention of the “laws of the land”.¹⁰³

In **Guatemala**, the frequency and severity of attacks against human rights defenders continued including physical attacks, gender-based and sexual violence, threats, intimidation, surveillance, and stigmatisation. The non-governmental organization Udefegua registered 844 attacks against human rights defenders – including 310 men, 297 women and 70 organisations – between 1 January and 30 September, a 71% increase on attacks registered over the same period in 2019.¹⁰⁴ As of December 2020, 14 human rights defenders had been killed, including 5 members of an indigenous peoples organisations: 3 members of the Comité de Desarrollo Campesino (Campesino Development Committee) and 2 members of Nuevo Día (New Day).¹⁰⁵

“On September 22, 2020, Ana Lucía Ixchíu Hernández, Andrea Isabel Ixchíu Hernández, Gabriela Ixchíu Hernández, and Carlos Ernesto Cano Ispaché, defenders of indigenous rights, territory and social communicators belonging to the Festivales Solidarios society in Guatemala, were threatened and physically attacked with knives in the community forest of Alto de Tonicapán, when they were conducting an investigation.”¹⁰⁶

Access to justice for HRDs was greatly impeded by the closure of courts due to Covid-19. In **Uganda**, the Covid-19 lockdown restricted lawyers, judges and HRDs from accessing their clients and accessing justice. Restricting court hearings means, ultimately, that all pending matters before the courts had to be adjourned until the lockdown was lifted and courts allowed to resume normal operations, save for very urgent matters that would require the party to first obtain a certificate of urgency. The judiciary does not work in a vacuum and relies on other stakeholders in the justice sector (such as police, prisons, Directorate of Public Prosecutions) to be effective and with these stakeholders also substantially limited by the lockdown, court business ground to a halt.¹⁰⁷ Many users of courts and prisons in rural areas were left with no access to justice since online facilities do not exist.

“Mobility was greatly affected, sometimes lawyers had to travel 160km or more on pickup trucks and lorries to access courts and clients. The orders for prevention of Covid-19 were such that lawyers were not classified as essential workers and therefore not among those free to move.” – Eron Kiiza, founder of Kiiza and Mugisha Company Advocates, a law firm that provides legal services to HRDs and pro-democracy actors in Uganda.

Recommendations

- a. States must ensure all measures adopted in relation to the Covid-19 pandemic fully comply with states’ international human rights obligations, and that any associated restrictions on human rights are necessary, proportionate, inclusive, and time-limited.
- b. States to ensure policies are inclusive and effectively protect against discrimination on any ground.
- c. States to ensure that Covid-19 is not used as a pretext for imposing unjustified restrictions on or used to target human rights defenders and journalists.
- d. States to investigate allegations of attacks on journalists and human rights defenders during the lockdown and bring to justice perpetrators through fair trials.
- e. States to ensure that the judiciary, and no other branches of government, independently decides on any measures limiting the access and operation of courts. Allow independent courts to evaluate any unlawful imposition or unjustified extension of emergency measures, or the unlawful curtailment of the rule of law.¹⁰⁸
- f. States to ensure that judiciaries and other relevant state authorities consider urgent cases, where delay is most likely to cause irreparable harm, or where protective measures are required.¹⁰⁹
- g. States must also take necessary measures to enable HRDs to continue with their activities during the Covid-19 pandemic, including through exemptions on restrictions on freedom of movement, and release HRDs detained in connection with their human rights work.¹¹⁰



Mothers in the community of San Jose Tinajas receiving food supplies and some hygiene supplies to combat this disease, Guatemala. Oscar Caal/ActionAid

4.5 Women's and Young People's Rights

All crises have gendered impacts – simply put, they affect women and men, girls, and boys in different ways. Covid-19 is no different.¹¹¹

During the Covid-19 pandemic, reports of domestic violence surged. In some countries reported cases have doubled¹¹² due to exacerbating factors such as increased confinement, isolation, and paralysed support systems for survivors of violence including helplines, shelters, and legal aid. There was also increased risk of sexual exploitation and violence by state officials and armed forces.¹¹³

Women have also been hardest hit by social and economic disruptions caused by Covid-19. Women and girls are over-represented in vulnerable, low paid job roles with little protection as well as shouldering the burden of unpaid care and domestic work, which rose dramatically as public services closed and more people have been taken ill. Women make up close to 70% of health and social care workers globally¹¹⁴ – largely as nurses who are more likely to be exposed to the virus than doctors.¹¹⁵ They are also over-represented in other frontline roles as teachers, service industry workers, domestic workers, community volunteers and organisers.

Young people are more likely to be unemployed or work in low-paid and less secure jobs, exposing them to greater risks of poverty and exploitation in times of economic crisis. During the pandemic, 188 countries imposed countrywide school closures, affecting more than 1.5 billion children and youth worldwide.¹¹⁶ The closure of educational institutions particularly impacted poorer young people and children and those living in informal settlements and camps, who lack access to remote learning tools and internet and who may rely on schools for free meals and essential services. Overall, the vulnerabilities that reflect women's gender roles and unequal social status were exacerbated. This was seen in the higher rates of violence recorded during the lockdowns, faster economic decline and continued exclusion from decision making and policy development.¹¹⁷

"In the midst of the pandemic, the discourse on domestic or intra-family violence has been accentuated, but violence against women is rendered invisible by calling it systemic and structural. This way of understanding gender-based violence limits institutional response and policy implementation, as well as the investment in the public budget. The state budget does not prioritize the institutions that respond to violence, the courts and judges are insufficient; the centres for comprehensive care for women survivors have not received the funding allocated to them by law for more than three years and are attending to the women with the limited resources of their own. This is part of the dismantling of institutions for women's rights. From 2012, the National Commission for the Prevention of Violence against Women (CONAPREVI) was disbanded. During the pandemic the President of the Republic attempted to suppress the Presidential Secretariat for Women (SEPREM). He failed because there was pressure from women to maintain and improve it, but there is no appreciation of the situation affecting women during the pandemic." – Dorotea Gómez, Women's Defender of the Human Rights Ombudsman's Office in Bolivia.

In the countries surveyed for this report, Covid-19 lockdown measures did not consider the rights of women or young people as an excluded group and how to cushion them from the negative impacts of the measures such as curfews. As a result, Covid-19 measures aggravated existing exclusion and structural inequalities disproportionately affecting

women and girls in relation to livelihoods; food security; burden of care work, gender-based violence; mental health; access to education; as well as access to sexual and reproductive health services.

“More cases of violence against women have been reported, including human trafficking, and the same economic and social situation has deteriorated. It has been a time of much insecurity and uncertainty, violence against women, children and the most vulnerable people have increased. In general, unfortunately there are no reports on the real impact of the pandemic and its health, economic and social consequences on the most vulnerable sectors, such as people with disabilities, people in extreme poverty or in the street.” – Daniel Espinoza, UNITAS Network in Bolivia.

Many women are being forced to ‘lockdown’ at home with their abusers while services to support survivors are being disrupted or made inaccessible.¹¹⁸ Adolescent girls are at high risk as indicated by the rise in cases of child marriage, rape, and female genital mutilation (FGM).

“The lockdown affected the people we serve, specifically survivors of sexual violence. There was a woman who was physically and sexually abused by her husband during the lockdown. When she tried to go to the clinic, she was not allowed past the police checkpoint allowed to report the case to the police at the checkpoint. She was turned back three times. Finally, she called the Zimbabwe Lawyers for Human Rights’ hotline to make sure the case was reported. She was referred for clinical services with the organization. Although there is no empirical evidence linking the lockdown to increased intimate partner violence yet, anecdotal evidence from our work points to increased violence because of the lockdown.” – Respondent from Memory Kadau-Adult Rape Clinic, Zimbabwe.

In contrast, in Ghana gender-based violence received renewed attention during the pandemic.

“Some two or three years ago, discussions around sexual and gender-based violence (SGBV) and women’s rights were not a priority. The onset of Covid-19 exposed and highlighted the systematic inequalities between men and women triggering a national discussion. Political party manifestoes included SGBV.” – Respondent from Women in Law and Development in Africa, Ghana.

One of the study’s respondents in Ghana gave an example of how a woman living with HIV was restricted from accessing medication. The notice of the lockdown was short and so not everybody knew that there was going to be an imposition on restrictions. As a result, some women who needed access to critical drugs were exposed to violations of their rights to movement and information access.

Recommendations

- a. States must consider the intersectional nature of discrimination and mitigate the impact of Covid-19 on excluded groups, including older women, women with disabilities, women in poverty, refugee and internally displaced women, indigenous women, LGBTQ+ people and those in detention.¹¹⁹
- b. States should collect comprehensive data on the gendered impact of the pandemic to monitor potential discrimination.
- c. In line with International human rights law, states should ensure that measures taken in response to the Covid-19 pandemic do not discriminate against women.¹²⁰
- d. States should honour their obligation to protect women from, and ensure accountability for, gender-based violence. The provision of safe shelters and effective access to justice for women and girls impacted by gender-based violence must be maintained during the Covid-19 pandemic.¹²¹
- e. States must also continue to provide sexual and reproductive health services, including safe abortion and maternity care, during the Covid-19 pandemic.¹²²
- f. States to put in place measures to ensure that women and girls can continue with their education at home and to secure the participation of women in decision-making in the formulation of Covid-19 policies.¹²³
- g. States to expand social protection as a response to Covid-19 and ensure young people, particularly young women, LGBTQ+ and migrant youth and youth-specific impacts are factored into policy and social protection measures.
- h. States and policy makers must meaningfully engage youth in the development of health, economic, and social interventions in response to Covid-19 and in its recovery, and protect the rights of migrants, refugees, and LGBTQ+ youth and combat the rise of xenophobia, and racism.



Rehema Kitimage washing hands before proceeding to receive her support item, Tanzania. Steven Bernard/ActionAid

4.6. Economic and Social Rights

Measures to slow the spread of the Covid-19 virus have wide-ranging impacts on economic and social rights, including the right to work, the right to an adequate standard of living, the right to health and the right to education. States are obliged to take measures to prevent and mitigate these impacts. Even during an emergency, states are under a “minimum core” obligation to ensure “minimum essential levels of each of the rights” set out in the International Covenant on Economic, Social and Cultural Rights.¹²⁴

Globally the narrative has been to frequently wash our hands to curb the spread of the Covid-19 virus. While this is well meaning, it is exclusionary for individuals who do not have access to water, sanitation, and hygiene (WASH) facilities. In slums and slum-like settings with high population density, women are forced to collect water at crowded community pumps, increasing their exposure to the virus. This increases women’s unpaid workloads, further compounded by needing to care for family members who fall sick.

Further, as previously explored in this report, women are more likely to be front-line health workers, especially nurses, midwives and community health workers increasing their vulnerability to infection by the virus.¹²⁵ Women, especially from marginalised groups, are overrepresented in personal care jobs which require close contact with others. Covid-19 restrictions on movement and requirements for essential services and businesses to operate during lockdown periods meant that women in the informal sector were unable to meet the documentation requirements to access permits to operate.

Findings from Zimbabwe, Guatemala, Bolivia, and Uganda highlighted losses in income caused by production activities becoming impossible during the lockdown period. Where production was possible, in most places shops and markets were closed, meaning goods could not be sold.

“The guarantee of human rights is related to the condition of dignity, decent employment, decent housing, decent work, decent health. Faced with this pandemic, what is happening is a process of privatization that privileges the health business. All the hospitals and laboratories, even those that have received the kits that were donated, are charging for the service not for the test itself. The State has resources that it is not directing to strengthen public health, and this has implications on the living conditions of the whole population particularly in the most vulnerable sectors”. – Jorge Santos, human rights defender in Bolivia.

Recommendations

1. States to take measures to prevent and mitigate negative impacts of the pandemic on citizens by ensuring the “minimum essential levels of each of the rights” set out in the International Covenant on Economic, Social and Cultural Rights.¹²⁶
2. States to ensure that emergency measures respect and protect the inherent dignity of all people by devoting “their maximum available resources to the full realisation of all economic, social and cultural rights, including the right to health.”
3. States to adopt “special targeted measures” and “mobilise the necessary resources” to protect and mitigate the impact of the pandemic on excluded groups.
4. States to ensure fiscal stimulus and social protection packages are aimed directly at those least able to cope with the crisis to mitigate the devastating consequences of

the pandemic including immediate economic relief measures such as guaranteed paid sick leave, extended unemployment benefits, food distribution, and universal basic income can help safeguard against the acute effects of the crisis.¹²⁷

5. States to safeguard the right to health by taking all steps necessary for the prevention, treatment, and control of diseases, including providing protective equipment and other goods and services needed to control the spread of Covid-19.¹²⁸
6. States to safeguard the right to an adequate standard of living including access to adequate housing, food, water, and sanitation.¹²⁹
7. States to take measures to uphold the right to housing including a moratorium on evictions, as well as “urgent measures to provide homeless people with adequate shelter, which is the minimum core content of the right to adequate housing.”¹³⁰



Mavis Gofa, a young small holder farmer in Zimbabwe, Zimbabwe.
Zimbabwe/ActionAid

5. Conclusion

The response to the Covid-19 pandemic in the countries surveyed in this report has resulted in multiple human rights violations, including of civil and political rights. None of the countries surveyed indicated notable expansion of civic space. Authoritarian regimes seem to be using the pandemic as a cover to violate civil and political rights including freedoms of assembly, association, and expression and right to information. Human rights defenders were continually harassed and space to demand accountability from the government, including on the Covid-19 response, continued to shrink. Social and economic rights were also infringed upon as already precarious livelihoods were decimated. Those in the informal sector were pushed to the margins while social protection was either inadequate or administration procedures opaque.

Both intentional and unintentional discrimination, including unjustified disparate impacts on certain groups, are prohibited. Both the Covid-19 virus and measures taken to slow the virus caused disproportionate impact on people due to their age, socio-economic status, gender and/or belonging to a minority or indigenous group – this undermines the human right to non-discrimination. There is a danger that states may cling on to emergency powers long after the public health emergency is over. To prevent the pandemic becoming an excuse for the suspension of hard-won human rights, Covid-19 measures that violate human rights must be challenged to ensure that states uphold the right to life and health of everyone without unjustifiably infringing on other human rights.

While some restrictions on human rights can be justified by a genuine public health need, governments have an obligation to protect human rights. To address the underlying causes and the long-term consequences of the Covid pandemic, freedoms of expression, association and peaceful assembly and the right to participate in public affairs at multilateral and national levels are central to democracy. In responding to the Covid emergency, it is of utmost importance for states to maintain principles of democracy and the rule of law at national level by ensuring that any measures taken are necessary and proportionate, pursue legitimate purposes, be limited in time, non-discriminatory and respectful of international law, including human rights law.

The principles of non-discrimination and equality are an over-arching standard that applies to all human rights obligations – states must ensure that all persons can enjoy human rights, on an equal basis with others without distinction based on race, colour, gender, language, religion, political or other opinion, national or social origin, property, birth, or other status.¹³¹

Annex 1.

Initial Scoping Template Civic Space Environmental Assessment

Country:

Instructions to complete this document:

- Add country-specific information that you must gather from a desktop research under each of the sub sections below.
- The final document should not exceed 7 pages.
- Please use Arial, 11-point font size and maintain the spacing in the draft below
- Please use the referencing style as shown in the referencing footnote at the end of page 2. You may use as many sources of information as possible including local CSO analysis, local media, government publications and gazettes of law
- Please email the complete document by the deadline

Introduction

(PLEASE BRIEFLY DESCRIBE THE STATE OF CIVIC AND POLITICAL RIGHTS IN your country IN ONE PARAGRAPH AND HOW THE PANDEMIC HAS CHANGED THIS IN ANOTHER PARAGRAPH.)

1. What actions has your government taken to protect its citizens from the COVID-19 pandemic and curb the spread of the virus? To what extent are the measures ensuring the health and safety of people?
2. What measures have been put in place by the government to address the COVID-19 pandemic e.g., declaration of emergency, declaration of disaster or enactment of public health acts-resulting in quarantines, travel bans/restrictions, lockdowns, curfews, or enactment of new legislation such as laws granting law enforcement agencies more powers etc. Please quote any specific sections of the laws that infringe on civil rights.
3. What measures have been put in place to contain the spread of COVID-19 in your country which appear to have been proposed and enforced without full consideration of potential consequences for the enjoyment of all civil and political rights by all?
4. In line with the guidance highlighted above on human rights during pandemics/emergencies, identify laws, policies, and practices that: target particular groups, minorities, or individuals; function as a cover for repressive action under the guise of protecting health; are used to silence the work of human rights defenders; are not motivated by legitimate public health goals and /or are used to quash dissent. What is the anecdotal, potential, or evidenced impact of restrictions with regards to?

- a. Freedom of assembly/movement:
ADD ANY KNOWN/REPORTED
 - b. Freedom of association:
ADD ANY KNOWN/REPORTED
 - c. Freedom of expression and access to information:
ADD ANY KNOWN/REPORTED
 - d. Measures that further marginalise or criminalise economically or politically inconvenient groups (e.g., HRDs indigenous groups, peasant farmers. HRDs, indigenous/peasant farmers, informal traders, jobless young people, refugees), increase violence against women and girls in private and public, stigma, discrimination, racism, and xenophobia, violate occupational health and safety of those working during this crisis.
- 5. Highlight the impact on our key priority target groups-women and young people, human rights defenders and people living in poverty and exclusion.
 - 6. Recommendations: what actions do you propose for government to safeguard the civil and political rights during and after the COVID-19 pandemic for women, young people, human rights defenders, and people living in poverty and exclusion?

Any other information you would like to add on anything in your country as related to COVID-19 and human rights in general?

Annex 2.

CASE STUDY QUESTIONNAIRE*

*This questionnaire may NOT be administered before a consent form is filled out by the interviewee

Country:

Title of research: Monitoring of and documenting national impact of COVID-19 on civic space

Name of organization or individual interviewed:

Questions

Section A: General information

1. What area of work or human rights do you or your organization work in e.g.: climate change, poverty reduction, women's rights, youth rights, civil rights, political rights?
2. Where is your programme work delivered? Are you based in a rural, urban, or peri-urban area?
Rural
Urban
Peri-urban
3. Was your programme work affected in any way before COVID-19 and please give examples?

Section B: Your organization/you and COVID-19

4. What law, policy or guidelines adopted by the government or local government in response to the COVID-19 pandemic outbreak has had impact on you or your organisation?
5. How has COVID-19 regulations, laws or policies affected your organisation / you as an individual?
6. What specific impact has COVID-19 had on your field work as an organization or as a human rights defender?
7. What specific challenges has COVID-19 brought to the people you work with/serve?

Section C: Effect of COVID-19 on civic space

8. How has the lockdown or other measure taken by the authorities in your country affected the following freedoms for you or others you work with in terms of:
 - a. Freedom of expression (the ability of you or your organizations and its partners to freely express themselves)
 - b. Right to access information (is information accessible, is it easily understood)
 - c. Freedom of association (the ability of you or your organization or your partners to operate including carrying out your work without judicial or non-judicial restrictions imposed)
 - d. Freedom of assembly (the ability of you or your organization or partners to freely assemble and protest with no restrictions from the state or other non-state actors or interference). Elaborate if you can assemble (e.g.: hold a participatory meeting with members of the public) or protest during the time of COVID-19, what do you need to assemble and what do you think or know would happen to you if you held an assembly or protest?

9. Any general comments on the state of civic space and civic freedoms for citizens in your country during the time of the pandemic?
10. Any general comments on accountability, transparency, and issues of corruption as far as the state and its institutions (including but not limited to parliament, local government, health ministry or department, social welfare ministry etc.) are concerned during the time of COVID-19.

SECTION D: Rule of Law, human rights, and protection of human rights defenders

11. Has COVID-19 been used to violate specific women's rights?
12. What challenges are women human rights defenders facing because of implementation of COVID-19 regulations. Laws and policies?
13. Has COVID been used to violate specific youth rights
14. What human rights have been violated because of implementation of COVID-19 regulations?

SECTION E Economic and social rights

15. How has effects of COVID-19 responses impacted on domestic violence and gender-based violence?
16. How has effects of COVID-19 responses impacted on the enjoyment of economic rights of women and youth and human rights defenders?

SECTION F: Recommendations

17. What recommendations would you make to the government to make your NGO's work better during the time of COVID-19?

Annex 3.

INFORMED CONSENT FORM*

Research project: Monitoring of and documenting national impact of COVID-19 on civic space, 2020

Background

Extraordinary measures are being taken around the world by most governments to respond to Covid-19, many of which are urgently needed to save lives (and where governments fail to act effectively this can be deeply irresponsible). Many measures involve suspending civil liberties in ways that would, in any other situation, constitute a serious violation of rights. However, there are still limits to what is acceptable under human rights law. Some measures being taken may be discriminatory against certain groups; the pandemic may be exploited by some governments to pursue other purposes; and the emergency measures may be extended beyond the time when they are needed and mis-used for other purposes. For this reason, ActionAid's Civic Participation working group is starting a process to track what is happening in different countries with a view to documenting and sharing good and bad practices in the short and medium term.

Hence participants are being invited to part I this study to help us get a nuanced understanding of how Covid-19 related regulations in their countries have impacted civic space and the full enjoyment of social and economic rights by citizens.

Take note of the following:

- The interview will take approximately 90 mins -
- Information from this interview will be treated with confidentiality and anonymity will be granted if required.
- All analysis will be kept in a file for at least 3 years after the project, to comply with GDPR requirements
- The information collected through this interview will feed into a ... report. The report will be published and shared with the public.
- The participant can stop the interview and/or withdraw their consent at any time, including after the interview is complete

**This form is to be completed by each interviewee organisation or individual human rights defender before the questionnaire is administered*

By completing this form, you are agreeing to:

1. 1) Participate in this research.
2. 2) Share knowledge truthfully on the topic with ActionAid International.
3. 3) Give permission for us to use your comments, stories, media and/or other related images in our communications materials if required.

Thank you for your help!
ActionAid

Full name	
Organisation (or indicate if this is being done in your individual capacity)	
Telephone/mobile	
Email	

What will my comments be used for? (Please tick the options you are happy with)

Feedback and research: I am happy to provide advice for the development of reports

Presentations ActionAid International internal and external presentations

4. Websites: <https://actionaid.org/>

Social media: ActionAid International's social media pages [Twitter, Facebook, YouTube, LinkedIn, and Instagram]

Publications: ActionAid International leaflets, posters, reports, newsletters, and other marketing materials

Print and online media: National, regional, and local papers; magazines and news sites

Can I remain anonymous?

Comments will remain anonymous outside and beyond ActionAid International unless we have sought permission to share your advice and/or media for external communications purpose. Individuals will not to be identified or linked to specific statements made outside of the discussion, unless we have permission to do so, and we ask all participants to follow this practice. you can choose to have your real name published or not (in which case, we will refer to the country but omit your name). *Please tick one of the following options:*

Yes: I am happy for my real name to be used

No: I do not want my real name to be used

Please tick this box if you do **NOT** want to be featured in any external communications materials, imagery, or video footage

Are there any identifying features you do **NOT** want included in our communications work? *For example, your location:*

Please let us know if there are any ways in which you do **NOT** wish to be represented or described:

I am happy to give my permission

Please sign this form to show you are happy to participate in this research and give permission for your advice to be used by ActionAid International for the purposes outlined above. You may withdraw your consent at any time without reason and participation in the research is voluntary.

Signature **Date**

Annex 4.

Risk Analysis Form

**This form is to be completed by each consultant or staff member who will undertake the case study interviews. By no means can the interviews take place before the completion, submission, and approval of this form to the project supervisor.*

Title of research: **Monitoring of and documenting national impact of COVID-19 on civic space**

Country:

Risk	YES/NO	Mitigation strategy
Economic risk: Do you perceive a loss of economic resources in real time or after the interview because of participants taking part in your study		
Political risk: Do you anticipate any form of political harassment, detention, arrest because of participants taking part in this study		
Legal risk: Would any of your participants of your research fall into any legal trouble because of taking part in your study?	Yes	
Any other risk: Is there any other type of risk to you or to your respondents that you think is associated with carrying out this research in your country before, during or after the research?	Yes	

Annex 5.

Checklist: Methodology, Ethics and Writing Guidelines

Research project: Monitoring of and documenting national impact of COVID-19 on civic space, 2020

- ✓ Please use this checklist when you submit your case studies.
- ✓ You may add comments/explainers on each row as deemed necessary otherwise if you fulfil the requirement, just tick the box.
- ✓ Case studies will not be accepted if they are not accompanied by this completed checklist.

Selected method/s

- Please choose which method of interviewing you used in your case study
- Online video (including platforms such as Zoom or WhatsApp calling?)
Written email
- Voice telephone call
- Face to face interview

Researcher	
General	
✓ SPELL CHECK!!! No red lines in text.	
✓ Check the green lines for long sentences or syntax. There should be no green lines in the text.	
Ethics	
✓ No sexist, racist, homophobic or any other language that reflects discrimination or intolerance for diversity.	
✓ Obtain informed consent from potential research participant.	
✓ Obtain consent for minors. Where possible avoid minors as case studies.	
✓ Minimize the risk of harm to participants.	
✓ Respect and offer participants anonymity and confidentiality where required by participants.	
✓ Avoid using deceptive practices.	
✓ Give participants the right to withdraw from your research.	

Researcher	
✓ Conduct interview in local language if needed by the participants and translate to English for the case study.	
✓ Be truthful in your findings	
Acronyms	
✓ All acronyms in the write up should be spelled out at first reference. For example, Gender-Based Violence (GBV).	
Active tense	
✓ Avoid using passive tense, use active tense	
Referencing & quotations	
✓ No plagiarism. Reference ALL sources of information	
✓ Direct words must be in quotation marks and attributed to a clearly identified speaker.	
✓ Reference using the same agreed reference style	
Photos	
✓ All photos must be captioned: Who, what, where, why, when photographed, place, date.	
✓ Permission should be sought for all photos, if possible, avoid photos with minors.	
Formatting	
✓ Arial 11; single space.	
✓ No indented paragraphs.	
✓ ALWAYS ADD PAGE NUMBERS.	
Style	
✓ Honorifics: No honorifics – Ms., Mr. Etc.	
✓ Pseudonym: If using a pseudonym indicate this by using a * and a footer notation.	
✓ Dates: Use date, month and year. Example: 5 July 2005	

Researcher	
✓ Italics: Use italics to identify words that are not written in the language of the article and for titles of books, periodicals, newspapers, plays. Example: The editor of The Herald newspaper was not available for comment.	
✓ Jargon: Avoid jargon, e.g., “the issues involved in the process of development need to be unpacked” – use plain language the reader will understand: “development needs to be understood.”	
✓ Short sentences: no more than three lines or thirty words. Avoid clauses and sub-clauses. Never more than one “and” in a sentence.	
✓ Quotations: use “this” not ‘this’ except in the case of a quote within a quote which in any case should be avoided. Long quotes can be denoted by an indented paragraph.	
✓ Contractions: No contractions, e.g., do not, NOT don’t.	
✓ Full stops: Use full stops for e.g., and i.e., but not for NGOs, MPs	
✓ Headings: Use sentence case; NOT CAPITALS or Each Word in Capitals for example, Constitutional reform in Botswana, NOT Constitutional Reform in Botswana.	
✓ Consistent hierarchy of titles and subtitles. CAPITALS BOLD; Sentence case bold; Sentence case italics and bold; Sentence case italics.	

Endnotes

1. Bolivia, Brazil, Ghana, Guatemala, Nepal, Nigeria, Tanzania, Uganda, and Zimbabwe.
2. Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights, UN Doc. E/CN.4/1984/4 (1984) (hereinafter: Siracusa Principles). The Human Rights Committee (HRC or Committee) has issued further guidance around the validity of restrictions on Rights under the ICCPR within General Comments, which emphasize the duty on states to justify any limitations, and the requirements that any such measures are provided by law, necessary, proportionate, and subject to review. For example, in relation to the right to liberty and security of person, Article 9 of the ICCPR, the Committee has emphasized that it applies to involuntary hospitalization, and states parties have the burden to demonstrate that “any detention does not last longer than absolutely necessary, that the overall length of possible detention is limited and that they fully respect the guarantees provided for by article 9 in all cases.” Reasons for the detention must be given to the detainee, who should be provided with access to independent legal advice and the detention must be subject to impartial judicial review, Human Rights Committee, General Comment No. 35, Article 9 (Liberty and security of person) 2014, UN Doc. CCPR/C/GC/35 (2014), para. 15. In relation to the right to freedom of opinion and expression, Article 19 of the ICCPR, the HRC has stressed that any limitation related to public health must be necessary, proportionate and “must not be overbroad”; Human Rights Committee, General Comment No. 34, Article 19: Freedoms of opinion and expression (2011), UN Doc. CCPR/C/GC/34, para. 34. Any restrictions on Freedom of Movement based on public health grounds must similarly be “provided by law, must be necessary in a democratic society for the protection of these purposes and must be consistent with all other rights recognized in the Covenant”, they must also be non-discriminatory, proportionate and precisely framed; ICCPR General Comment No. 27: Article 12 (Freedom of Movement) (1999), UN Doc. CCPR/C/21/Rev.1/Add.9, paras 11-18.
3. Gender based violence is South Africa’s second pandemic, Daily Maverick, 18 June 2020, <https://www.dailymaverick.co.za/article/2020-06-18-gender-based-violence-is-south-africas-second-pandemic-says-ramaphosa/>
4. https://www.who.int/health-topics/infodemic#tab=tab_
5. <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/technical-guidance>
6. UN Special Rapporteur on the rights to freedom of peaceful assembly and of association. (2020). States responses to Covid 19 threat should not halt freedoms of assembly and association. <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25788&LangID=E>
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8. Siracusa Principles on the Limitation and Derogation of Provisions in the International Covenant on Civil and Political Rights, UN Doc. E/CN.4/1984/4 (1984) (hereinafter: Siracusa Principles). The Human Rights Committee (HRC or Committee) has issued further guidance around the validity of restrictions on Rights under the ICCPR within General Comments, which emphasise the duty on states to justify any limitations, and the requirements that any such measures are provided by law, necessary, proportionate, and subject to review. For example, in relation to the right to liberty and security of person, Article 9 of the ICCPR, the Committee has emphasised that it applies to involuntary hospitalisation, and states parties have the burden to demonstrate that “any detention does not last longer than absolutely necessary, that the overall length of possible detention is limited and that they fully respect the guarantees provided for by article 9 in all cases.” Reasons for the detention must be given to the detainee, who should be provided with access to independent legal advice and the detention must be subject to impartial judicial review, Human Rights Committee, General Comment No. 35, Article 9 (Liberty and security of person) 2014, UN Doc. CCPR/C/GC/35 (2014), para. 15. In relation to the right to freedom of opinion and expression, Article 19 of the ICCPR, the HRC has stressed that any limitation related to public health must be necessary, proportionate and “must not be overbroad”; Human Rights Committee, General Comment No. 34, Article 19: Freedoms of opinion and expression (2011), UN Doc. CCPR/C/GC/34, para. 34. Any restrictions on Freedom of Movement based on public health grounds must similarly be “provided by law, must be necessary in a democratic society for the protection of these purposes and must be consistent with all other rights recognized in the Covenant”, they must also be non-discriminatory, proportionate and precisely framed; ICCPR General Comment No. 27: Article 12 (Freedom of Movement) (1999), UN Doc. CCPR/C/21/Rev.1/Add.9, paras 11-18.
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