

Combined civil society submission to the African Commission on Human and Peoples' Rights

Intersessional report on the human rights impact of Covid-19 emergency measures

1 April 2021

1. Introduction

African Commission on Human and Peoples' Rights (ACHPR) resolution 447 on upholding rights during situations of emergency and in other exceptional circumstances tasks the Focal Point on Human Rights in Conflict Situations in Africa (the Focal Point) to report on declarations of states of emergency and disaster in Africa to ensure that they comply with the African Charter on Human and Peoples' Rights (AChHPR). At the 67th Ordinary Session of the ACHPR, the Focal Point provided an initial report in which he noted African countries in which declarations of emergency or disaster were made, how long they were in place/number of renewals, the substantive elements contained in these declarations, sanctions imposed for violations of emergency provisions, and the human rights implications of these declarations and their enforcement, with a particular focus on the most vulnerable to human rights violations.

On 17 March 2021, the African Policing Civilian Oversight Forum (APCOF) encouraged organisations in its network to make submissions to the ACHPR for the purpose of informing the intersessional report being prepared by the Focal Point ahead of the upcoming 68th Ordinary Session of the ACHPR. APCOF has, on the request of the ACHPR, provided a high level summary of the situation of human rights in relation to Covid-19 emergency measures, based on the inputs received from 11 organisations and individuals:

- [AdvocAid](#), Sierra Leone
- [Advocats Sans Frontières](#) (ASF)
- [African Policing Civilian Oversight Forum](#) (APCOF)
- [Centre for Human Rights Education, Advice and Assistance](#), Malawi (CHREAA)

- [Human Rights Awareness and Promotion Forum](#), Uganda (HRAPF)
- An independent researcher in Madagascar
- [International Centre for Not-for-Profit Law](#) (ICNL)
- [International Drug Policy Consortium](#) (IDPC)
- [Lawyers Alert](#), Nigeria
- [Observatoire Ivoirien des Droits de l'Homme](#), Côte d'Ivoire (OIDH)
- [Penal Reform International](#) (PRI)
- [Prison Insider](#)
- [PRAWA](#), Nigeria

Five other organisations expressed interest in contributing, but were unable to complete a submission due to the short lead time ahead of the 68th Ordinary Session.

This high level summary is structured to address the four key elements of the previous intersessional report and provides an overview of information received to address each: declarations of states of emergency or disaster; substantive elements of the declaration; sanctions imposed for violations; human rights impact of the declaration and its enforcement. The submissions and information received from contributors are then annexed to this summary for reference and further information for the Focal Point in the preparation of his intersessional report.

2. Issue 1: Declarations of states of emergency or disaster

Information received indicates that the use of declarations of states of emergency and disaster were a widespread initial response by African States to the Covid-19 pandemic. The ICNL submission¹ provides information on the 17 countries that declared states of emergency,² the eight that declared states of disaster³ and calamity,⁴ and the 10 that

¹ See AdvocAid for more information on Sierra Leone.

² Angola, Botswana, Chad, Côte d'Ivoire, Democratic Republic of the Congo, Egypt, Eswatini, Ethiopia, The Gambia, Gabon, Guinea, Guinea Bissau, Lesotho, Liberia, Mozambique, Namibia, Senegal, Sierra Leone. For more information on Côte d'Ivoire see OIDH. For more information Sierra Leone, see AdvocAid.

³ Malawi, Mozambique, South Africa, and Zimbabwe. Information received by IDPC confirms that Ghana is also subject to a state of national disaster. For more information on Malawi, see CHREAA.

⁴ Angola, Cape Verde, Guinea Bissau, and Sao Tome and Principe.

declared public health emergencies.⁵ In some cases, these states of emergency were extended. Where the declarations have lapsed, the ICNL submission provides further updates on further actions taken by States, including the replacement of emergencies by the lesser states of health emergency or calamity. The continuation of states of emergency, disaster and calamity in some form across most of those countries that made initial declarations over a year ago suggest that such declarations remain a favoured approach by African states for dealing with this global public health crisis.⁶

In Egypt⁷ and Tunisia⁸ states of emergency have been continuous since 2017 and 2015, respectively. In both cases, additional exceptional measures related to Covid-19 have been applied since March 2020.

The submissions also pointed to a number of countries where formal declarations of states of emergency or disaster were not made, but measures to restrict freedom of movement and assembly, amongst others, were imposed by ‘emergency’-style regulation. This includes Uganda where submissions from ASF, HRAPF, PRI and ICNL detail how a *de facto* state of emergency is in place. Extraordinary legislative and regulatory responses were also reported in Kenya, Rwanda, South Sudan and Zambia.⁹ Similarly, in Malawi, Nigeria and Kenya, while no emergency was declared, strict guidelines were introduced, and lockdowns put in place, with commensurate sanctions.¹⁰ The ASF submission details how despite the official policy of denial in Burundi about the presence of Covid-19, measures were nonetheless taken.

3. Issue 2: Substantive elements of declarations

The substantive elements of declarations of emergency contain a number of common features across the countries for which submissions were received, the most common being

⁵ Botswana, Burkina Faso, Republic of Congo, Equatorial Guinea, Liberia, Madagascar, Niger, Sao Tome and Principe, Sudan, and Togo. For more information about Madagascar, see independent researcher.

⁶ In addition to the information provided by ICNL, the IDPC provided information regarding Ghana, where the declaration of a state of disaster has been extended five times, and is currently still in effect.

⁷ ICNL

⁸ ASF.

⁹ ICNL. For more information on Kenya, see PRI.

¹⁰ CHREAA, Lawyers Alert, PRAWA and PRI.

curfews, restrictions on movement and gatherings, which are evident in the context of declarations of states of emergency and disaster, as well as in the other situations where extraordinary regulations are in operation outside of a formal declaration of emergency or disaster.

3.1. Curfews

Curfews are generally imposed nightly, with hours ranging from about 21h00 to 05h00),¹¹ including in countries without formal declarations of states of emergency or disaster.¹²

3.2. Restrictions on movement

Restrictions on movement range from the limitations on the use of public transport, both road and air, to limitations on movement between countries, and within countries.¹³ Compulsory quarantine measures for incoming international arrivals have been imposed in a number of countries, including under Egyptian emergency regulations,¹⁴ on the order of the Burundi Minister of Health,¹⁵ and Tunisian Presidential statements.¹⁶ The provision of movement or essential service permits to permit travel during daytime and curfew hours has been observed in Botswana¹⁷ and South Africa.¹⁸ Snap lockdowns were also employed in a number of countries, including South Africa¹⁹ and Sierra Leone,²⁰ where the almost complete shutdown economic life had a significant impact on the socio-economic rights of the most

¹¹ ICNL. This includes current curfews under declared states of emergency/disaster/calamity of 22h00 – 05h00 in Angola, 21h00 to 05h00 in Democratic Republic of Congo, 23h00 to 04h00 in Guinea, 21h00 to 05h00 in Malawi, 21h00 – 04h00 in the greater Maputo area of Mozambique, 23h00 to 05h00 in Brazzaville and Pointe-Noire in Republic of Congo, 22h00 to 05h30 in Zimbabwe. In countries without declared states of emergency/disaster/calamity, curfews are also imposed, including in Eswatini (20h00 – 04h00), Kenya (22h00 – 04h00), Nigeria (00h01 to 04h00) and Rwanda (19h00 to 04h00 in Bugesera, Nyanza and Gisgara). See AdvocAid – curfew in Freetown until 24 March 2021 from 22h00 to 05h00. See ODH for Ivory Coast and independent researcher for Madagascar.

¹² This includes Kenya (PRI), Uganda (HRAPF, PRI and ASF), and Nigeria (Lawyers Alert and PRAWA).

¹³ ICNL, APCOF, AdvocAid, CHREAA, HRAPF, PRI, ODH, independent researcher.

¹⁴ ICNL

¹⁵ ASF

¹⁶ ASF

¹⁷ ICNL

¹⁸ APCOF

¹⁹ APCOF

²⁰ AdvocAid

vulnerable in those communities (as set out in the section on the rights impact of measures, below).

Limitations on movement were also imposed in countries where no formal declaration of emergency or disaster was made, including Nigeria, which imposed temporary international and inter-state travel bans,²¹ and Kenya where border restrictions, internal and external, have been periodically imposed.²²

3.3. Limitations and bans on gatherings

One of the most common features of emergency measures has been limitations on gatherings, both public and private. These limitations include total bans on gatherings of any form, through to limitations on the type of gathering, and the capacities of indoor venues, as well as limitations on numbers who can gather in outdoor settings.²³ Closures or restricted hours for retail and other businesses, including informal markets, were observed in a number of countries,²⁴ with socio-economic impacts on those trading on the margins of the formal economy discussed in more detail under issue 4, below. Bans or limitations on gatherings were also observed in countries not under state of emergency, including Nigeria, Kenya and Uganda.²⁵

3.4. Access to courts and places of detention

In many countries,²⁶ court hearings were stopped, reduced, or shifted to online hearings. In Algeria, civil and administrative hearings are only being heard in the presence of lawyers, but without the parties to the case.²⁷

²¹ Lawyers Alert and PRAWA.

²² PRI

²³ See ICNL for examples from Angola, Botswana, Democratic Republic of Congo, Egypt, Guinea, Lesotho, Malawi, Mali, Mozambique, Sao Tome and Principe, Togo and Zimbabwe. For more information about Uganda, see HRAPF. For more information about South Africa, see APCOF.. For more information about Côte d'Ivoire, see ODH. For more information on Madagascar see independent researcher.

²⁴ ICNL. For specific information on Uganda, see HRAPF. For information on South Africa, see APCOF.

²⁵ See ICNL. See Lawyers Alert and PRAWA for Nigeria, and PRI for Kenya and Uganda.

²⁶ INCL, AdvocAid, Prison Insider.

²⁷ Prison Insider.

Access to places of detention was limited and detainees in various forms of detention, including correctional facilities and prisons, were without access to family, lawyers and other third parties, impacting right to fair trial, as well as right to health with many detainees reliant on families to provide food and water.²⁸ Lawyers were not initially considered essential workers in many jurisdictions, including South Africa and Uganda, and so were not given permission to access clients or places of detention.²⁹

3.5. Restrictions on media and communication

Restrictions on media and communications were observed in a number of countries, including Mali where the state of emergency grants administrative authorities wide powers, including to control communications (telephone, SMS, social media, postal, etc) and restrict radio and television broadcasts.³⁰ In Madagascar sanctions were in place for the broadcasting of information that the government considers ‘fake news’ including the closure of Facebook pages.³¹ Similarly in Zimbabwe, though not under emergency law, regulations makes it an offence to publish or communicate false news that has the effect of ‘prejudicing the State’s enforcement of the national lockdown’.³²

4. Issue 3: Sanctions imposed for violations

Sanctions imposed for failure to comply with regulations under states of emergency and natural disaster range from fines³³ to terms of imprisonment,³⁴ to a combination of fines and terms of imprisonment.³⁵ In a number of countries, people have been given terms of

²⁸ AdvocAid, ASF, PRI.

²⁹ APCOF, PRI and Prison Insider (which covers Namibia, Angola, Benin, Burkina Faso, Cameroon, Cape Verde, Comoros, Cote d’Ivoire, Egypt, Eritrea, Eswatini, Ethiopia, Kenya, Liberia, Madagascar, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Somalia, South Sudan, South Africa, Tunisia, and Zambia)

³⁰ ICNL

³¹ Independent Researcher.

³² ICNL

³³ ICNL for Malawi and Angola, APCOF for South Africa

³⁴ See HRAPF and PRI – in Uganda, violations are punishable by up to 3 months imprisonment. See also, Prison Insider for Ethiopia.

³⁵ See ICNL for Botswana, APCOF for South Africa, AdvocAid for Sierra Leone, CHREAA for Malawi, PRI for Kenya, ODH for Ivory Coast, and independent researcher for Madagascar.

imprisonment for failure to pay fines.³⁶ In Madagascar, sanctions included half a day of community service, notably street and market cleaning, and the impounding of vehicles and closure of business.³⁷

In Tunisia sanctions were initially custodial sentences ranging from 6 months to 2 years. However, following calls by civil society to declassify certain lockdown and curfew-related offences, the Government published a decree to reduce the sanction to fines for these offences.³⁸

In Egypt, violation of the amended emergency laws are punished with imprisonment of up to 15 years, with cases tried before the Emergency State Security Courts which are staffed by judges chosen by the President. There is no right of appeal for defendants.³⁹

Though not under a state of emergency, Zimbabwe has introduced offences related to the communication of information that prejudices the State's enforcement of the national lockdown regulations, which attract a fine or term of imprisonment of up to 20 years.⁴⁰ Similarly, Nigeria did not declare a state of emergency, but neither did it impose clear sanctions on violations of regulations, orders, guidelines and advisories, which meant broad discretion, and arbitrary enforcement, by law enforcement officials, as discussed in terms of issue 4, below.⁴¹

5. Issue 4: Human rights impact of declarations and their enforcement

From a review of the submissions received, APCOF has identified a number of human rights issues that emerge from the declaration and enforcement of states of emergency or disaster, or from regulatory regimes which have created *de facto* states of emergency.

³⁶ See IDPC for Ghana.

³⁷ See independent researcher in Madagascar.

³⁸ ASF.

³⁹ ICNL

⁴⁰ ICNL

⁴¹ Lawyers Alert and PRAWA.

Failure to provide sunset clauses or time limits on emergency measures has been reported in Democratic Republic of Congo, Zimbabwe and Sierra Leone, where measures or extensions have variously been described as being in place ‘until further notice’ or ‘indefinitely’.⁴²

Challenges to the rule of law in some countries where the law was not followed in terms of either the declaration or implementation of the state of emergency/disaster. In Tunisia, for example, the failure to implement the 2014 Constitution means that imposing a state of emergency is necessarily unlawful as there is no mandated consultation (and therefore no oversight) with the yet-to-be established Constitutional Court.⁴³ In both Tunisia and Burundi, measures have been imposed by way of statement or announcement, rather than by law.⁴⁴ In a number of countries, no declaration of state of emergency or disaster was declared, but extraordinary legislative powers were provided to impose limitations and restrictions, circumventing constitutional protections regarding limitations on states of emergency. In Uganda, for example, by not declaring a state of emergency, and using extraordinary powers under regulation, key constitutional safeguards were circumvented. These include the 90 day limitation on states of emergency unless extended by Parliament for another 90 days on the basis that it is satisfied that the measures are ‘reasonably justifiable for dealing with a state of emergency’.⁴⁵

Lack of oversight for extensions of states of emergency and disaster. In South Africa, for example, there has been a continuous state of natural disaster since the initial declaration on 15 March 2020, without any oversight by the Parliament (which is a requirement of the State of Emergency Act, but not in terms of declarations of states of disaster).⁴⁶

The use of arrest and detention to enforce what are essentially minor or petty offences, such as failure to wear a mask, is problematic particularly in the context of a public health crisis when decongestion of places of detention is, or should be, a key public health measure.⁴⁷ In South Africa for example, 342,000 people have been arrested for violating lockdown

⁴² See ICNL for Democratic Republic of Congo and Zimbabwe, and AdvocAid for Sierra Leone,

⁴³ ASF.

⁴⁴ ASF.

⁴⁵ HRAPF, ASF, PRI.

⁴⁶ APCOF.

⁴⁷ See AdvocAid for Sierra Leone, CHREAA for Malawi, APCOF for South Africa.

regulations since March 2020. In December 2020, the government reported that over 20,000 people had been arrested or fined between 29 December 2020 and 13 January 2021 alone for violations of the lockdown regulations under adjusted alert level 3, including 7,455 who were detained for failure to wear a face mask in a public place, and 830 for the provision or transportation of alcohol.⁴⁸ In Ghana, over 200 people have been arrested during lockdown for similarly ‘minor’ offences,⁴⁹ and in Nigeria, 54 people have been imprisoned for minor offences related to failure to wear a mask or to socially distance.⁵⁰

Arbitrary detention is a problem noted in a number of countries, including Kenya and Uganda,⁵¹ exacerbated by either enforcement measures that are imprecise or broadly defined, or the provision of broad discretion to law enforcement officials to apply the law. In Zimbabwe, for example, national lockdown regulations provide broad discretion to an enforcement officer to accept or reject a justification for a person exempted from the regulations: proof ‘by any other means satisfactory to the enforcement officer’.⁵² In Tunisia, the lack of clarity in the Presidential Decree that established Covid-19 measures led to confusion by law enforcement and the public as to what constituted a violation, and the commensurate penalties, leading to arrests, with withdrawal of permits and registration documents.⁵³ Finally, Nigeria did not impose clear sanctions on violations of regulations, orders, guidelines and advisories, which meant broad discretion, and arbitrary enforcement, by law enforcement officials. Sanctions used by the authorities generally include fines, detention and corporal punishment.⁵⁴

Related is the issue of the discriminatory enforcement of measures against particular persons and groups, which results in arbitrary arrest and detention, and a cascade of further socio-economic rights violations. In a number of submissions, it is noted that the people most impacted by the enforcement of Covid-19 measures are not acting in defiance of those measures, but out of a need to find food, water, or daily wages. The profound socio-economic

⁴⁸ APCOF.

⁴⁹ IDPC.

⁵⁰ Lawyers Alert and PRAWA.

⁵¹ PRI.

⁵² INCL.

⁵³ ASF.

⁵⁴ Lawyers Alert and PRAWA.

impact of lockdown measures, which put significant limits on movement and trade, include food insecurity, loss of housing, health care and education, are compounded by exposure to abuse, extortion, torture and other ill-treatment, and arbitrary detention by law enforcement officials for failure to comply with measures. Women have been particularly affected, and so too people who are usually vulnerable to such rights violations outside of Covid-19 measures. This includes, in particular, the poor, informal traders, and key populations including people who use drugs, commercial sex workers, LGBTI persons and people with HIV/AIDS. In Malawi, for example, imposing sanctions for failure to wear a mask is described by civil society as the criminalisation of poverty, as for some people, non-compliance is a result not of defiance of the law, but the inability to afford a mask.⁵⁵ Further detail is provided in the attached submissions and other information in relation to Sierra Leone,⁵⁶ South Africa,⁵⁷ Ghana,⁵⁸ Nigeria,⁵⁹ Uganda,⁶⁰ Madagascar,⁶¹ and Malawi.⁶²

The use of the military to enforce Covid-19 emergency measures has been noted with concern in a number of countries,⁶³ particularly in terms of the appropriateness of their deployment, the lack of effective oversight over military operations, and their lack of training in terms of use of force in a civilian law enforcement context.

Access to places of detention was limited and detainees in various forms of detention, including correctional facilities and prisons, were without access to family, lawyers and other third parties, impacting right to fair trial, as well as right to health with many detainees reliant on families to provide food and water.⁶⁴

⁵⁵ See, information received from CHREAA – ‘Covid-19 Rules Haunt the Poor’, The Nation, Wednesday 27 January 2021.

⁵⁶ AdvocAid.

⁵⁷ APCOF.

⁵⁸ IDPC.

⁵⁹ Lawyers Alert and PRAWA.

⁶⁰ PRI, HRAPF and ASF.

⁶¹ Independent researcher.

⁶² CHREAA.

⁶³ Information is available on Lesotho, Malawi, Sierra Leone, South Africa, Ghana, Madagascar and Uganda. See ICNL, CHREAA, HRAPF, AdvocAid, APCOF, independent researcher, IDPC.

⁶⁴ AdvocAid ASF, PRAWA, PRI and Prison Insider.

The release of detainees as a public health measure was introduced in a number of countries to reduce overcrowding,⁶⁵ but there are reports that these measures were slow to be implemented.⁶⁶ The creation of new minor offences, such as failure to wear a mask, and sanctions including arrest and detention, were contrary to decongestion efforts and a public health response to the pandemic, further burdening detention facilities and increasing the risk of disease spread.⁶⁷ In Madagascar, for example, the number of pre-trial detainees has increased since the start of the pandemic.⁶⁸

The enforcement of Covid-19 measures have been misused against human rights defenders and others vulnerable to human rights violations such as LGBTI persons. This includes including the arrest of journalists who are critical of measures of government or for spreading ‘fake news’ in Madagascar,⁶⁹ and the arrest of LGBTI youths in Uganda, who successfully challenged their arrest and detention on constitutional grounds.⁷⁰ Covid-19 restrictions have also been used to enforce harsh and often violent crackdowns on protests or other gatherings, as observed in Tunisia, Uganda and South Africa.⁷¹

Access to justice has been significantly curtailed with measures suspending, slowing or moving court processes online. In Uganda, for example, people are reported to arrested spent months on remand without access to a lawyer, and beyond the pre-trial statutory limitation of 48 hours.⁷² In Tunisia and Algeria, the closure of courts as part of lockdown measures had a profound impact on the right to a fair trial. Of particular concern are the measures imposed by decree regarding remote criminal hearings, which are intended to remain in place beyond the Covid-19 health crisis, and which undermine the right to a fair trial, equality before the law and a public hearing.⁷³ In Egypt, violations of emergency laws are tried before Emergency State Security Courts, which are staffed by judges chosen by the president, with no right of

⁶⁵ PRI, APCOF.

⁶⁶ See, for example, AdvocAid.

⁶⁷ APCOF, AdvocAid, PRI, ASF, HRAPF, IDPC, CHREAA, Lawyers Alert and PRAWA.

⁶⁸ Independent researcher.

⁶⁹ Independent Researcher

⁷⁰ HRAPF, PRI, ASF.

⁷¹ ASF and APCOF.

⁷² PRI.

⁷³ ASF, Prison Insider.

appeal for defendants. The government has historically used emergency law and emergency courts to prosecute political dissidents, journalists, activists and civil society leaders.

The ban on gatherings, which has been a feature across every country for which submissions were received, has had a significant impact on the right to freedom of association and assembly, including in Tunisia, South Africa, Kenya and Uganda, where, in the latter, law enforcement and security agents misused Covid-19 measures to clamp down on political opponents and civil society activists before and after the general election.⁷⁴

Covid-19 measures have had an impact on the conduct of elections and electoral participation. With border closures, Burundi citizens living abroad were exempt from provisions that would allow proxy voting, and in both Côte d'Ivoire and Uganda, there are reports that measures were selectively employed for enforcement during presidential elections against some political parties and leaders.⁷⁵

Excessive use of force in the enforcement of Covid-19 related measures have been observed across the continent, including in Tunisia,⁷⁶ South Africa,⁷⁷ Sierra Leone,⁷⁸ Malawi,⁷⁹ Uganda,⁸⁰ Nigeria,⁸¹ Kenya,⁸² Côte d'Ivoire,⁸³ and Madagascar.⁸⁴ Deaths as a result of law enforcement action, and extrajudicial killings are reported.⁸⁵ In Nigeria, for example, during enforcement of initial lockdown measures, more people were killed by security agencies than the pandemic itself.⁸⁶

⁷⁴ ASF, APCOF, HRAPF.

⁷⁵ ASF, HRAPF, ODH.

⁷⁶ ASF

⁷⁷ APCOF

⁷⁸ AdvocAid

⁷⁹ CHREAA

⁸⁰ HRAPF

⁸¹ Lawyers Alert, PRAWA, Prison Insider

⁸² PRI

⁸³ ODH

⁸⁴ Independent researcher

⁸⁵ PRI, ASF and PRAWA.

⁸⁶ Lawyers Alert.

Gender-based violence was observed to have increased as a result of lockdown and other measures in a number of countries.⁸⁷

Aside from the challenges reported, there are also reports of progress in the protection of human rights in the context of access to justice. In Nigeria, for example, the existing legal frameworks for non-custodial measures were finally utilised through diversion to aid decongestion of places of detention, and the use of mobile courts for persons accused of violating Covid-19 regulations resulted in 23,000 orders for community service, rather than terms of imprisonment or fines.⁸⁸

6. Conclusion and key recommendations

A summary of the key recommendations as they relate broadly to the countries reported on in this combined submission are as follows.

- Ensure effective oversight and monitoring over the declaration, extension and implementation of states of emergency or disaster, including parliamentary oversight.⁸⁹
- Adopt a rights-centered, evidence-based and public health approach to addressing the pandemic, rather than a securitised approach that favours the criminalisation of conduct, rather than public health messaging and support.⁹⁰
- Ensure non-discriminatory application of Covid-19 containment measures.⁹¹
- Promote compliance with ACHPR resolution 449 on human rights as a central pillar of successful responses to Covid-19 and recovery from its socio-economic impacts.⁹²

⁸⁷ PRI, independent researcher, PRAWA.

⁸⁸ PRAWA.

⁸⁹ APCOF, AdvocAid, Lawyers Alert, OIHD

⁹⁰ APCOF, AdvocAid, ASF, CHREAA, Lawyers Alert, HRAFP, and PRAWA.

⁹¹ OIHD

⁹² APCOF, HRAFP

- Adopt alternatives to pre-trial detention and the commutation or temporary suspension of certain sentences to reduce new admissions to detention facilities and reduce the risk of Covid-19 transmission, particularly for minor petty crimes.⁹³
- Ensure training and protocols for law enforcement officials on use of force, and human rights protections in the context of emergency measures.⁹⁴
- Protect civil society space, including responsible media, and democratic political participation.⁹⁵
- Ensure access to justice and monitoring of rights protections in places of detention.⁹⁶
- Ensure that the rights of vulnerable persons such as LGBT persons, sex workers, persons living with HIV and persons who use and inject drugs are protected from socio-economic impact of measures put in place to address emergencies.⁹⁷
- Ensure continued operation of government agencies to ensure access to justice and access to basic services, including in particular for vulnerable people.⁹⁸
- Ensure that military / armies are only deployed in situations that are justified, and in exceptional circumstances with proper oversight and command.⁹⁹
- Ensure community engagement and decision making in measures that affect them.¹⁰⁰
- Decriminalise petty offences including breaches owing to non-compliance with Covid-19 containment measures and suspend the use of police custody and pre-trial detention for minor offences where sentences of less than two years imprisonment, and not represent a danger to the public.¹⁰¹

⁹³ AdvocAid, PRI

⁹⁴ AdvocAid, HRAPF, Lawyers Alert, and PRAWA.

⁹⁵ AdvocAid

⁹⁶ ASF and PRAWA.

⁹⁷ HRAPF

⁹⁸ HRAPF, Lawyers Alert.

⁹⁹ HRAPF, Lawyers Alert

¹⁰⁰ Lawyers Alert

¹⁰¹ Lawyers Alert, PRAWA, PRI, Prison Insider, OIHD.

- Decongest prisons (including the release detainees by means of pardons and amnesties who are nearing end of sentences as well as those in the age group at risk and whose detention is no longer justified), and provide resources to institutions responsible for detention to ensure testing of staff and detainees as a measure to stop transmission in places of detention.¹⁰²

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¹⁰² PRI, ASF, PRAWA and Prison Insider.