

Reports monitoring covid-19 pandemic in countries and regions of the Global South
Nº 18 20th August 2020

Human rights in the time of covid-19: freedom of expression and police violence

Human rights are principles or norms associated to every human regardless its social status, nationality, ethnicity, place of residence, age or gender and serve as the ethical and moral basis for a society's actions. Human rights are legally protected by 18 International Treaties, which encompass some of the 33 Articles of the pioneering Universal Declaration of Human Rights. These treaties are for example: the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) or the 2006 International Convention for the Protection of All Persons from Enforced Disappearance (CED).

All countries or states have ratified at least one of these 18 international treaties, and 80% of them have ratified four or more. The following map shows how many treaties each country has ratified (OHCHR, 2020).

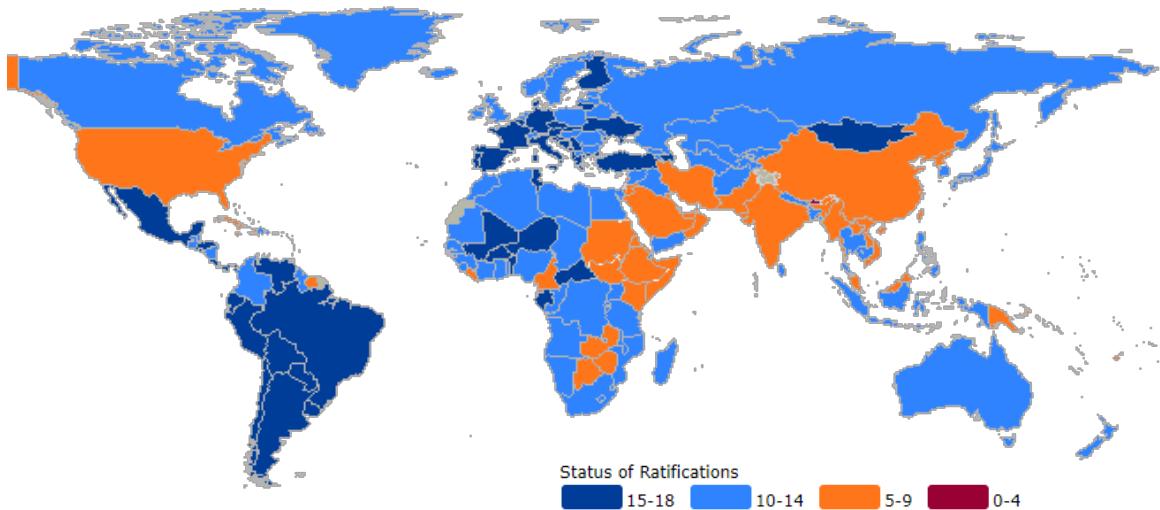


Figure 1. Ratifications of the 18 International Treaties on Human Rights (OCHCR, 2020)

This report aims to show different situations described in local newspapers in African and Latin American countries and through NGOs and international committees related to freedom of expression, police violence or disappearance of persons. These described circumstances have arisen or have been accentuated as a result of the lockdown measures applied by each country and have violated the above mentioned treaties as well as the following articles of the Universal Declaration of Human Rights¹:

- Article 2. Everyone has the right to life, liberty and legal security.
- Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment, nor shall he be subjected to physical, mental or moral harm.
- Article 6. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor shall he suffer attacks on his honour or reputation.
- Article 9. No one may be arbitrarily detained, imprisoned or banished.
- Article 12. Everyone has the right to freedom of opinion and expression of ideas.
- Article 13. Everyone has the right to freedom of peaceful assembly and association.

In Ethiopia, the lack of freedom of expression in the country has clearly accentuated since the arrival of covid-19 in the region. During the last decade, several organizations such as *Human Rights Watch* or *Amnesty International* have documented and denounced the government's use of national legislation to restrict its citizens' freedom of expression and political dissidence, specifically for members of the opposition, journalists and activists.

The current Prime Minister, Abiy Ahmed Ali, repealed some of these laws in 2018, opened up the country's media landscape and released journalists and bloggers from prison (leading to his Nobel Peace Prize win in 2019). However, since the arrival of covid-19 there has been from the government side a setback to these freedoms.

Under the argument of protecting the population from disinformation and social unrest, the Prime Minister created a law on March 23th that allows the state to imprison and fine those who publish information considered false on media or their social networks. However, as journalists and activists mention, the definition of false information is undefined and leaves too much room for subjective interpretation by the authorities. In addition, on 8th April, the country declared state of alarm for five months and measures such as prohibiting meetings of more than four people or disallowing the publication of any information related to covid-19 that could cause terror and unnecessary distress to the population were taken. These governmental actions have led to the arrest of different journalists and activists in the country.

As *Human Rights Watch* appeals, any measures taken to protect the population during a pandemic that limits its rights and freedoms must be legal, necessary, and proportionate. In the case of restrictions on freedom of expression on public health grounds, these cannot jeopardize the right of freely expression. However, both Ethiopia and the countries described below have failed to respect these principles.

On the island of Mauritius, as reported by the newspaper *Le Mauritus*, the police have carried out arrests of Internet users who have posted content on their social networks criticising and making fun of the current president. Later, due to restrictions of movement imposed by covid-

¹ Other human rights have also been violated and are not mentioned in this report because we have focused only on those related to freedom of expression and police violence.

19, these detainees have not been able to be visited by their lawyers or the lawyers have been fined for visiting them.

In Niger, journalist and human rights defender Mamane Kaka Touda was arrested in early March for posting about a suspicious case of covid-19 on his social media. The government denied this suspicion and imprisoned the activist who is today still in prison.

In Sudan, the *Sudan News Gazette* newspaper reports that two journalists were threatened and harassed by local police for three days because they reported on the deteriorating health status of the Western city of El Fasher and pointed out that the number of positive covid-19 cases was increasing.

In Uganda, the *Daily Monitor* newspaper reported that as of mid-July, at least 11 people had been shot and killed by police while walking on the streets. These actions have been carried out under the justification of enforcing the guidelines for the prevention of transmission of covid-19. The same newspaper mentions that the police have entered and raided houses where they suspected that some inhabitants had violated the regulations imposed by the state. Moreover, in some cases these raids ended in violence and death of civilians.

Human Rights Watch has published a report describing different scenes of police violence that have occurred since the beginning of the state of emergency in Guinea Conakry. As in Uganda, under state of emergency justification, the police have practised excessive violence against the population. In addition, the inhabitants who do not wear masks in public spaces are fined the equivalent of 2.64 euros, which the police officer takes it for himself. Hence, these last months the only concern of the police has been to fine the population and pocket the money. Finally, the report states that the ban on mass gatherings does neither allow for public protests against the government nor assemblies, thus limiting the population's freedom of association and opinion (HRW, 2020).

The *Human Rights Commission* has called on the Zambian government to respect human rights and its own constitution during the months of lockdown. This call arises from the large number of reports of police officers who have used physical violence against persons suspected of breaching the lockdown guidelines. According to these guidelines, people suspected of non-compliance will be suited by the country's courts and, depending on the degree of non-compliance, will have to pay a fine or go to prison. However, the police have neither competence nor power to physically assault suspects.

Shifting the attention to Latin America, in Mexico the *Committee for the Protection of Journalists* denounces that since the beginning of the state of alarm there has been an increase of violence enforced by civilians or the police against reporters when covering news related to covid-19. These attacks have not been punished by the judiciary, among other reasons because it is currently inactive. The same *Committee* denounces that journalists are unprotected in terms of their health and at risk of contagion. Consequently, they request the creation of protocols and public policies that protect the act of collecting and transmitting information to the public.

At the end of April in Argentina, a 22 year old man, Facundo Astudillo Castro, was arrested by the police for not respecting the national quarantine measures and today, as *Amnesty International* denounces, is still missing.

In Brazil, on 5th June, President Jair Bolsonaro ordered to stop publishing the data on covid-19 accumulated cases and deaths (he intended to publish only the daily new cases and deaths) and removed the historical data from the country's official pages. The reaction from the medical community was forceful, accusing him of totalitarianism and calling for transparent data in order to effectively distribute resources and fight the pandemic. Three days later, the Supreme Court ruled that the government had the obligation to publish the number of accumulated cases and deaths as well as a breakdown by state. Since then, the federal health ministries have also decided to join forces and publish their own data so that the public and the media have full access to it.

In conclusion, the restrictive measures of movement and association taken to prevent the spread of covid-19 cannot be used for violating human rights or democratic freedoms. These measures must be temporary, justified, proportionate and necessary with regard to the specific situation in every country, respecting always the life and integrity of human beings.

References:

Office of the High Commissioner for Human Rights (OHCHR). Ratification of 18 International Human Rights Treaties. 2020. Available: <https://indicators.ohchr.org/>

Human Right Watch (HRW). Guinea: Respecting Rights Key Amid Covid-19. 2020. Available: <https://www.hrw.org/news/2020/04/29/guinea-respecting-rights-key-amid-covid-19-0>

The research group BIOCOM-SC from the Polytechnic University of Catalonia is in contact with different research groups and governmental offices in order to jointly predict the evolution of the pandemic covid-19. Moreover, we follow up local media in 35 African countries and 9 Latino American countries and complemented it with interviews to field experts.

<https://biocomsc.upc.edu/en/covid-19>