



Reports monitoring covid-19 pandemic in countries and regions of the Global South Nº 19 3rd September 2020

Collective political rights during the pandemic

At the beginning of the pandemic, many countries declared State of alarm or State of emergency. This measure has led to various restrictions such as the closure of government bodies, for example, the Parliament, the general Courts or the Justice Tribunals or the delay of elections.

In this report we present different situations that have arisen or have been accentuated during the pandemic and that have infringed the 1966 *International Covenant on Civil and Political Rights* (CCPR). Therefore, they have also violated the population's political and civil rights, which are collective rights and fall within the third generation of human rights.

At the end of May, Ugandan President Kaguta Museveni stated that the elections scheduled for 2021 would only take place if they do not pose a public health problem. Therefore, the elections fulfilment depended on the Ministry of Health decisions. However, the opposition parties protested, claiming that the country suffers from other diseases, such as malaria, and that it had never entailed postponing elections. Also, the opposition claimed that by postponing elections, the government should first declare a State of emergency. The country had not yet done so because the official number of covid-19 active cases was three hundred and no deaths recorded (Ministry of Health Uganda, 2020).

Finally, in mid-June the government decided that the elections would take place between January and February 2021. Moreover, in order to prevent the spread of the virus the elections campaign would be conducted digitally, that is, through social networks, television and radio. This decision sparked also criticism due to the impossibility to reach out everyone and therefore to respect their political rights. The critique claims that only 80% of households have access to radio or television and that not all candidates have the same opportunity to appear on any radio or television to broadcast their electoral programme. The Head of the *European Union Delegation* also announced that due to international movement restrictions, no election observers will be deployed during general elections.

However, Uganda's neighbours, Burundi and Malawi, have indeed held elections during the pandemic months. In the case of Malawi, the active cases and deaths by covid-19 have increased considerably, as can be seen in the following graph, since the election campaigns took place in April, May and June. These involve large numbers of people rallying who did not respect the physical distance.

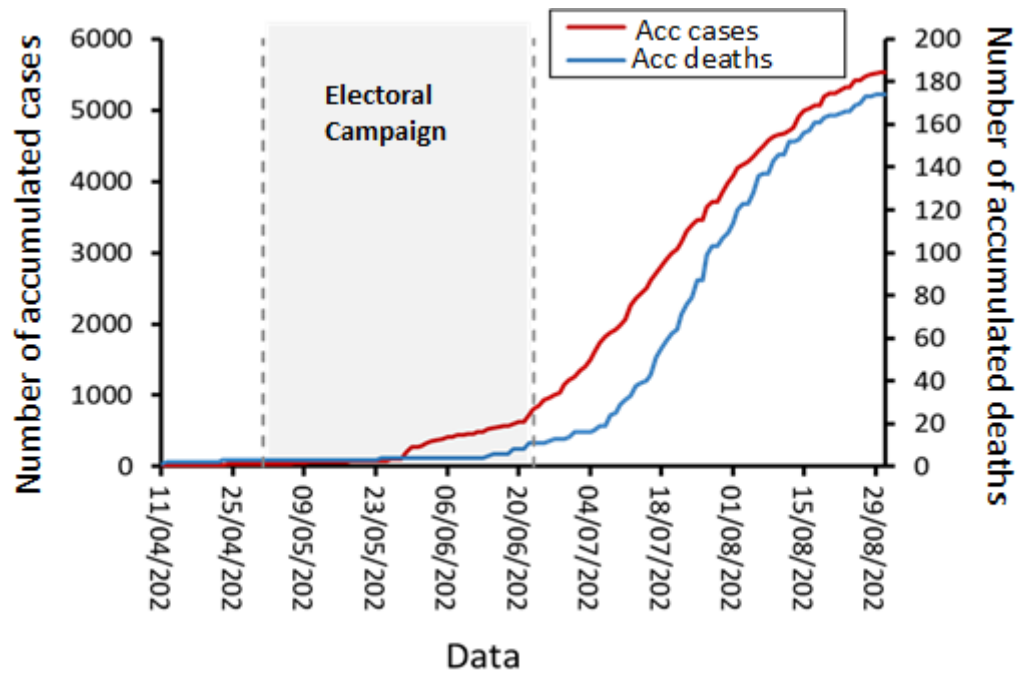


Figure 1. Evolution of covid-19 pandemic in Malawi Self-produced graph. Source: ECDC, 2020

In Namibia, through a letter to *The Namibian* newspaper, a reader complains about the paralysis of the legislative bodies since the beginning of the State of alarm. He mentions that due to the covid-19 preventive measures, there are inactive ministries and committees, which due to their political and social responsibility should be active. This fact also harms the good functioning of society and does not respect its political and civil rights.

In Guinea Conakry a referendum was held on March 22nd to pass the country's new constitution. Since the time of the first draft in October 2019, some civilians took a stand against it by creating the movement of the *National Front for the Defence of the Constitution* (FNDC), which protested against the new constitution through demonstrations. This movement, as well as other actors, defended that the document held more power to the executive body at the expense of Parliament, i.e., in case of disagreement between the National Assembly and the President of the Republic, the latter could dissolve the former without prior consultation with the President of the Assembly. The new constitution also allows electoral mandates to be extended by more than two legislations (until then the time limit) which would allow the current President to remain in power for one more mandate. Due to the State of emergency and the physical distancing measures implemented by the government, demonstrations against the new constitution were prohibited. Furthermore, the government, according to FNDC and *Human Rights Watch* (HRW), took advantage of these measures to act violently, arresting and imprisoning (more than previously) members of the FNDC. Finally, the referendum was held and the new constitution was approved, but not without controversy: thirty people were killed and more than a hundred were injured. According to the *Guinean Bar Association*, the document subsequently submitted to the legislative body contained 157 articles that were modified from the version voted on in the referendum.

In Mali, Parliamentary elections were held at the end of March and mid-April 2020. Those were initially scheduled for November 2018 but had been postponed several times. According to the *Coalition for Citizen Election Observation in Mali* (COCEM), the voting was accompanied by kidnappings, including of opposition party leaders, looting of polling stations and a deadly road bomb attack. According to the same *Coalition*, the vote counts could not be corroborated by any independent institution and there was fraud in the results. Since the elections, several political and civil opposition groups have been demonstrating against the government, accusing it of mismanagement. On 18th August there was a coup d'état by the country's armed forces which forced the president to resign and dissolve the government and the Parliament. The military have now set up the *National Committee for the Salvation of the People* with which they aim to hold democratic elections within a reasonable period of time and restore stability.

In Senegal, both the government and the opposition find it difficult to hold local elections at the end of March 2021 as they would need 8 months to make all the pre-election preparations. Therefore, elections by agreement of all parties will be postponed.

In Tanzania, on the other hand, general elections will be held in mid-October and currently are in the middle of the election campaign where no social disengagement or masks are observed. It should be stressed that country's president, Joseph Magufuli, declared the country free of covid-19 at the beginning of June thanks to prayers of Christians and Muslims to God.

On the island of Mauritius, Parliament and the National Assembly have not been convened for many weeks and the resolution of several open cases has been postponed without announcing a date for their resumption. The newspaper *Le Mauricien* denounces that democracy and the political rights of the population are on hold and that the government should make use of the available technologies to profess and allow MPs to exercise their political duties.

In fact, since the beginning of June, the *African Court on Human and Peoples' Rights* (AfCHPR) has continued its remote judicial activities, according to them, giving an example of work during the pandemic to the different judicial powers of African countries.

In Latino America, as the *New York Times* reflects, the political and economic crisis caused by the pandemic is leading to an increase in corruption and human rights abuses, especially in countries where government transparency and political rights were previously questionable.

For example, there are currently 5 Latin American countries, Venezuela, Nicaragua, Haiti, Bolivia and Guyana, where their governments have not been democratically elected. They have, in various ways, used the context of the pandemic to diminish the democratic freedoms of their people. In the case of Guyana, the confinement has not allowed the population to come out and demonstrate against the fact that the current government, despite having lost the last elections, is still in power. In Bolivia, the current interim government has used the pandemic to postpone elections scheduled for May 2020 to October 2020 without consulting other members of Parliament who are demanding to hold elections in September. In addition, it has used emergency aid to strengthen its own election campaign and has threatened to ban the main opposition candidate from running for office.

The islands of St. Kitts and Nevis held general elections on 5th of June. However, during the election campaigns the population was under containment measures so the opposition was unable to meet the voters and conduct its campaign. The government also did not allow international observers to travel to the country and observe the election process.

In the Dominican Republic and Suriname, however, elections could be held during the pandemic. In both cases the political party that was presiding at the time lost the election and a new party entered power. Also in Ecuador, following the planned schedule and despite the complaint of several political parties, general elections will be held in February 2021 and internal elections have already been held to decide the representatives of each political party.

In Mexico, the *National Electoral Institute* has warned that it is illegal and undemocratic for the government to use the pandemic as a pretext for political gain as well as to use public resources and social programmes for electoral purposes. According to the same *Institute*, several local governments have left a photograph and the name of the politician in charge of the local government when delivering food and hygiene items to the needy population. They have even asked the beneficiaries to be grateful for the donation through the social networks of the political party in power.

In conclusion, several governments have used the context of the pandemic to violate the political rights of their people, especially those who were already disrupting them before. Also, other governments have used this context to promote themselves. However, there are administrations that have respected their institutions and, taking into consideration the pandemic, have acted in accordance with their rights and obligations.

References:

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The research group BIOCOS-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>